



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**STANDING COMMITTEE ON EDUCATION
AND COMMUNITY INCLUSION**

(Reference: [Inquiry into Annual and Financial Reports 2021-2022](#))

Members:

MR M PETTERSSON (Chair)
MR J DAVIS (Deputy Chair)
MS N LAWDER

PROOF TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 2 NOVEMBER 2022

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Secretary to the committee:
Dr A Chynoweth (Ph: 620 75498)

By authority of the Legislative Assembly for the Australian Capital Territory

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APPEARANCES

Community Services Directorate.....	53
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Amended 20 May 2013

The committee met at 3.45 pm.

Appearances:

Stephen-Smith, Ms Rachel, Minister for Aboriginal and Torres Strait Islander Affairs,
Minister for Families and Community Services and Minister for Health

Community Services Directorate

Rule, Ms Catherine, Director-General

Wood, Ms Jo, Deputy Director-General

Graham, Ms Tamara, Executive Branch Manager, Office for Aboriginal and Torres
Strait Islander Affairs

THE CHAIR: Good afternoon, everybody. Welcome to the public hearings of the Standing Committee on Education and Community Inclusion into annual and financial reports 2021-22. The proceedings today will examine the annual report of the Community Services Directorate. Before we begin, on behalf of the committee, I would like to acknowledge we meet today on the land of the Ngunnawal people. We respect their continuing culture and the contribution they make to the life of this city and this region.

Please be aware that the proceedings today are being recorded and transcribed by Hansard and will be published. The proceeding are also being broadcast and webstreamed live. When taking questions on notice, it would be useful if witnesses use these words: “I will take that as a question taken on notice.”

In this session we will hear from the Minister for Aboriginal and Torres Strait Islander Affairs, Minister Stephen-Smith, and her officials. Can I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. When you speak for the first time, can you confirm that you understand the privilege implications? There is no opening statement so I will lead off with questions.

Minister, what is the ACT government doing to support Aboriginal community-controlled organisations?

Ms Stephen-Smith: Thank you very much for the question, Chair. I have read and acknowledge the privilege statement. I might handover first to Ms Jo Wood.

Ms Wood: I have read and acknowledge the privilege statement. There have been some commitments over the last couple of budgets to specific resourcing to support the work which forms part of our national commitments to grow Aboriginal community-controlled organisations. We are, within the CSD structure, bringing together all of that activity into an Aboriginal service design branch. It will be a small branch, but it will have a role in looking at how we support moving our services into Aboriginal community-controlled organisations—starting with children, youth and families work but also looking at the role of Aboriginal community-controlled organisations in the community housing sector.

Under the Closing the Gap work, we are contributing to a range of sector strengthening plans. That will extend beyond children, youth and families and housing to disability and other sectors. Progressively, we will be looking at how we support emerging organisations with establishment and other supports, as well as how we then take service funding out to Aboriginal community-controlled organisations in new sectors beyond where the ACCOs currently operate.

THE CHAIR: I have had some constituents reach out to me wishing to establish their own Aboriginal community-controlled organisation. What guidance would you give to them?

Ms Wood: We have seen a number of new organisations working towards establishment in the ACT. Obviously, their starting point is to identify the community need and to bring together a board and a range of supporters who actually have the expertise to work with that part of the community. I think the really important initial phases are to look at the structures, the governance and the capability that organisation will need to start to work in the parts of the sector they want to work in. Being really clear about purpose and the scope of work they want to do is really critical.

MR DAVIS: Minister, I have an electorate-specific question, because I understand that a development application was lodged for the expansion of Gugan Gulwan in Wanniasa. I am wondering if you can provide an update on the works that have happened there in the last 12 months?

Ms Stephen-Smith: Ms Graham will be able to provide more detail in relation to it, but I was very excited to secure full funding for the redevelopment of Gugan Gulwan in the budget. If you have seen the renderings that went in with the development application—the work we have done with Gugan in partnership and with the architect—it is absolutely going to be a beautiful building that genuinely reflects Gugan Gulwan and the people who are supported by Gugan. I will handover to Ms Graham to talk more about the process over the last 12 to 18 months.

Ms Graham: I have read and acknowledge the privilege statement. A development application was submitted on 4 May, and we are expecting a decision on that some time by mid-December. The Gugan tenants have moved out, and they have taken up tenancy at the Erindale Business Park. We are currently going through our green star accreditation process for the building. We are also looking at going out to tender within the next few months, hopefully working towards awarding that contract by April next year, with demolition due to commence in May, and construction will take approximately 16 months.

MR DAVIS: When would we expect the new Gugan Gulwan facility to open?

Ms Graham: In October 2024.

MR DAVIS: Can I get a better understanding of what services will be provided at that new facility? Will it be what the community have come to expect from the older facility, or do you understand that Gugan will be able to expand? Is it just about meeting the demand for the current programs, or will there be additional programs

as well?

Ms Graham: My understanding is it will be an expansion on their current programs, but also looking at community needs and being able to meet those.

Ms Stephen-Smith: I think that relates, in part, to the response to Mr Pettersson's question as well. There is a bit of room in the new facility for Gudan to be able to grow its programs, recognising that the Aboriginal and Torres Strait Islander community in the ACT is growing faster than the general population and is, particularly, a very young population—so, providing the opportunity for physical space for those programs to be able to grow as we have more resourcing available and as Gudan indicates that it either wants to expand in a particular space or move into a particular space. Those are ongoing conversations. I have certainly been very keen to talk to the CEO of Gudan about whether there are other opportunities that they see.

They are challenging spaces they work in, and for relatively small organisations making those decisions about what they want to take on is always a tricky balancing act. Certainly, we are really encouraging them to consider where they might want to expand. I will be very supportive if there are places or spaces they want to expand their services into.

MR DAVIS: Alright, that sounds great. Thank you.

MS LAWDER: Minister, on page 71 of the annual report it talks about the Healing and Reconciliation Fund. It says that a discussion paper on possible governance arrangements for the Healing and Reconciliation Fund is forthcoming. When might we expect that discussion paper to be released for comment and input?

Ms Stephen-Smith: That is a very good question, Ms Lawder. We have discussed over a number of hearings that we have had some resourcing challenges in terms of the staff to do the work to support the development of the Healing and Reconciliation Fund. I will handover to Ms Wood to provide an update.

Ms Wood: There is scoping work that has been done for that but, as the minister said, there are a range of priorities and resourcing those has been—we have had some change of staff, so there have been some delays. Because we have a focus for the Healing and Reconciliation Fund on the longer term, we are also engaged in the national work and the national conversations that are coming, so all of this has impacted on how we sequence the work. There has been a bit of delay, and we do not have a firm date as yet. We are progressing the work that was already committed to under the Healing and Reconciliation Fund. One of those commitments was to support the Ngunnawal language group to develop a Ngunnawal language centre, so we are working that through with that group and supporting the UNEC secretariat. The existing activities under the fund are still continuing. We will just take a little bit more time to establish the longer term governance.

Ms Rule: I have read and acknowledge the privilege statement. Can I just add that the other piece of work we have been engaged in is to look at what is happening in other jurisdictions. So many of our state and territory colleagues are further advanced on some of this work. Almost all of them have said it has been difficult and they have

learnt a lot and, in some cases, changed directions quite a few times. We have been doing quite a bit of work to talk to them about what has worked and what has not worked. Of course, that is not all automatically translatable to the ACT, but we are happy to learn from what others before us have done.

MS LAWDER: In September the Minister said that one of two staff positions of the fund have been filled, and recruitment was underway to fill the second position. Has that second position been filled?

Ms Graham: The second position was filled, but then that staff member took maternity leave, so we are now in the process of filling that position again.

MS LAWDER: What are the levels of the two staff positions?

Ms Graham: Senior Officer Grade C.

MS LAWDER: They both are?

Ms Graham: Yes.

MS LAWDER: In the annual report it talks about the \$20 million that was committed over 10 years for the fund. Given there has been a bit of a delay, has that profile of the funding changed at all? Will it go out for longer, or will you be speeding up in the out years? How will that run out?

Ms Stephen-Smith: There are probably a couple of aspects to that. The first is that if we do need to reprofile, we will do that. I think the language centre is a good example—the money was not in the year that it was initially appropriated because of the conversations that we needed to have with the Winnunga language group. It was reprofiled so that it would not disappear.

The other element of it is that we have been having a lot of conversations with the community in the wake of the early treaty conversation that was facilitated by Karabena Consulting, concerning the community about that process. I made a statement when we released that report recognising that we would need to have a broader conversation with the community, and a bigger process around healing and engagement and how the ACT government engages both with the traditional custodian community in the ACT and the wider Aboriginal and Torres Strait Islander community. That whole piece of work aligns very closely with the priorities that we had identified for the Healing and Reconciliation Fund in prior consultation with the community.

Even though we do not have these governance processes formally established, we have ongoing mechanisms to talk to and consult with a wide range of Aboriginal and Torres Strait Islander community leaders, including through the Aboriginal and Torres Strait Islander Elected Body, the United Ngunnawal Elders Council, and a range of other people who come and talk to us on a regular basis, and the community-controlled organisations, of course. It is possible that some of that Healing and Reconciliation Fund funding will be used for the remainder of the fund to support some of this work we have been talking in-depth to the community about prior to the

established of a formal governance mechanism.

MRS KIKKERT: I note in the annual report on page 72 that the Office for Aboriginal and Torres Strait Islander Affairs provides secretariat and administrative support to the United Ngunnawal Elders Council. Has OATSIA experienced any difficulties in providing this support to UNEC throughout this year?

Ms Rule: Mrs Kikkert, I think we can go into a little bit more detail on specific secretariats, but across the board we have had some issues with recruiting and retaining Aboriginal and Torres Strait Islander staff. I would have to say the market for those staff is really hot. A lot of the commonwealth work in this space is attracting local Aboriginal and Torres Strait Islander people into public service jobs at the commonwealth level. Likewise, my colleagues across ACT government are trying to recruit skilled and experienced public servants with Aboriginal and Torres Strait Islander heritage. It is a competitive job market, so we are absolutely having some issues recruiting and retaining staff. Across all of those secretariats—to UNEC and other things, and key pieces of work like healing and reconciliation—it is challenging to recruit and retain those staff. Ms Graham can talk about the specifics of the UNEC secretariat.

Ms Graham: We employed a specific secretariat for UNEC back in May and that secretariat is still currently working with UNEC. My understanding is that there have not been issues with that, and everything is working quite well.

MRS KIKKERT: So UNEC has had their own secretariat since May this year?

Ms Graham: They do, yes.

MRS KIKKERT: At any time during that time did UNEC contact the Office for Aboriginal and Torres Strait Islander Affairs seeking assistance for the secretariat?

Ms Wood: CSD, through the Office for Aboriginal and Torres Strait Islander Affairs, have provided a secretariat for UNEC over an extended period, but it was built into other roles. This is a dedicated secretariat position that has been in place since earlier this year, and the secretariat person has been working with UNEC members really closely, meeting with them very regularly, speaking to them regularly and working with them to plan their meetings. They have had a couple of delays because of availability of members to actually meet, but they have just this week had their most recent meeting.

Ms Rule: Those secretariat staff are employees of CSD in the Office for Aboriginal and Torres Strait Islander Affairs. They are integrated into the team, so we would expect that, where there are issues that UNEC is experiencing with the secretariat, we would know about them, because they are our staff, they are employed by us, and they work within Ms Graham's branch.

MRS KIKKERT: Right, but they are dedicated to the secretariat in the UNEC?

Ms Rule: Yes, that is right. Their role within the branch is to provide those secretariat services.

MRS KIKKERT: Thank you.

THE CHAIR: The annual report says that the office will be supporting the implementation of the Uluru Statement from the Heart. How will the office and ACT government be doing that?

Ms Rule: In terms of the office, we have been working closely with our commonwealth colleagues to understand their priorities in terms of the implementation of the Statement from the Heart. It is fair to say, I think, that they are still working through that. It is early days in terms of the federal government's commitment to the statement, but we are in close contact with them. We have had several direct meetings with the senior staff. I myself have met with the deputy there a couple of times. There are a number of governance arrangements, ministerial councils and the like, where these things are also getting discussed. We are looking for opportunities to share information and share staffing. We are co-located in the same city, obviously, as our colleagues in the National Indigenous Australians Agency, who are tasked with implementing the statement. It is early days, but we are very engaged with them to try and ascertain the extent to which we can work with them to further the interests of the local Aboriginal and Torres Strait Islander community through that national conversation.

MR DAVIS: Minister, on page 193 of the annual report, it talks about supporting housing. I was struck by this number: there are 363 households on the waiting list for public housing where at least one member of the household has identified as Aboriginal and Torres Strait Islander. When I look at the numbers on the Housing ACT website, it reflects a very high proportion of Aboriginal and Torres Strait Islander people waiting for public housing. What is the Office for Aboriginal and Torres Strait Islander Affairs doing specifically to work with Housing ACT to try and close that gap?

Ms Stephen-Smith: I will start by saying that the Office for Aboriginal and Torres Strait Islander Affairs has an advisory role across government, but it cannot be responsible for every policy area where Aboriginal and Torres Strait Islander people are over-represented. We know that, unfortunately, Aboriginal and Torres Strait Islander people are more likely to live in poverty, they are more likely to require access to services and they are more likely to live in public and community housing than members of the wider community, as a proportion.

I will hand over to Ms Rule, but that speaks to the importance of addressing inequity and inequality for Aboriginal and Torres Strait Islander people as a whole-of-government responsibility. That is why every agency also has a specific area in its annual report that talks about what it does to address Aboriginal and Torres Strait Islander disadvantage and reconciliation.

Ms Rule: Questions about the specifics of the waiting list are probably best covered in the hearing with Minister Vassarotti. We will have at that hearing officials from Housing ACT who can talk about that. I will say in general terms that there is specific work happening within Housing ACT to try and address some of the inequities in service delivery in terms of housing and homelessness for Aboriginal and Torres

Strait Islander communities. During that hearing, Minister Vassarotti will have with her the officials who can give you some of the specifics of those initiatives.

MR DAVIS: That is fair. Has the office done any work with the ACT's Aboriginal and Torres Strait Islander people? Minister, you rightly point out that the gap exists across the board and across the country with Aboriginal and Torres Strait Islander people, but are we aware of any unique Canberra-based pressures that are putting pressure on that number being so high as a proportion of the broader housing waiting list? Are there any interventions—short of buying and building more housing quicker, which I appreciate is a question for another hearing—that the office can be taking or can be advocating for within government to close that particular gap?

Ms Rule: I am not aware of a specific example, but we have taken some steps within CSD. We have recently restructured the directorate. Basically, one of the things we are trying to achieve through that is to connect all of the dots, if you like, of the various things that might be underway, for example, in this portfolio, having regard to what is happening in child protection, what is happening in housing and what is happening in all of the program areas across the 11 portfolios in CSD. We know that there are absolute pockets of disadvantage across the Canberra community. In all of the programs that we deliver, Aboriginal and Torres Strait Islander people are over-represented on a proportional basis.

We have placed the Office for Aboriginal and Torres Strait Islander Affairs into our strategic policy division so that they can start to work with some of their policy colleagues across all of those other program areas to provide advice to government that connects all of those pieces more effectively. It is about bringing that expertise to the table so that, as we think about what we need in, for example, housing, we have the expertise of OATSIA at the table to help to produce better policy advice and, therefore, better programs and better service delivery.

Ms Stephen-Smith: We were talking earlier about Aboriginal community-controlled organisations and the fact that we are setting up a specific branch to support and give some more heft to the work that is happening across CSD to support Aboriginal community-controlled organisations. Ms Wood mentioned earlier that housing is one of those areas. Ms Wood might want to speak briefly about the way that office will work with housing to do that.

Ms Wood: The very clear intention of creating that branch is to bring together resources from across CSD so that we have a joined-up approach to supporting the Aboriginal community-controlled sector, and a joined-up approach to talking to community about needs and how we best support community-controlled organisations to deliver those services. Although that branch will sit within one division in CSD—it is sitting within children, youth and families—very clearly, it has a whole-of-CSD mandate. Although it will be led by a particular executive, there will be governance that brings together executives across CSD, including housing, to do that work. We will be setting priorities for the whole of CSD and working with the community on how we sequence those priorities and work through that.

In that space in housing, there is a particular focus on opportunities for Aboriginal community-controlled organisations to become community housing providers. But

there is a whole range of services that community housing providers provide, from the wraparound supports that enable people to sustain tenancies and do well in whatever form of housing it may be, through to the less people-focused but really important property management, maintenance et cetera. The conversation that we need to have is about who the providers are that may be interested in working in that space and what part of that spectrum they actually want to work in.

MR DAVIS: Can I get a better understanding of what, if any, of those conversations have taken place over the last 12 months? How far along are we in identifying some of those opportunities and maybe identifying some partners or service providers that want to move into that housing space?

Ms Wood: There have been conversations with a number of organisations, both local organisations and some other well-established Aboriginal organisations from the region. None of those have yet got to a specific point, and the specificity needs to come from the organisation, about what services they are interested in delivering, what relationships they have in community and what capability they have to deliver that. We are still working through that and, once we have a dedicated branch, that will give us a bit more capability to work through that with organisations, but in a joined-up way.

MS LAWDER: Can I clarify, in terms of community housing, whether you are working with some other community housing organisations who may be interested in working in the Aboriginal community housing space, or whether you are looking specifically at Aboriginal-controlled community housing organisations?

Ms Wood: We are looking specifically at Aboriginal-controlled community housing organisations—or organisations that want to step into that space, but community controlled.

Ms Stephen-Smith: The example that is included in the annual report about the work that Yedding Mura is doing, in partnership with Community Housing Canberra, speaks to the opportunities that are there for community-controlled organisations, should they choose to do so, to partner with mainstream organisations to build their capability, while they are getting off the ground as community housing providers. That is one pathway to growing a new community-controlled organisation.

MS LAWDER: In terms of learnings from previous experience, we used to have an Aboriginal-controlled community housing organisation—at least one—in the ACT. What work have you done about how they acquire their stock? What is the critical mass in terms of the number of properties they might need, and how will they manage ageing assets? Are you supporting them in that way?

Ms Wood: They are the kind of conversations that we are having, and will have, with providers that want to be in this space. Obviously, although there is some history in the ACT, the market is really different now, so we need to work through with potential providers what a sustainable model would look like for them. Partly, that would be about them being clear regarding who the people are that they are seeking to serve and what their needs might be, because they could look very different, depending on who they see as their client group, and what the financial model is that

sits behind that around assets, maintenance and rent. All of those aspects need to be worked through to develop a model that would be sustainable.

MR DAVIS: Ms Wood, you said there was that team in CSD that had been stood up recently that had this whole-of-CSD mandate. Can I clarify: is that the team of two identified positions for Aboriginal and Torres Strait Islander staff within the directorate to support the establishment of an Aboriginal and Torres Strait Islander community-controlled housing organisation?

Ms Wood: Yes, those identified resources will be in this new branch. We are bringing together resources from different parts of CSD where we have specific commitments to support development of community-controlled organisations.

MR DAVIS: They will be or they are? The funding was provided in the 2020-21 budget, so I assume those positions were brought on and filled?

Ms Wood: Those positions have been filled. Now, as part of our structural change, we are bringing those resources together in the new branch.

MR DAVIS: Okay; that make sense.

MS LAWDER: In the Aboriginal and Torres Strait Islander Agreement, it says phase 2 of the implementation of the agreement, which is overseen by the Office for Aboriginal and Torres Strait Islander Affairs, was to commence in July this year. People were invited to raise community priorities for this phase with the elected body. It is four or five months since that was due to happen. What specifically has the government identified as community priorities, and what commitments has the government made towards actioning those?

Ms Stephen-Smith: We are in the process at the moment of finalising the phase 2 action plans under the agreement. That is a process that is done in partnership with the elected body. There has been some disruption to the elected body since the election last year. That work, in terms of establishing those phase 2 action plans, is very well advanced and is on the verge of being considered by government for finalisation.

MS LAWDER: Do you have an idea of the time line for when we might expect to see a report?

Ms Stephen-Smith: On the phase 2 action plans, I expect that they will be finalised by the end of the year.

MS LAWDER: Will they be made publicly available?

Ms Stephen-Smith: Yes.

MRS KIKKERT: Another goal in the annual report is finalising the genealogy project. Will this project be finished during this reporting year? If not, when can we expect to see it?

Ms Stephen-Smith: Ms Graham, do you have an update on the genealogy project?

Ms Graham: I do. Our data conversion has been completed, and we are progressing to formatting and printing the book that is for the families. We are looking at producing 29 booklets in total.

Ms Wood: The data conversion is taking all of the documentation we have collected that supports people's genealogy. They had to be in a particular format to be able to be printable. It is a really complex project and there is a complex array of documents. We have had technical issues in the past around the amount of data. We are progressing to print the booklets. We cannot say for sure that there will not be further hiccups, because there have been some along the way, just because it is a vast amount of data. We are close, though, because we have completed all of the technical transition of documents.

MRS KIKKERT: In an answer to a question on notice, the minister wrote that family trees have been developed based on information provided to the genealogist for the project from families involved. Have those families included the Ngambri and the Ngarigo family, as well as the Ngunnawal people?

Ms Stephen-Smith: The families are by family name, not by identifying—

Ms Wood: Yes, that is right.

Ms Stephen-Smith: which country. Yes, those families have been engaged in the project.

MRS KIKKERT: Are you quite confident that all families who claim a traditional connection to ACT have been appropriately engaged in this project?

Ms Stephen-Smith: The project started some years ago. I would not necessarily be in a position to say that all of those families who have a traditional connection were in a position to or chose to participate in the project from the beginning.

As you would be aware, Mrs Kikkert, people have found connections and shifted in their understanding of their own families over time, as new information has come to light. Given where this project started, it may be that there are people who have a traditional connection to the ACT that have not been involved in this project.

It may also be the case that there are younger generations of those families where one branch of the family was engaged in the project at the time that it started and another branch of the family was not; and now they are reconnecting into their Ngunnawal heritage, for example. They may now look at that and say, "That doesn't engage my family." That is because of when the project started. That is probably a fair way of describing it.

MRS KIKKERT: That is a very good thing. You mentioned earlier that there are 27 or 29 of those booklets—

Ms Wood: 29.

MRS KIKKERT: that will be available. Will they be given as a draft to families involved in it first, before making it into a final genealogy?

Ms Graham: They will be provided as final documentation.

Ms Stephen-Smith: Draft family books were provided to the families quite some years ago. In 2015 or 2016, draft family books were provided. For most, if not all, of the families, someone in the family will have a draft book.

MRS KIKKERT: What you will be releasing is the final project. When did you say that will be released by?

Ms Wood: We are at a point where we have all of the documentation in the right format. We will need to approach printers and a company to do the design work, to bring it all together in an accessible format. It will depend on how long that will take them, when we go out for quotes. We are close, but we do not have a definitive date.

MRS KIKKERT: Do you have an estimate? If we are just talking about graphic design, printing and publishing, do you have an estimate of how long that might take?

Ms Wood: Until we actually get quotes, we do not know, because it depends on their availability to start. It is unlikely to be this year, but it could be early in the new year.

Ms Stephen-Smith: We are talking about a lot, thousands—

Ms Wood: Up to a thousand pages per booklet.

MRS KIKKERT: A thousand pages per booklet—

Ms Stephen-Smith: Per booklet, yes.

MRS KIKKERT: Can you confirm the number of booklets?

Ms Stephen-Smith: 29. When you talk about release, from my perspective, this is information that belongs to the families. I would not see it as my decision about whether this information is released in a public format. My view is that that is a decision for the families because it is their information.

THE CHAIR: Could the committee get an update on progress on the Ngunnawal language centre?

Ms Wood: We have the resources committed through the Healing and Reconciliation Fund to work with the Ngunnawal language group to develop the centre. That was delayed because of the lockdown last year. It took a bit of time for the Ngunnawal language group to be able to meet again. Obviously, they had to sequence their priorities, so it took a little more time to be able to engage with us. There are conversations happening now with the Language Group to scope out the funding agreement and to deliver the funding that will support them. It is about supporting the language group to develop their plan for the language centre. We are close to finalising that funding agreement.

MR DAVIS: I would like an update on where we are up to with the Our Booris, Our Way implementation—in particular, an update on the oversight group.

Ms Wood: That sits in a different portfolio—same minister, different officials. It comes under the child, youth and families outcome.

MR DAVIS: Of course it does. I quite ignorantly assumed that it would have been with this—

Ms Wood: I think it is a fair assumption, Mr Davis.

MS LAWDER: One of the goals listed in the annual report was to ensure full participation of the ACT Aboriginal and Torres Strait Islander community in relation to developing and implementing the next steps in treaty. Has the Office for Aboriginal and Torres Strait Islander Affairs developed advice to broader government departments, as a whole, about participation in treaty, or are you leading this discussion?

Ms Stephen-Smith: We are leading this discussion. As I mentioned earlier, we did have the early treaty conversations facilitated by Karabena Consulting; I think we talked about that in the last set of hearings. That ended up being narrower in terms of who was consulted and deeper in terms of making very detailed recommendations about the treaty process and what should be in treaty than we had envisaged.

From talking to quite a lot of people in the community, the advice we have had is that we needed to step back from that and establish a new process, to broaden that conversation and take it a step back from treaty specifically to how we engage with the traditional owner community.

You will also be aware that there is currently some action in the Supreme Court in relation to the ACT Indigenous protocol; that also has some implications for the conversations that we are able to have at this point. One of the things that we have very clearly heard from other jurisdictions—Ms Rule spoke earlier about the conversations we have been having with other jurisdictions about their treaty and truth-telling processes, as well as the national conversation about the Uluru Statement from the Heart—and one of those lessons very much is that, when you get to the point of a treaty conversation, you need to have the capability not only in the Aboriginal community that is a partner in treaty but also within government, to understand what treaty means and to build capacity within government to be the partner in those treaty discussions and negotiations. Ultimately, treaty is a negotiated agreement.

We are very conscious of the lessons of other jurisdictions, that they really need to build capability within government and that they also separately need to build self-determined capability in the other negotiating partner to a treaty. You also need to figure out who will be that other negotiating partner.

There is a lot of water to flow under the bridge in that regard, and we are still at a pretty early stage in those consultations. We have certainly discussed, at a whole-of-government level, the importance of building that capability within government as we

move down this path.

MS LAWDER: When the federal government started recognising the Ngunnawal and the Ngambri people, was there any discussion with the ACT government about that?

Ms Rule: We have had some broad discussions with our commonwealth colleagues on this. There is not an official commonwealth government position that recognises either Ngunnawal or Ngambri, or both, and practice varies across the commonwealth. Some of the practices that you see in parliaments are one thing, but what individual departments may do is different.

There is not a commonwealth position, but I have had some discussions with people in the commonwealth about the issues that we are currently experiencing in the ACT, including the Supreme Court matter that is on hand, to help them to understand some of the context of what is happening here, in terms of traditional ownership.

Ms Stephen-Smith: Back in, I think, 2009, the United Ngunnawal Elders Council requested the then Chief Minister for the ACT to specifically have a position to recognise Ngunnawal. At that time the then Chief Minister and Minister for Aboriginal and Torres Strait Islander Affairs, Mr Stanhope, wrote to commonwealth counterparts. Those letters have been publicly released under FOI, if not in other ways.

At the time that the decision was made by the ACT to establish the Indigenous protocol in the way it is now, the ACT government explicitly wrote to commonwealth counterparts, saying, “This is our position, and we would ask you to take the same position.” Obviously, the commonwealth did not do that.

MR DAVIS: On page 40 of the annual report, it talks about working in partnership with local Aboriginal and Torres Strait Islander communities to implement the \$20 million Healing and Reconciliation Fund. I appreciate that is looking forward to the 2022-23 year, but can I get a better understanding of what led to the decision to appropriate that money for that fund, and what conversations have happened so far to design how that will be implemented and—blue-sky thinking—how we intend that to be spent?

Ms Stephen-Smith: The commitment to the \$20 million Healing and Reconciliation Fund was a Labor election commitment.

MR DAVIS: I am glad I asked about it.

Ms Stephen-Smith: We have implemented that. We have the money for that in the budget. This is the process we were talking about earlier in terms of establishing a governance framework for that.

When we made that announcement, we also identified some specific priorities that had already come through the community conversation, like preparing the treaty, having those initial conversations regarding the Ngunnawal language centre and supporting that. Part of the funding that we have already committed was also to provide those secretariat services for the United Ngunnawal Elders Council, in the context of supporting self-determination for traditional custodians in the ACT. The

other priority that was identified in that initial announcement was supporting the further development of Aboriginal community-controlled organisations.

MR DAVIS: Based on what we know so far—and I say this with respect, although it will sound spicy; but stay with me—when political parties of all persuasions make round-figure announcements in the context of election campaigns, it tends to be, “Here’s the figure and we’ll figure how we’re going to spend it later.” What is our plan if, over the course of the next 12 months, it is worked out with the community that what is needed to meet that goal is greater than the \$20 million allocated? What happens then in this respect? In particular, with the ongoing national conversation around treaty, I imagine that it will find some new things.

Ms Stephen-Smith: With part of the reason for a commitment, you are right; when you make these kinds of commitments, they do tend to be round figures—it is a fund. It was about being very clear with the Aboriginal and Torres Strait Islander community that we are putting aside this quite significant amount of money to commit to the priorities that they identify, as part of the Aboriginal and Torres Strait Islander Agreement, as part of the process on closing the gap, through our conversations with the community. That is why we have been working towards a governance process that will ensure that it is a self-determined process.

Of course, with the delay in establishing that formal governance process, we did not want to delay getting some of that money out of the door to do some of the things that we already knew were priorities; hence the language centre, the initial treaty process and the conversation we have just had about supporting that wider healing and engagement process—whatever that might look like—that could potentially draw on some of these funds.

Ultimately, we wanted to be able to go into the budget processes saying, “We have money here to support these things that we know are community priorities, and here’s how we’re going to spend it.” We are not going to spend that \$20 million all at once. It may be that people identify something that is more, in a particular year, than we have provisioned for that year; then we would have a conversation through that budget process around, “We’ll bring some funding forward from what we’ve currently allocated in the outyears to ensure that we can get that project done quickly or so that we can meet that priority quickly.”

You are right; \$20 million is not going to solve all of the challenges that we face in Aboriginal and Torres Strait Islander affairs. Our point is that it is a commitment to the community to say, “We’re putting our money where our mouth is when we say we’re going to work with you on priorities; we’ve got the funding to be able to act on that really quickly because it’s already sitting there in the budget and we just need to get agreement that that is what we’re going to spend it on.”

MR DAVIS: That makes sense; thank you.

MRS KIKKERT: As noted in the annual report, the Aboriginal and Torres Strait Islander Elected Body has raised the question of whether there is evidence that cultural proficiency within the ACT government has ever “promoted a reconsideration of a proposal or a change in direction”. That is on page 140. Can you name a

government proposal that has been reconsidered or changed as a result of culturally proficient insights?

Ms Stephen-Smith: Mrs Kikkert, what are you referencing?

MRS KIKKERT: Page 140.

Ms Stephen-Smith: We can absolutely identify areas where the voice of Aboriginal and Torres Strait Islander people, and consultation with Aboriginal and Torres Strait Islander people, has both guided and changed directions. There are multiple examples of that; you can read about that in the annual report. One, when we were looking at the housing page, for example, is the Aboriginal and Torres Strait Islander specific older people's housing. That has been a piece of joint work with the elected body. That was an identified priority through the elected body, and that work has continued to be done in partnership with the Aboriginal and Torres Strait Islander community.

We can also look at Our Booris, Our Way, which I know we are not specifically talking about today, but the ongoing feedback from the implementation oversight group continues to change and adjust the way that we respond to those recommendations. We can talk more about that at the subsequent hearing, when we have all of the right officials in the room. It is absolutely the intention that our partnerships with the Aboriginal and Torres Strait Islander community, whether it is through the elected body or through other engagement mechanisms, like the Dhawura Ngunnawal Caring for Country Committee, guide that work. I do not know whether that was helpful, in responding to your question.

MRS KIKKERT: Yes, thank you.

MS LAWDER: In terms of cultural proficiency, I do not know about the process that is currently in place. Is there a specific training session for ACT government employees in cultural proficiency?

Ms Stephen-Smith: There are a number.

Ms Rule: There are various programs, depending on what areas of government people are working in. There is not one single, whole-of-government thing. For example, in CSD we have some specific training modules for our child protection staff who are working with Aboriginal and Torres Strait Islander clients; likewise in youth justice and in housing. They are embedded within the training that we do with some of our frontline staff. There is not one whole-of-government initiative, but there are lots of different program-specific or policy-specific training initiatives to increase cultural competency.

MS LAWDER: Is it compulsory in those areas?

Ms Rule: Yes.

MS LAWDER: You would be able to provide the numbers of people who have undergone that training. Is there a refresher at any point or a follow-up?

Ms Rule: I can provide, for the Community Services Directorate, what staff have undergone cultural competency training. Obviously, I cannot provide that for other directorates.

MS LAWDER: Does each directorate develop their own, or does the Office for Aboriginal and Torres Strait Islander Affairs develop that cultural proficiency training, to go out to others?

Ms Rule: No, our role is not to develop cultural proficiency training. There may be occasions when other directorates come to us for advice, but it is not our role to develop whole-of-government training materials.

Ms Stephen-Smith: If I can go back to the original question, I want to acknowledge that, while we seek to work in partnership with Aboriginal and Torres Strait Islander communities, organisations and representatives, including the elected body, we know that there is more work to do. That is why one of the whole-of-government priorities that was identified with the elected body is addressing systemic racism across the ACT public service and across the programs that are run and managed by the ACT government. I would not want any of our answers to indicate that we think the work is done; there is a lot more work to do.

THE CHAIR: The office is responsible for overseeing a range of grants. Could someone walk the committee through who some of the recipients of the reconciliation grants were, and what those grants funded?

Ms Rule: Yes, we can do that. I can give you a bit of a flavour of some of the 2021-22 Aboriginal and Torres Strait Islander grants programs. We awarded \$9,932 for cultural grants to Hockey ACT, and over \$21,000 worth of scholarship grants for individuals. In terms of the reconciliation grants, there were nine organisations. We provided a total of \$28,133. There was a really broad range of organisations—Softball ACT, the Koala Playschool, the North Ainslie Primary School P&C, the YWCA, the Bangladeshi Seniors Club, Capital Regional Community Services, and Yedding Mura. There was a whole range of organisations in receipt of those reconciliation grants.

Ms Stephen-Smith: The aim of the reconciliation grant program, as it was originally established, was to make sure that we were not focusing all of our efforts on Reconciliation Day and Reconciliation Week, on the one big ACT government event, which has, of course, evolved over time and has been really good, but also that we were providing opportunities for organisations to engage in reconciliation activities with their members, their clients or whatever it might be.

THE CHAIR: Is there any detail on the types of activities undertaken?

Ms Rule: We do not have the next tier of detail here; we can take that on notice and provide a description of those grants for you.

THE CHAIR: Wonderful; thank you. Mrs Kikkert, any further questions?

MRS KIKKERT: I can put my question on notice.

THE CHAIR: On that note, thank you, Minister Stephen-Smith, and all officials for your attendance today, as well as visitors to the committee for being with us today. If witnesses have taken any questions on notice, could you please get those answers to the committee support office within five working days of the receipt of the uncorrected proof transcript. If members wish to lodge questions on notice, please get those to the committee support office by the end of five working days. The hearing is now adjourned.

The committee adjourned at 4.43 pm.