

**STANDING COMMITTEE ON ESTIMATES AND
FINANCIAL OPERATIONS**

2015–16 BUDGET ESTIMATES HEARINGS

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
TUESDAY, 23 JUNE 2015**

**SESSION FOUR
DEPARTMENT OF ABORIGINAL AFFAIRS**

Members

**Hon Ken Travers (Chair)
Hon Peter Katsambanis (Deputy Chair)
Hon Martin Aldridge
Hon Alanna Clohesy
Hon Rick Mazza**

Hearing commenced at 4.20 pm

Hon PETER COLLIER
Minister for Aboriginal Affairs, examined:

Mr CLIFF WEEKS
Director General, examined:

Mr AARON RAYNER
Acting Deputy Director General, examined:

Mr GLEN KAR
Executive Director, Corporate Services, examined:

Mr NEIL THOMSON
Chief Land Officer, examined:

Mr JAMES CURTIS
Acting Executive Director, Community Development, examined:

Mr VAUGHAN DAVIES
Executive Director, Accountable Government, examined:

The CHAIR: On behalf of the Legislative Council's Standing Committee on Estimates and Financial Operations, I would like to welcome you to today's hearing. Can the witnesses confirm that you have read, understood and signed a document headed "Information for Witnesses"?

The Witnesses: Yes.

The CHAIR: Thank you. Witnesses need to be aware of the severe penalties that apply to persons providing false or misleading testimony to a parliamentary committee. It is essential that all your testimony before the committee is complete and truthful to the best of your knowledge. This hearing is being recorded by Hansard and a transcript of your evidence will be provided to you. The hearing is being held in public, although there is discretion available to the committee to hear evidence in private either of its own motion or at the witness's request. If for some reason you wish to make a confidential statement during today's proceedings, you should request that the evidence be taken in closed session before answering the question. Government agencies and departments have an important role and duty in assisting the Parliament to scrutinise the budget papers on behalf of the people of Western Australia and the committee values your assistance with this.

[Witnesses introduced.]

The CHAIR: Unless anyone wishes to make an opening statement, I will move straight to questions.

Hon STEPHEN DAWSON: Can I draw the committee's attention to page 300 under "Heritage Management". I just want to ask the minister a question about the decision by the Supreme Court in the Robinson v Fielding case. I want to ask initially: how much did the department spend on legal fees in this case? Minister, maybe I will ask a couple and then you can answer. So, how much did the department spend on legal fees in this case? I think in the Assembly estimates a figure of 30 sites was mentioned that were affected by this decision. Has there been any update on that figure

since then? The department has also said previously that there was a process for each decision. I want to ask, are the native title rep bodies being informed of this process and of each site?

Hon PETER COLLIER: From my latest information, it is around 37 sites. I think the most accurate is 37 related sites. In terms of the amount spent on legal fees—and the third component?

Hon STEPHEN DAWSON: That the process—are the native title rep bodies being —

Hon PETER COLLIER: The process, yes, that is right, in terms of engagement et cetera. I will ask the director general to comment.

Mr Weeks: In terms of legal fees, the State Solicitor has provided that advice to the department, so we did not pay for that per se. We did have to pay a settlement for that and I believe it was in the vicinity of \$20 000 that an offer was made and accepted.

Hon STEPHEN DAWSON: Okay. The third part was: are the native title rep bodies being informed of the process, and of the site?

Mr Weeks: We are going through that process now. The Chaney decision was about the Yintha site in Port Hedland. That is the one we are focusing on at the moment. The acting chief heritage officer has just written to a range of stakeholders, including native title representatives and land users. We now need to go through that process and we need to gain greater information to provide back to the ACMC to now reconsider that decision.

Hon PETER COLLIER: That is where it will go; it will go back to the ACMC.

Hon STEPHEN DAWSON: Minister, by way of supplementary, are we able to get a list of those 37 —

Hon PETER COLLIER: We have. We will provide it. I did respond in the house, but yes, by all means. We can give it.

[Supplementary Information No D1.]

Hon STEPHEN DAWSON: On the same issue, the department said that it will take the ACMC up to six months to go through the decisions. Can you give me a sense as to why it is going to take that amount of time? Will the ACMC require extra resources to deal with this issue?

Hon PETER COLLIER: I do not think it will need any extra resources, but it will take a good six months to go through this process. Again, I will ask the director general to go through the actual process as it is, but it is a very arduous process.

Mr Weeks: First we need to write to the traditional owners and seek further information if the ACMC requires that information, but the totality of the task—we have to write to 12 000 land users. Those sites being mythological sites do cover a large area of the land mass, so we need to provide procedural fairness to those stakeholders. I think I said in the other place that we will aim for six months, but we have not necessarily got the project plan on how we are going to go through each individual decision at this stage.

Hon STEPHEN DAWSON: Okay, and it could take longer or it could take shorter, so you do not really know at this stage?

Mr Weeks: It could do. Obviously, we understand the importance of it, and we are trying to do it as quickly as possible, but in the same sense it is very important that we get it right.

Hon STEPHEN DAWSON: Minister, in the other place, again, the LA was told that the department is seeking further State Solicitor's advice. Can you give us a sense of what further advice you are seeking from the State Solicitor's Office? In light of the Supreme Court's finding on the previous State Solicitor's decision, is it seeking other advice on that matter?

Hon PETER COLLIER: There are a couple of things that we need to. As you would be aware, we do have the amendments to the Aboriginal Heritage Act that had been read into the other place at

this stage. We need to seek, or we have sought, advice as to whether or not it will have implications on that act or whether we can actually embed further change within that act. I would be reluctant to do that; I do not want to destroy the integrity of that act with a further significant change. Having said that, we need to address the implications of the Chaney decision on heritage, but also on the act. In addition to that the State Solicitor's Office is providing advice on implications on the decisions that have been made. But, again, I do not know if that covers it or if the director general would like to add to that.

Mr Weeks: There are a number of stages to it; we are in regular contact with the State Solicitor's Office and I had a meeting with them last week. Really at this stage we are just trying to understand the implications of that decision and make sure that we conduct the proper process. At the same time, there is a bill in the other house, which has been already lodged, so we need to make sure that Justice Chaney's decision is consistent with that. I think it was mentioned as well in the estimates last week or the week before that there is some negotiation going on with other stakeholders around whether there are any amendments required to the bill in the house at the moment.

Hon STEPHEN DAWSON: Just a final question on this point. Minister, the director general in the other place told them that the department would provide Aboriginal groups with briefings on this matter, as I think you may have done with the CME previously. When do you intend organising these briefings, and will all native title rep bodies be offered a briefing?

[4.30 pm]

Mr Weeks: Yes. I met with my staff today and we are in the process of organising a range of forums at the department. We will try and do that over the next two or three weeks. All stakeholder groups were invited; so traditional owners, rep bodies, industry and others. I was questioned about that meeting with the Chamber of Minerals and Energy. I did not actually attend that meeting—one of my representatives did. I am keen to show that we will treat all stakeholders with the same amount of access to information. We will provide what we can. One of the difficulties is trying to gain certainty before we bring all the stakeholders in try to give them some advice. I did speak to the acting chief heritage officer this morning and she suggested that we hold forums in two regional locations. At this stage, we will probably look at Broome and in Karratha. We think we should be able to service the rest of the state from Perth. But, yes, absolutely—we need to get out there and make sure that we are sending our messages.

Hon STEPHEN DAWSON: I have heard some concerns in relation to the Aboriginal Heritage Act and the consultation that you had around that—certainly some of the recent consultation—and the individuals were invited to participate in briefings and further discussions and that not necessarily the senior people and the native title rep bodies were invited. We have an undertaking that the leadership of the native title rep bodies will be invited and will participate.

Mr Weeks: Absolutely. Look, I know I went on leave over the Christmas break but we did have some significant others who were invited to come into the department, and at the last minute actually decided not to. We would love to have the actual Aboriginal stakeholders at an elder level and down the cultural authority to come in and meet with the department, or vice versa—we will go out. Part of the issue that we are dealing with—there is no other way to say it—is there are some gatekeepers around the Aboriginal cultural heritage and authority in the state. To say that there has not been adequate consultation—it is a furphy. I can sit down and go through the list of all consultations that we have done.

Hon STEPHEN DAWSON: Is certainly not what I have said this afternoon. I did not say there was not adequate consultation.

Hon PETER COLLIER: No. I understand that. Can I just pick up on the director general because there has been comprehensive consultation from the outset stating from David Avery's process back in 2011 that commenced, all the way through. There has been enormous opportunity for all

Aboriginal groups to be a part of the development and the process of this bill. I met with the Yamatji people in December last year, and it was a direct result of the fact that they felt that they had been alienated. I said to them exactly the same thing as I have said to whoever is listening to me with regard to this bill that we will listen, and we will always treat your opinions, your views, with respect. I made that quite clear to the director general and the director general is personally committed to it. Certainly, as far as I am concerned, there has been considerable consultation in this whole process.

Hon STEPHEN DAWSON: Minister, by way of supplementary then, are you able to provide the committee with a list of the organisations and individuals who were consulted on the bill?

Hon PETER COLLIER: Absolutely.

[*Supplementary Information No D2.*]

The CHAIR: Hon Robin Chapple, did you have a question on this issue?

Hon ROBIN CHAPPLE: Yes. On that very point, if I may. When the 1 200 sites that you were going back to the proponents to advise them, and you were saying that is going to take some time, are you going back to the individual informants, because they are not necessarily rep bodies? So will you be doing that?

Mr Weeks: I certainly will. In terms of the sites that have been assessed, it has been consolidating over a number of years, so where there is a site informant registered, absolutely, we will go back and acknowledge that site informant. Now we generally go back to rep bodies or other stakeholders as listed but the ones we have available, we will certainly go out to make sure that they are contacted.

Hon ROBIN CHAPPLE: Because some rep bodies do not represent informants.

Mr Weeks: That is right.

Hon LIZ BEHJAT: I would like to talk about the MUNS funding and the problems associated around that. What I am hearing now is that the state is going to have to fill the gap, basically, that has been left by the withdrawal of that funding from the commonwealth government. That is now going to lead to the closure of remote communities. I am just wondering if you can expand on that and either confirm or tell us that is not happening, or what is that situation?

Hon PETER COLLIER: That is happening, and that has—with all due respect, for want of a better term—hijacked the debate on remote communities, because we had been working on remote communities for some time prior to the removal of the MUNS funding. I will not take too much time, Mr Chair, mindful of the fact that I carried on a bit this morning.

The CHAIR: Your words, not mine.

Hon PETER COLLIER: I know what you are thinking. The notion of service delivery in remote communities is something that was high on the priority list for the Aboriginal subcommittee. We had done the Roebourne review and the Martu communities look at service delivery to find that, as everyone knows, there has been an extraordinary amount of money that has been spent in those communities to little positive effect in a lot of instances. So the cabinet subcommittee was working towards a remote reform agenda and were going on very nicely until the Feds decided to withdraw—to answer your question, yes they did withdraw the MUNS funding. That is the equivalent of around \$30 million a year. That in isolation was not going to make the difference. But then, what happened as a result of that, there was this notion then that that would lead to the closure of remote communities, and it would not. That funding was simply minuscule in the big picture. But we do have 274 remote communities throughout Western Australia; a number of those communities would be unsustainable into the future for a host of reasons. It is an extremely, extremely complex issue. I have just been up to the Kimberley the week before last for three days and it was a great experience, it really was. It just reinforced to me that while a lot of the

communities, regardless of the size of the communities and the MUNS funding or not, were very productive and in the long term you could see a sustainable future for them, in a number of the others, they were very questionable. Regardless of whether or not we got that MUNS funding, that would remain the same. To answer your question, the MUNS funding, as I said to a degree, hijacked the debate because then everyone focused on the closure of communities. That was never, ever, ever the intent of the exercise from when we started. The intent of the exercise was to work with communities to consolidate our position within those communities in terms of government service delivery, and work out how we could best deliver into those communities for a sustainable future. By a sustainable future, I am talking about such things as education, as training, as childcare and services, housing—all of the above—to say: are these communities viable into the future? So the MUNS funding is a component of it, and that to a degree highlighted the issue, internationally actually, but in reality, we had been dealing with this long before that MUNS funding was ever withdrawn. That led then to the reform agenda, which we announced as a government several months ago.

Hon LIZ BEHJAT: If I could go to outcomes and key effectiveness indicators —

The CHAIR: Sorry, is this on the same issue, or are we moving on?

Hon LIZ BEHJAT: Well, sort of.

The CHAIR: Sort of. Can I just ask a question, minister? You just said you visited the Kimberley and that as part of that there were clearly communities that were sustainable and clearly some that were not sustainable. I think that sort of implies that you may have already reached a conclusion. Are you able to identify which ones were which in that regard? Because I think by making that statement but not narrowing it down, you have just left a whole lot of communities that you visited starting to panic about what that means for them.

Hon PETER COLLIER: Well, in some of those communities there are no people living; it is as simple as that.

The CHAIR: Right—so that is easy. You can name those.

Hon PETER COLLIER: Yes. And in a number of other communities which are seasonal, they might only have people in for a certain period of the year. Others, in terms of the delivery, if they are—say, for example, with educational delivery or for training delivery employment opportunities—you can say if using that as a criteria for sustainability, it would be very, very narrow because in some of those communities they may only have half a dozen kids. Now, that does not make them unsustainable. I went to Bidan for example, which I have been to several times now and it is a magnificent, very productive community, just about 80 kays north of Broome. They probably had four or five kids, I think, in that community. The kids have a very effective access to educational services through either School of the Air, or a trained teacher which comes in. In that instance, as I said, you cannot use the size of a community as a term of its sustainability. In others, however, they do not have such access to those facilities.

[4.40 pm]

The CHAIR: The minister made the statement that clearly some were unsustainable, so I was trying to work out, now he has put it out there, which ones he considered were unsustainable.

Hon PETER COLLIER: I do not want to create any further angst or anxiety than currently exists.

The CHAIR: That is the concern. The minister made the statement that a number were clearly unsustainable and I am trying to find out which ones they were so that the others do not think they are part of the conclusion.

Hon PETER COLLIER: If you do not have any people in the communities at the moment, and very frequently you do not, the future of those communities is questionable. In addition to that, when we work with those communities one of the biggest issues that was raised with me—I would

say exclusively, Mr Chair, with regard to communities and the viability of communities and this came from the elders and the people themselves—was education. They insist on having an educational future for their children. The thing that became most profound to me—again when we were up there—is that very frequently at the primary school level there is fairly good delivery, and early intervention in kindergarten or even prekindergarten, in a lot of instances, is very lacking, but by far the biggest void that exists in education is secondary and then post-secondary. You will go from a situation in which literally a lot of the kids leave primary school and they will not extend —

The CHAIR: Communities all over Western Australia, not just in remote Aboriginal communities, have that problem.

Hon PETER COLLIER: In these numbers, it does. Very briefly, I will conclude on this. Unanimously, the message that came from the members of the community, interestingly enough, was they wanted their kids to go away for secondary school. We have now got large number of Aboriginal students attending school in Ballarat, Queensland, South Australia and all over the nation—places in the metropolitan area. They want their kids to go away for secondary school. That was quite vivid and stark. It was pretty much across the board.

Hon STEPHEN DAWSON: I am keen to know about the consultation that is happening at the moment. You have called for nominations for the strategic advisory councils. Nominations were called in May. Have they closed? Have those councils been appointed yet? Can the minister step out the time line ahead?

Hon PETER COLLIER: Yes. The strategic advisory councils will be established or are established because the call for nominations has already gone out and they close on 26 June. There has been enormous interest in those advisory councils. They want to be part of the decision-making process. In terms of the process ahead, the councils will be part of the consultation with communities, the government and the nongovernment sector, and with all levels of the process in terms of what happens within those communities. As I said, it is not tokenism; it is not tick-a-box advice. We are talking about them being part of any service delivery into the future. In terms of time lines et cetera, I might just ask Mr Davies to comment on the actual time line.

Mr Davies: As the minister said, the advertisements for people on strategic advisory councils went out about two weeks ago and they close this Friday. There will be a selection process based on, I guess, people's involvement in the Aboriginal community and people's willingness to participate in the reforms, and that should take about two weeks. We are hoping then to get it through the appropriate processes and certainly by late July we will know who is on the regional advisory councils.

Hon LIZ BEHJAT: I refer to outcomes and key effectiveness indicators on page 299. The second outcome is "Better utilisation of the Aboriginal Lands Trust Estate to achieve shared social and economic outcomes." We then have the percentages of direct stakeholders satisfied with the services related to the management of the Aboriginal Lands Trust estate budget for 65 per cent, whereas the actual was 59 per cent; and then it goes to 65 per cent. I wonder what plan you have for perhaps ensuring better economic outcomes so that we could see in future years that that will come above that 59 per cent actual to 65 per cent expectation.

Hon PETER COLLIER: That is a good point, because some of those Aboriginal Lands Trust lands are very productive and some are not at all. They comprise around 10 per cent of the land mass of Western Australia, which is quite significant, and it has been a constant problem in terms of management. The director general has a more comprehensive overview of the various ALT land areas and I will get him to make some comments.

Mr Weeks: In terms of the actual result and getting 59 per cent last year that is not fantastic. We need to get better at divesting the estate itself. Essentially, we have 20 million hectares of land across the state that is not being utilised in the best way for Aboriginal people. The easiest way to

describe is as a lazy asset. One of the best ways to unlock that capacity is through direct Aboriginal participation, so we can do that through business development and a whole range of activities. There is a statewide Aboriginal education participation strategy document and I have some stats on that because it has been going out for two years, so we have some progress with that strategy. One of the key things is really getting people to understand the importance of land tenure reform. Some of our Aboriginal lands are locked by virtue of their tenure. Simple things like homeownership become very difficult if you are on leasehold land. There is not a bank in the country that will lend a potential homeowner money if they cannot have freehold property as collateral against that. Land tenure reform is very significant. We are looking at a project in the east Kimberley at the moment that the chief land officer is progressing for us. Essentially, we have two town-based reserves that for all intents and purposes are in the Kununurra town site, but because of being on a different land tenure they get different services, whether it is from local government or the state. It is not a good outcome. Potentially, we can have rubbish trucks driving straight past a house and not picking up rubbish based on the land tenure of that reserve. The chief land officer may have some more details around land tenure reform if you want some further advice.

Hon LIZ BEHJAT: Supplementary to that, Chair. Mr Weeks, are you saying that Aboriginal Lands Trust estates are treated differently to pastoral leases? People who have pastoral leases borrow on those all the time and make improvements on them, but the banks will not treat the Aboriginal land estate in the same way as a pastoral lease?

Mr Weeks: The Aboriginal Lands Trust has a whole range of land holdings of different tenure types. It has six pastoral leases and what are called part 3 reserves where access can be restricted, and other types of leasehold arrangements. Some of those leasehold properties are very hard to leverage off.

The CHAIR: It is whether the person who wants to build the house has tenure as opposed to the Lands Trust, is it not?

Mr Weeks: Absolutely, yes. One of the difficulties we have though is that if the strategy is just divestment, we are divesting land that is very difficult to do anything with. One of the things that we are looking at as well is how far we can go to address what tenure might be required so that when it is handed back to Aboriginal groups some of the heavy lifting has already been done. It needs to be fit for purpose. Consultation with Aboriginal groups will give us an indication of what they intend to do with the land holdings.

Hon DAVE GRILLS: I have a couple of quick questions and one relates to what Hon Liz Behjat spoke about on page 299 with regard to outcomes. You have probably mentioned this, but I would like to know: what are some of the key measures being employed to improve accountability for the delivery of the outcomes for Aboriginal people in government investments? What are you going to put that on? That links back to my other question on page 298 about the department's grant program directing funding to community driven initiatives that contribute to social cultural and economic outcomes for Aboriginal people. How will these outcomes be measured? Will KPIs or anything like that be attached to the grants?

[4.50 pm]

Hon PETER COLLIER: I will get the director general to start, and I will make some comments in a moment.

Mr Weeks: In terms of that accountable government function, the biggest thing that has happened over the last two years has been the creation of the Aboriginal Affairs cabinet subcommittee. What has been created out of that is an authorising environment, so that authorising environment allows me, as the director general, to go and present information to six ministers and be able to take that directly to the decision-makers. I do not think, without that cabinet subcommittee, directors

general would have been able to put up what issues were actually on the ground and the need for reform across the state in terms of how we are delivering services to Aboriginal people. That then flows on in terms of my role as the chairperson of the Aboriginal Affairs Coordinating Committee, which is a group of a dozen directors general that I chair. In terms of that efficiency indicator, what you are starting to see is that agencies are starting to drive their agendas and they are starting to work more collaboratively with other agencies. There are some cluster groups. There will be particular issues that one agency in isolation cannot solve, but if you get three or four agencies—say, if it is around incarceration rates, it is not Corrective Services in isolation; it is the Department of the Attorney General, it is Police and it is the Office of the Inspector of Custodial Services, I think it is—they can come together to look at how are they going to improve things around that cluster issue. So, in terms of the agency and our role, sometimes it is getting out of the way and letting agencies get on with their business, but certainly in terms of that function, the authorising environment through the cabinet subcommittee has helped my role immensely.

Hon PETER COLLIER: I just wanted to let the director general make some introductory comments, but that is the basis of the whole reform process—that is, that accountability. It is a level of accountability that has not existed in the portfolio previously. I have said in previous estimates hearings that I felt the role of Minister for Aboriginal Affairs was redundant, because, quite frankly, he or she—whoever it might have been—had relatively little jurisdiction over expenditure in the Aboriginal affairs portfolio. The director general—again, regardless of who he or she may be—was, again, almost redundant in the role because, in essence, we were spending around \$5 billion annually on Aboriginal affairs, commonwealth and state combined, and there was no level of accountability. So, as Minister for Aboriginal Affairs, ultimately the buck would stop with me in terms of Aboriginal affairs and in terms of the disparity that exists between the quality of life of Aboriginal and non-Aboriginal people, yet I had very little say in where that money was going. Essentially, with the silo approach that has existed for generations, departments would spend money at will according to where they felt the direction was best served. In fact, what happened, of course, as we all know, is very frequently you would have departments that would not talk each other, and we would have no problems at all spending the money on a new housing development or a new sewerage development or whatever it might be or a new school et cetera, but with little coordination. That is why we established the cabinet subcommittee, which I chair, so now all the decisions come through the subcommittee. The director general, now, of course has a lot more imprimatur because he has the imprimatur of cabinet on the AACC—the Aboriginal Affairs Coordinating Committee—which is all the directors general. Previously, as I said, they would come along and have a little bit of a talkfest for half an hour or an hour—without being too disparaging, that is pretty much it—and now it has given them a lot more imprimatur of government. So, as a result of that, you have seen much more coordination in, for example, the area of the regional reform and also in the area of youth services now. We did a review of youth services throughout Western Australia, and we found that we were spending around \$115 million and only 15 per cent of those programs could be viewed as being effective; that is, they were having a positive outcome for the recipients of that money. There were lots of little pockets of money that were being spent around the state, but very frequently a lot of them were very, very short term in terms of the duration of those programs and there was no genuine appraisal of what they achieved as a result of that program. So, as a result of that, again, we all came together with the cabinet subcommittee. With regard to youth services now, there is a minimum requirement of \$300 000 per individual grant; it is \$300 000 per annum and three years' duration. That then means, of course, that it is going to ask those who are applying for grants—those working in the youth services area—to give a little bit more thought to the longevity of the program—that it is not just a short-term, feel-good program; it is actually going to be something that will provide a substantial improvement for youth in that particular area. Finally, another recipient of the—sorry; I will wind up here, Mr Chair; I apologise —

The CHAIR: You did say “finally”, so I was getting hopeful.

Hon PETER COLLIER: Another is with regard to the KindiLink program, the genesis of which began in the cabinet subcommittee. We are working together to say that we have got to look at parenting skills with child protection, education et cetera, so that we can work together to provide early intervention for Aboriginal children. Again, that is a recipient of more accountability that is coming through the cabinet subcommittee. I could go on, but I will come up for air.

Hon DAVE GRILLS: I appreciate that, minister, and I do appreciate the fact that rubbish is being collected now because I know how difficult it is; if people do not pay rates, the trucks do not pick up rubbish. That is a good thing. Looking at previous funding that has been spent on youth justice, when we have put money into it, we have actually seen an increase in offences. The question I was going to ask is: how do we know and how do we keep a measure on this; what do we put on this to say we are going in the right direction and this is the right measure? We are balancing this against three ministers who now do not work in silos—they work together, which is a good thing—so how are you going to gauge that and how are we going to see where we are going and how we do that? We have done these things before and it is a review and it is something that has not been done, so I guess what I am asking is: how are you going to measure that and how are we going to see exactly where that funding is going?

Hon PETER COLLIER: Do you mean the effectiveness in terms of youth justice?

Hon DAVE GRILLS: On how we are progressing, yes, in youth justice and the other things you mentioned regarding KindiLink.

Hon PETER COLLIER: Youth justice is another area upon which we have not made any announcement yet; it is a key component of the cabinet subcommittee. Hon Joe Francis is a part of that particular aspect of development. As I said, we have worked on a number of things, and that is one we will be flowing through very shortly. But, again, it cannot be taken in isolation. The whole point of the cabinet subcommittee was to treat Aboriginal affairs in an overall very generic portfolio as opposed to individually. The education component has got to be taken in concert with developing self-esteem and resilience with Aboriginal children from a very early age, ultimately leading to lower incarceration rates. At the moment, Aboriginal incarceration rates are appalling. Juvenile justice comprises significantly Aboriginal youth. That brings into account a number of areas, including early intervention through such things as KindiLink, but also the wraparound services with the child and parent centres, significantly increased funding at the early intervention stages in education, plus significantly increased funding for Aboriginal students in particular, and then at the exit levels with increased funding with CARE schools and engagement centres to move in that area. I know that sounds like a longwinded response without probably satisfying your question, but what I am saying to you is that juvenile justice is a policy framework that we are developing within the cabinet subcommittee, led by Joe Francis. Education is obviously myself and a whole pile, but we are all working together. I do not want it to be seen as this program is in isolation. The programs that we are developing with juvenile justice et cetera must be seen in concert with what we are doing with education, remote communities and the whole lot; it is all one of, dare I say it, the big picture.

[5.00 pm]

The CHAIR: The member’s question was: how do you measure that? I do not know if you have answered that part of the question.

Hon PETER COLLIER: Okay; I will ask the director general to answer. I will come up for air for a bit.

The CHAIR: Rather than the things you are doing, how you actually measure the outcome?

Mr Weeks: The way we measure it is the states signed up about six years ago to Closing the Gap, so as part of Closing the Gap, there is a whole reporting framework. There are six building blocks

which really focus on the basics of, I guess, Aboriginal people's lives around governance, safety, housing and a few others. There are a number of indicators that we use to demonstrate if progress is being made against that building block, and we do have a report, which I think is on our website—if not, I can provide it—which shows the state's progress against some of those Closing the Gap outcomes. That is the reporting framework that the state signed up to.

Hon DAVE GRILLS: Thanks, Chair. I guess I will go with that.

The CHAIR: If you have completed, I will go to your left and give the call to Mr Chapple, so long as he promises not to mention a website!

Hon ROBIN CHAPPLE: I will try not to! My first question is basically in relation to division 27, part 5, page 300, "Services and Key Efficiency Indicators". In the other place it was mentioned that you had taken down the website which indicated the criteria for assessing sites under part 5. Could you please advise me why those criteria still appear on the website in the report where you are required to nominate sites? It is the government of Western Australia department information submissions. If you actually look at that, which is the same document that still goes out to all heritage people, they are still asked to identify religious activities and the functions of part 5, when you said in the other place that you were not doing that any longer.

Hon PETER COLLIER: I will ask Mr Rayner to respond to that.

Mr Rayner: The guidelines have been taken down from the website, and the application form, which I think is what you are talking about, if I am right. Those questions are still pertinent to the importance and significance. The Supreme Court ruling said that the APMC should have considered spiritual mythology about a place, but that is not the only test at section 5(b). The second part of the test —

Hon ROBIN CHAPPLE: So you are still saying that religious activity, even though Chaney ruled it out, is still in?

Mr Rayner: I am not saying that; I am saying that it is not the determining factor. Justice Chaney said that that was not the determinant of whether a place is a sacred site, but it goes to the heart or is a contributing factor. It is a reasonable question when considering the importance and significance, whereas before the guidelines were really all about the religious activity. Chaney said that that was incorrect; it is not the first test. The first test is if there is a mythology associated with a place, that place is then capable of being a sacred site. It does not make it a sacred site, but it is capable, whereas the committee took a different view. Obviously, Chaney has come out and said, "Well, that's not the right view", but religious activity is still a pertinent question in assessing importance and significance, and, as the director general mentioned earlier, that is why we are still in dialogue with the State Solicitor to really unpick this and get it right before we go back out again in assessing these sites.

Hon ROBIN CHAPPLE: My point is that you took down the guidelines and these replicate the guidelines. An anthropologist or archaeologist filling out a form still has to complete those elements of section 5(b) of the act, which were ruled out by Chaney. I am just wondering why they are still in the document. Having heard what you have said, I do not think Chaney's position justifies that.

Mr Rayner: Undoubtedly, the application forms and site assessment forms will change, but the burning thing at the time was that the court had said the guidelines were inconsistent with the law, so the first thing we did was take down the guidelines that the committee used. The questions in the application form are still pertinent to the importance and significance; they are not pertinent to whether something is sacred or not; they are pertinent to whether something is important and significant. Undoubtedly, the application form is going to change over time, but this is one of the things that we are working through with the State Solicitor. If we took down the application form, we would have nothing to replace it with at the moment, so we are desperately trying to find the right form of words to satisfy what has come down from the Supreme Court.

Hon ROBIN CHAPPLE: So are anthropologists and archaeologists expected to respond to those requests in the nomination document?

Mr Rayner: We think they are reasonable questions. The document is a fairly lengthy document with lots of questions.

Hon ROBIN CHAPPLE: It is nine pages.

Mr Rayner: Yes, so there is lots of information and not all the time information is provided for every single section, but we are sticking with the application form until we can find a better one in consultation.

Hon ROBIN CHAPPLE: Do you expect a legal challenge on the application form?

Mr Rayner: I do not expect one, but I guess anything is possible.

Hon ROBIN CHAPPLE: Thank you. Moving on, I still refer to “Services and Key Efficiency Indicators” on page 300. A comment about a dedicated project team that is looking at this was made in the other chamber. Who is the project team? Has the team formally met? What exactly will it be looking at? Will the actions or findings of the project team be made available to the public?

Hon PETER COLLIER: I will ask Mr Rayner; he is directly involved.

Mr Rayner: Yes, there is an identified project team. From memory, there are four people in that team; I can confirm that, if that is required. They have met; they sit in the same area, so they meet every day. As the director general said, they are working very closely on developing this new methodology to assess these 37 or so sites to take that information back to the committee. As and when we can find more resources—because, of course, we are trying to do this in the quickest way possible—we will add to that team.

The CHAIR: Do you want that information that Mr Rayner offered as supplementary information?

Hon ROBIN CHAPPLE: Yes, please.

[*Supplementary Information No D3.*]

Hon ROBIN CHAPPLE: In relation to that same matter, in relation to those 12 000 sites, if you are going to involve the APMC —

Hon PETER COLLIER: Sorry; how many sites did you say? Did you say 12 000?

Hon ROBIN CHAPPLE: I am referring to what was stated in the other chamber by Mr Weeks. Mr Weeks stated that since the Supreme Court decision, 12 000 land users were needed to be notified that the land was potentially covered by a site.

Mr Weeks: The reference to the land users is that some of those sites are really quite large, so they are not just going across one land user. I think the flying fox in the Burrup is over the whole entire town site of Dampier, so you can imagine there is a whole range of different land users within that site, but not 12 000 sites; 12 000 land users.

Hon PETER COLLIER: We just wanted to clarify that; it is not 12 000 sites we are talking about.

Hon ROBIN CHAPPLE: That was actually what was stated; I am just going on an uncorrected *Hansard*.

Hon PETER COLLIER: Okay, we will just clarify that now: 12 000 land users.

The CHAIR: It was the lower house; no-one ever trusts the lower house, so we will move on!

Hon ROBIN CHAPPLE: I have already mentioned the importance of informing the informants as opposed to the rep bodies, so can I just get a clarification that that will be the case? Who is going to respond?

Mr Weeks: Yes, we will.

Hon ROBIN CHAPPLE: Yes, you will. In what time frame will that occur?

Mr Weeks: I mentioned previously that we are doing it as fast as we can, but the more we have a look at the task in totality, it is enormous. I mentioned that we would like to get it done in six months; the reality is that it may take longer, but we are still dealing with a lot of manual handling of hardcopy files. We have a new electronic system, but we are sort of using two systems at the moment. We have a lot of people going through a lot of information, but it is definitely a priority for us.

Hon ROBIN CHAPPLE: Once you have dealt with those, will they have to go back before the ACMC?

[5.10 pm]

Mr Weeks: Absolutely.

Hon ROBIN CHAPPLE: Given that the ACMC only deals with eight to 10 matters each meeting, and it is usually associated with a section 18, how are you going to process that, given that it would take about 80 years to assess currently all the sites that are on the register awaiting assessment?

Mr Weeks: Part of that is that up to this point we have been reliant on the proponents paying for a whole range of heritage surveys and getting information from a cultural authority, which is why, when you look at an ACMC meeting, yes, a lot of the sites being assessed are through a section 18. That does not mean that the department cannot do that through its own processes. We have had a dedicated site assessment team for well over 12 months now, I think, which is close to 10 people, but in reality they are getting caught up in a whole range of other tasks and not getting the opportunity to go out on the ground and sit down. Ultimately, we want Aboriginal people to be filling out these forms. That is the whole point of the site application form—to make it more useable for Aboriginal people to be able to give that cultural information; but we will still keep getting through it.

Hon ROBIN CHAPPLE: I have got another question on that aspect shortly, but I am sure that the Chair wants me to relinquish my speaking role for the time being. I have more questions.

The CHAIR: If you are happy to, I will go to Hon Jacqui Boydell.

Hon JACQUI BOYDELL: Minister, I draw your attention to page 298 of volume 1 of budget paper No 2 under the heading “Grant Funding”. It states in the budget papers that in 2015–16 the department is focusing its grant program on small to medium-scale projects and placing Aboriginal people at the forefront of those potential new partnerships and programs. Can you please advise if you intend to monitor and how you intend to monitor and evaluate the performance of the grants program, and how you intend to do that to ensure those achievements are reached or how those outcomes are reached?

Hon PETER COLLIER: Yes, it will be, but I will get Mr Curtis to answer.

Mr Curtis: In the last nine months, we have undertaken a reform of the grants and sponsorship program in terms of what are the key areas that we are focusing on. For small-scale sponsorships, we are looking at up to around \$20 000—we are talking only small total numbers of the program. There are five key priority action areas that the sponsorships will be linked and aligned to: families, youth and children; health and mental health; education; economic development and governance; and regional and remote communities. We have got five key areas and those sponsorships and grants will need to align to one or more of those categories.

In terms of the types of programs and projects that we will be funding, there are a couple of key areas. One we said would place Aboriginal people at the forefront of design; secondly, they are innovative start-up projects with growth potential and sustainable funding models—the key there being not operational funding; so \$20 000 or less, looking at those new ideas. They need to achieve sustainable benefits for Aboriginal people by leveraging partnerships outside of government, so

looking at community organisations and the private sector so that there is a good mix of investment, and it is going to be sustainable beyond that seed funding component. The other key areas are that it needs to use new and emerging technologies that improve communications and build community capacity.

In terms of the way that we will be measuring it, we have just developed an online grants management system. As part of each agreement, there are specified key performance indicators which will need to line up to those action areas and those categories that I spoke about before. In terms of the individual grants and sponsorships, we will have those indicators where an applicant can log on, see how they are going and provide their acquittal reports et cetera, and we will monitor it from our end. In terms of the overall grants program, what we do as part of the annual agency survey is look at asking stakeholders to say what are those key priority areas that we should be focusing on and is the program delivering what you should expect. That was the genesis for the revised grants and sponsorship program nine to 12 months ago. They are the key ways in which we monitor the program.

Hon PETER COLLIER: Can I add that that follows through the whole process. The whole ethos of where we are going with Aboriginal affairs now is fundamentally consultation and accountability which filters through from this level in the Department of Aboriginal Affairs' agencies and ideally—this is the whole point of the cabinet subcommittee—that ethos will transfer into other departments so that level of accountability is more transparent and profound than it ever has been—that we are not just writing out cheques for a program, this is what we are doing in Aboriginal affairs, and that there is that level of accountability which provides for an outcome.

Hon JACQUI BOYDELL: Thank you for clarifying that because I was going to ask that as a supplementary.

Can I move on to a separate question? On the same page, minister, under the heading “Relationship to Government Goals”, in the table for the first desired outcome there—I do not know if you want me to read it out —

Hon PETER COLLIER: No, I see it.

Hon JACQUI BOYDELL: Can you provide more detail about that outcome and its relationship with heritage management and specifically how the Aboriginal community will benefit from reforms in heritage management?

The CHAIR: That you have not already covered in the previous earlier answers that you have given.

Hon PETER COLLIER: I have probably had more than enough to say, so I will ask Mr Weeks to comment.

Hon ALANNA CLOHESY: Hello, Dorothy!

Hon PETER COLLIER: I assure you that I do not give Dorothy Dixers. I have not given anyone any questions; I never do.

The CHAIR: Minister, that is fine. Can you just answer the question and add any other bits that you have not covered, because I think we have gone through extensively the reform project.

Hon JACQUI BOYDELL: Can I just clarify, Chair, that I have had a personal extensive interest in the Heritage Act, and I have been working with the department on that, and it is an exceptionally important issue for the people that I represent. If we are going over old ground, I apologise, but it is important.

The CHAIR: If I had thought it was a Dorothy, I would have shut it down, but the minister has given a fair bit of extensive background on that already and I just wanted to focus on the new elements of your question.

Mr Weeks: In terms of that desired outcome, we developed that four years ago with the Office of the Auditor General. It is probably the first time we have used that language that it is necessary to find a balance between economic opportunities for Aboriginal people, the state and heritage management. So it is about finding a balance, which sometimes makes it difficult. I have had Aboriginal people who feel that they have been put in hard positions because they want to take advantage of development projects but then can feel the wrath of making a decision that will impact on something which may be important to them from a heritage point of view. It is something which I think a range of stakeholders are dealing with on a daily basis. Our role within that is to try to find the balance and to make sure that the act is administered appropriately and that the state can still get on with business, but at the end of the day recognising that Aboriginal heritage is a key part to this state. It has been here before everyone else got here, so for us it is about making sure that we have that recognition, and part of the whole heritage debate at the moment is about bringing a whole range of issues to the surface. There is a whole range of stakeholders that can do things better in this space, but leaving it as a backroom discussion is not the right way to deal with Aboriginal heritage at the moment. I think you will see more from the department and from the minister around that. We have consistently been trying to get greater transparency, clarity and consistency in the way that we deal with Aboriginal heritage, and we have to acknowledge that the way that it has been done in the past has not been the best. I do not shy away from bringing these issues to the surface, but we do need to acknowledge that Aboriginal heritage needs to be seen within not only heritage, but also economic opportunities for the state.

Hon JACQUI BOYDELL: Thank you.

Hon ALANNA CLOHESY: I refer to the table under “Spending Changes” on page 297 and “Workforce Renewal Policy”. In this financial year, how were those savings achieved under workforce renewal policy? How many positions?

[5.20 pm]

Hon PETER COLLIER: Mr Weeks will respond to that.

Mr Weeks: Our department started a body of work over the Christmas period around recognising what our budget for salaries was going to be for the next financial year and the out years. We were quite fortunate that we had a number of positions that did not have substantive occupants, so we identified those positions initially. In total, I think we identified 21 positions, which allowed us to meet that workforce renewal policy. We are now going through a process to make sure that that does not impact on any service delivery. I am quite confident of that at the moment. It does not mean that we do not need to find other resources within the agency to supplement some of our frontline areas around heritage management and land management. But, like I said, we were quite fortunate that our permanent employees are still our permanent employees. We made that commitment to staff.

Hon ALANNA CLOHESY: Twenty-one positions, you said?

Mr Weeks: That is right.

Hon ALANNA CLOHESY: Could I get a list of those positions by level, location and title?

Mr Weeks: Absolutely.

Hon PETER COLLIER: We need to take that on notice.

[*Supplementary Information No D4.*]

Hon ALANNA CLOHESY: Similarly, can I have a list for 2013–14, 2014–15 and 2015–16 of the substantive positions by position level and position title and location; so for the three years 2013 to 2015?

Mr Weeks: That should not be an issue. We will take that back to our HR area.

The CHAIR: We will make that all part of D4.

Hon ALANNA CLOHESY: You say you have not cut any substantive positions in 2014–15. How are savings going to be achieved under the workforce renewal policy of \$1.76 million in 2015–16?

Mr Weeks: I should clarify that we were talking about substantively vacant positions, so I did not have a substantive person who owned that position, which obviously, if you have a substantive occupant, then you need to go through some type of redundancy or other type of arrangement. So these were substantively vacant. Those 21 positions have not only allowed us to meet the efficiency reform for the next financial year; it is for the next two. We went through that exercise as a way to give staff certainty over the next few years. I did not want to have to make smaller efficiency gains now, then have to go through the exact same process at the end of this financial year, so it is a decision we made as an agency.

Hon ALANNA CLOHESY: The 21 positions that we are getting a list of are all of the positions that are going to help you achieve the workforce renewal policy—I will not say “savings”, because it might not actually be—over this financial year and the out years.

Mr Weeks: That is right.

Hon ALANNA CLOHESY: So no more than 21 positions will go.

Mr Weeks: At this stage, yes.

The CHAIR: If you had nobody in the position, how do you make a saving, because you would have already been saving that money, and I do not see that you are coming in under budget in previous years? I am assuming you are spending your budget, so how do you make the saving?

Mr Weeks: That is why I said they are substantively vacant. They did not have a substantive occupant but they had someone in there either on higher duties or on a temporary basis.

The CHAIR: You are still cutting positions, though?

Mr Weeks: Yes.

The CHAIR: But the fact that they were substantively vacant just means that you have not filled the position, so how did you work out the priority of what positions you wanted to cut? Surely you are not going to make your cuts based on just that the position had not had someone to fill it, because it might be a very important position.

Mr Weeks: It was a combination of factors, but the reality is that if you focus on positions that have a substantive occupant, the only way to make that saving is to go through a redundancy process or someone leaves that job. So this is a way of being more proactive. We have to manage the structure to make sure that we still deliver all of our services. We have two executive positions that were part of that, so it is not something that we forced down the line and just expected the rank and file to take it. We have tried to get some equity across all levels at executive senior officer group and at our officer level.

The CHAIR: But there must be tasks that you are actually removing, because you might remove the substantive position, but what are the actual roles and functions that you are removing?

Mr Weeks: When you have a look at some of those positions when we provide them, you will see that there are some things which are good to do and very proactive; then there are transactional things that the agency has to do. So we are focusing on those transactional activities. We have statutory approval processes.

The CHAIR: If one of those transactional areas did not have someone in the position and you got rid of that position, who now takes on that transactional function?

Mr Weeks: Before I answer that, I probably need to go through the exact list. I do not know the exact numbers, but we have deliberately stayed away from service delivery positions. We have deliberately done that.

The CHAIR: Although you chose it on the ones that did not have substantive occupants in them, which seems to me is a bit of a random sample. Maybe when you give that answer to Hon Alanna Clohesy, you can also add in how you are now fulfilling the task either by no longer doing the task because you consider it not a priority, or if it is a transactional—using your words—function, how you are now providing and meeting that task.

Mr Weeks: We can do that.

Hon ALANNA CLOHESY: Did that get a number?

The CHAIR: That is all part of D4.

Hon STEPHEN DAWSON: Chair, just on the same issue, before we move on, just to be clear, can I ask if anyone has been made redundant in the last two years in the agency?

Mr Weeks: I cannot recall any redundancies in the last two years. Certainly—I think it was three or four years ago—we took part in a sector-wide redundancy. But I can check with our executive director corporate services just to make certain.

Mr Kar: No, there have not been any redundancies in the last two years.

Hon ALANNA CLOHESY: I refer to the line item “Revenue Forecast Realignment”, with \$1.688 million in savings for 2015–16. How will that be achieved? It is the second-last point under the “Spending Changes” table. Maybe you could explain also what a revenue forecast realignment is.

Mr Weeks: My explanation I have here is realignments of other revenue to an achievable outcome forecast. In prior years, funding was received from the commonwealth and other sources for various projects. This revision reflects that there is nil income from the commonwealth.

Hon ALANNA CLOHESY: You said net income?

Mr Weeks: Nil income.

Hon ALANNA CLOHESY: Nil income? So \$1.688 million will be cut out of your budget this year because of the commonwealth?

Mr Weeks: Yes.

Hon PETER COLLIER: It is from those nasty feds again!

Hon ALANNA CLOHESY: Yes.

Mr Weeks: If I recall, I think it would be associated with the remote service delivery national partnership agreement, which was a five-year national partnership agreement that was not extended.

Hon ALANNA CLOHESY: Could I find out what component of that \$1.688 million is the remote service delivery program and what component is other federal programs—for example, maybe it is the Fitzroy Futures program—and could I have a list of what other programs they are?

Mr Weeks: Yes, we can provide that.

[Supplementary Information No D5.]

Hon ALANNA CLOHESY: The revenue forecast realignment increases over the forward estimates: \$1.894 million in 2016–17, the same in 2017–18 and \$1.764 million for 2018–19. You probably need to take this on notice, but can I get an understanding or a list of what that constitutes, please?

Mr Weeks: We will provide that if we can take it on notice.

[*Supplementary Information No D6.*]

Hon ALANNA CLOHESY: Just while we are on national partnership agreements and the like, apart from remote service delivery and Fitzroy Futures, are there any other programs that are currently being considered in the context of the federal budget that you may have expected to have been delivered that will not now be delivered through you?

[5.30 pm]

Hon PETER COLLIER: I can name one, but it is not Aboriginal Affairs; it is child and family centres, but we are picking up the tab for those after they bailed.

Hon ALANNA CLOHESY: Sorry?

Hon PETER COLLIER: They opened the child and family centres but then decided that they were going to bail. There is one in the Pilbara, three in the Kimberley and one in Swan.

Hon ALANNA CLOHESY: Are there any other national partnership agreements that are up for consideration?

Hon PETER COLLIER: No, I am not aware of any.

Mr Weeks: There were half a dozen national partnership agreements. I believe that the housing national partnership agreement is still live and the commonwealth is negotiating with the state at the moment around what that national partnership agreement will focus on. I think the rest have expired but we can provide the exact details around those partnership agreements.

[*Supplementary Information No D7.*]

Hon ALANNA CLOHESY: In that, can you give us an expected time frame around the housing negotiations?

Mr Weeks: Housing is up next, so they might be able to provide it to you, but if they do not, I certainly can.

The CHAIR: I will make that all part of D7.

Hon ALANNA CLOHESY: Still on spending changes, there are 15 per cent procurement savings of \$210 000. What is not being procured this year?

Mr Weeks: I may refer that to Mr Kar.

Mr Kar: I will have to take that question on notice.

The CHAIR: Is that because you do not have any idea?

Mr Kar: If I had to have an educated guess about these sorts of things, it would be things, for example —

The CHAIR: I am surprised that at an estimates hearing you would know whether you have a cut in procurement.

Mr Kar: So it is things like consultants; we will be dropping back on consultants. Consultants can range across a whole range of things. It may be in respect of human resource consultants. It may be for other broader consultancies around research and a number of other sorts of things. It may be around our IT functions as well, so various procurements are around what we might do in terms of systems. We might draw back on those sorts of things, so some of those broader corporate services kinds of areas.

The CHAIR: In terms of IT, I assume you have an asset replacement so you are talking purely about the software.

Mr Kar: There is a capital component, too.

The CHAIR: You will still upgrade the capital side of your computers but just use the old software licences that you have got. Is that what you are proposing?

Mr Kar: With IT, I suppose for us it is beyond a capital component of it; there is ongoing development and I suppose part of the strategy of our procurement reduction would be that we probably would not be looking at, I suppose, further enhancements to systems; we might make do with the kinds of things that we have in terms of the IT systems.

Hon ALANNA CLOHESY: Perhaps I will just take it on notice.

[Supplementary Information No D8.]

Hon STEPHEN DAWSON: I turn to page 301 under “Community Development”. In relation to the Nyoongar Patrol, I note that in the Legislative Assembly the DG stated that 11 of the 12 service providers were happy to move over to the Drug and Alcohol Office but there was one service provider who was not. Can you let the committee know who that was?

Mr Weeks: Yes; it was the Nyoongar Patrol, but we have since had a number of meetings with the board and with the executive and I think they have started to become more open to the idea, but Mr Curtis will be able to confirm that.

Mr Curtis: That is correct; it was the Nyoongar Patrol. In terms of being the remaining patrol service provider, we have had subsequent follow-up meetings with the Nyoongar Patrol. There has also been a response, I understand, from the relevant minister to the Nyoongar Patrol discussing some of the concerns. I expect probably within the next couple of weeks, we will have a formal response from the Nyoongar Patrol.

Hon STEPHEN DAWSON: On the same point generally, but going back to the community closure issue, I am presuming that the community closure issue is being dealt with as part of the community development service area in the department. If it is not, please let me know. I note that as part of the way forward, there is to be the creation of a new reform unit. Will that reform unit sit under the community development service area? When will that reform unit be established? Where will the people be located? Will there be extra staff tasked to this reform unit; and, if so, where might they be located to?

Hon PETER COLLIER: I will make a couple of comments and I will ask Mr Davies to comment. The reform unit is essentially the engine room of the reform, for want of better terminology. It was felt that, through the cabinet subcommittee, the Minister for Regional Development, who is hands on in terms of his department in the regions obviously, and the Minister for Child Protection; Mental Health, who is also most appropriate in terms of service delivery through her department, will lead the implementation of the reform. The reform unit itself and the composition will be a combination of the two departments et cetera and it will be headed by a unit leader. Once the advisory councils have been established, they will lead into the leadership groups and the reform unit will oversee the leadership groups. Ultimately, when you follow that step of accountability, that will come back to the subcommittee, and I, as chair of the subcommittee, will oversee the whole reform unit and the director general through his position. Mr Davies will give you a little bit more in terms of the composition of the unit itself.

Mr Davies: The reform unit will be employees of the Department of Regional Development. The director general from that department and also the director general from Child Protection and Family Support will head up a project board that will also consist of the Department of Aboriginal affairs and a reform leader. The reform leader has not been determined at this point in time. Once that reform leader has been determined, he or she will establish the reform unit. Just to answer some of your specific questions around the resourcing and location of the reform unit, the cabinet subcommittee has made it pretty clear that we are to resource the reform unit from within existing resources, so technically there will be no new positions created. The reform unit will go through an expression of interest process to source suitable people to take on the various tasks of the reforms.

That process is happening as we speak. There is no real time line, but I think the reform project board is pretty keen to finish that process as soon as they can. In regard to the location of the reform unit, it has been proposed that there will be both metropolitan and regional resources. There are a couple of sites, particularly in the Pilbara and the Kimberley. There will be resources allocated to those particular areas, as well as a more central unit based in Perth. In regard to the particular location, that level of detail has not been determined or formalised at this point in time.

[5.40 pm]

Hon STEPHEN DAWSON: How many DAA staff do you anticipate moving over to the reform unit?

Hon PETER COLLIER: That has not been established at this stage in terms of the numbers. We have got to look at the skill set for the reform unit; it has got to be obviously taken into consideration. Quite frankly, I think we have got a fantastic skill set in DAA. We have got to talk to the director general about that in terms of his willingness and, of course, the willingness of everyone involved to ensure we get the right skill set within the actual unit. The director general might have something to say about that.

Mr Weeks: We have been actively involved in the process from the start. Mr Davies and his team of, I think, about three or four project officers have been instrumental in developing some of the reform documentation and some of the thinking. I have provided options or opportunities to those directors general from Regional Development and Child Protection and Family Support that we can provide up to 10 FTEs if need be. It is in our interests to do this and do that right. I still have a significant role, but part of the way that we need to start dealing with Aboriginal affairs is that there are leadership roles throughout the sector and the Department of Aboriginal Affairs does not have to be leading all of them; we just need to be involved and providing advice back to the cabinet subcommittee that either things are getting done or they are not.

Hon STEPHEN DAWSON: Chair, I have a couple of quick ones on the community development FTE issue. Can I ask, minister, probably by way of supplementary, if you can get me figures on the number of people employed by the agency who identify as Aboriginal and Torres Strait Islander?

Hon PETER COLLIER: For the DAA?

Hon STEPHEN DAWSON: For the DAA, yes. Also, can I have the number of people who work for the agency who have declared they have got a disability of some sort and also the number of employees employed by the agency who are female? Could you provide that by way of supplementary?

Hon PETER COLLIER: Yes. We will get all of that information.

[*Supplementary Information No D9.*]

Hon STEPHEN DAWSON: I missed earlier on when we were on “Heritage Management” on page 300. I note the DG said in the Legislative Assembly that they are looking at alternatives in relation to the heritage act amendment bill. I think the minister who was representing you, minister, in the chamber may well have said that the debate on that bill might be significantly delayed in the Legislative Assembly because there were specific alternatives being considered. Can you advise what those alternatives are?

Hon PETER COLLIER: There are no real alternatives. We are always open to amendment to the bill and I have always said that. If we can in some shape or form amend the bill which will not remove the integrity of the bill, so be it. From that perspective, what we are dealing with with the bill at the moment is we simply must look at the response we receive from the State Solicitor’s Office with regard to the Chaney decision. Now, as I said, I do not want to make an amendment based upon advice which may substantially change the integrity of the bill. I do not want to come in at the last minute and make a significant amendment to the amendment bill which, as I said, alters

the integrity of the bill. That is not the intent. The intent of the exercise, as I said, is to retain heritage—that was always the intent of the legislation—but with a much more streamlined transparent process. That is always what we hope to achieve. In terms of the debate on the bill, ideally it will be this year. Of course, I cannot give that guarantee. We will get that State Solicitor's advice. We are dealing with quite a bit of input since that time from our parliamentary colleagues and the like and various groups. In essence, it really will depend on the advice it receives from the State Solicitor's Office that will determine the next step forward.

Hon STEPHEN DAWSON: Minister, are you in a position to guarantee to us that the bill will not be rushed through the Parliament and that some of those outstanding issues or concerns that organisations or agencies have will be taken into consideration?

Hon PETER COLLIER: They will be taken into consideration. I have always said we will not rush it through. I have told that to whomever I have met with—and I will go to the opening of an envelope! I will meet with anyone and I always have. That is never the intent of the exercise—to offend anyone or to alienate anyone or disenfranchise anyone. It is a very, very significant piece of legislation. We are talking about a bill that, quite frankly, is in desperate need of amendment. It has been there since 1972. We have got a heritage application system which is just not working. We do not want to diminish Aboriginal heritage; that is never the intent of the exercise.

With regard to consultation, which is something that comes up regularly, that is never in doubt. It has never been in doubt; in fact, Justice Chaney actually said in his finding that it is implicit in the bill as it stands that consultation takes place. It is there; that is a component of it that is implicit within the bill. We have got to listen to Justice Chaney; we do listen to Justice Chaney and respect his ruling. We also need to accept everything that he said. As I said, from my perspective as minister, I will always listen to any recommendations that are put to me, and we will not rush this piece of legislation. I am intent on waiting until we get the State Solicitor's Office advice; I think that is absolutely essential. Once we have that State Solicitor's Office advice, we will then make a determination as to whether or not we go forward with the current piece of legislation or whatever the alternatives might be.

Hon STEPHEN DAWSON: I am pleased to hear it, minister, because I think some of the consultation that has occurred so far has left a bad taste in the mouths of some organisations, so I am pleased that you are open to listening to organisations who have got concerns; and I am pleased to hear that you will not rush the bill.

The CHAIR: I will take that as a comment and go to Hon Robin Chapple.

Hon ROBIN CHAPPLE: This is in relation to page 300 in part 5, Minister for Aboriginal Affairs, and "Services and Key Efficiency Indicators." Was a private company commissioned by the Department of Aboriginal Affairs to carry out a business impact assessment on the business impact of proposed changes to the Aboriginal Heritage Act 1972 at any time in the last few years; and, if so, will the department table that report?

Hon PETER COLLIER: I will ask Mr Rayner to comment on that.

Mr Rayner: Yes. A report was commissioned by Ernst and Young in 2013 which looked at the operation of section 18 and particularly looked at the cost of compliance with conditions that were set by the minister in the approvals—the consent of approval. It also looked at the cost of section 18 applications for resource industries; it looked at a sample of those applications.

Hon ROBIN CHAPPLE: Just further on that, will you table the report?

Mr Rayner: Yes, it has been made available and if the minister is happy to table it, we can table it.

Hon PETER COLLIER: Yes.

[*Supplementary Information No D10.*]

Hon ROBIN CHAPPLE: My next question is on key efficiency indicators again. I refer to the Public Sector Commission 2013 employee perception survey, dated 4 October 2013. Is it correct that the agency performed less favourably than the public sector aggregate? Did the corporate executive subsequently link with representatives of the Public Sector Commission; and, if so, on what date, and were the concerns raised by the Public Sector Commission subsequently rectified?

Hon PETER COLLIER: I will ask the director general to respond.

Mr Weeks: I sit on a leadership group of director generals with the Public Sector Commissioner and one of the things that I have raised previously is that if you want to find a hard agency to work in, then come and work in the Department of Aboriginal Affairs. I think a lot of people have spoken about how hard it is to work as the DG of Health. This job is not any easier. In terms of staff feeling probably undervalued or other things, then, yes, they are working in a hard job; we are at the coalface. We have to wake up every day and see that outcomes are not being met and feeling helpless, to some degree, when I am responsible for less than one per cent of the budget that is spent on Aboriginal affairs. So, you know, our staff are becoming more resilient. Do they feel pressure? Absolutely. They have to go out to the communities and actually deal with the mob. I think at my last count I have been to 140 communities and I joke that I have been growled at at all of them. It is a hard place to work at. In terms of if the Public Sector Commissioner has raised any individual issues with the agency, then yes, by a matter of course, we deal with those. In terms of a perception survey, you are looking at the broad public sector and an agency that has got a hard gig. So in a generic term, I answer it in that way. The executive director, Mr Kar, may have some other information about the actual survey itself.

[5.50 pm]

Hon PETER COLLIER: Can I just add to that, first of all, before Mr Kar does speak. That goes back to my comment with regard to the Minister for Aboriginal Affairs. As I said, the buck stops with me. With Aboriginal affairs, fundamentally, I am responsible for very, very little —

Hon ROBIN CHAPPLE: Have you seen the report?

Hon PETER COLLIER: Yes, I have. If I could just finish, thanks. I am conscious of the point you are making. All I am saying is I take on board what the director general says because I cop the same. Regardless, I am responsible for Aboriginal affairs. As Aboriginal affairs minister, am I responsible for NAPLAN results of students? Yes, I am, but more as education minister than as Minister for Aboriginal Affairs. Am I responsible for housing issues in some of the remote communities? Yes, but not directly; that is the Minister for Housing. Ultimately, that responsibility is going to come back to me and the onus of responsibility comes back to me, probably unjustifiably, given the lack of opportunity that I have had in the last four and a half, almost five, years to actually make a difference because, as I said, I felt redundant in the role until we got to the position that we are at. So, yes, I am going to cop a shellacking—I do, throughout the community. As you would know—you deal with a lot of Aboriginal groups yourself—it is very, very difficult to get runs on the board in this portfolio; it really is. I know when I am out of this place in a few years, or whenever it might be, I can look back and if NAPLAN results are not changed, if health results are not changed and if mental health results have not improved, I can say, “Well, am I directly responsible?” Probably not, but what I have done and what we will do, and what the government is doing at the moment is changing the way we are directing services through the Aboriginal community through every single portfolio area. So a perception survey, or whatever it might be, might be adverse to me as Aboriginal affairs minister, but I know, given the fact that we are significantly changing the way we manage and deliver services for Aboriginal people, we will make a difference. I have complete and absolute respect, admiration and confidence in the director general of Aboriginal Affairs and his team. I have spent an enormous amount of time working with the director general and with the Department of Aboriginal Affairs, and I regularly go to the

department. Against all of that adversity, I know when I go down there that I have got a committed, dedicated group of people, so I have great confidence in them.

Hon PETER KATSAMBANIS: Good answer.

Hon ROBIN CHAPPLE: So, just on that, if I can —

The CHAIR: Sorry, did Mr Kar want to add anything about the specifics of the survey?

Hon PETER COLLIER: Yes, he did.

Mr Kar: So we did not meet with the PSC, but corporate executive did consider the findings of the survey. One of the main concerns raised by the survey was about communication from management to staff. In terms of that sort of issue, corporate executive put in a number of measures. We now have an officers group, so we have the more, sort of, junior officers that actually get to meet as a junior officers group; we have a senior officers group; we now regularly communicate to staff through the director general's newsletter that we put out regularly. There is a regular communiqué around senior officer resolutions and the junior officers group as well that we publicise by email. We have also enhanced our intranet, so our intranet now has a lot more about what is happening in the department because I think one of the major concerns in the survey was that we just were not saying enough about what we were doing. So staff now have a number of different avenues where I think that management is more effectively communicating with them.

Hon ROBIN CHAPPLE: Just on staffing related matters, I will actually go back to a question that I asked previously in a previous estimates around the issue of the legality of not having an anthropologist or archaeologist on the ACMC. I do not really actually particularly want to revisit that, but it was stated in the answer that the department's principal legal officer and its senior legal officer had provided the advice. How many senior or principal legal officers does the department have?

Mr Weeks: We have a general counsel position, which is one of the positions I referred to earlier which is going to be part of the workforce renewal, so we only have that position for another two weeks. We do have a principal legal adviser and then there are two legal advisers. That is my understanding. I can get the executive director of corporate services, Mr Kar, to confirm, but that is my understanding at the moment.

Mr Kar: That is correct.

Hon ROBIN CHAPPLE: Is that not unusual, given that most departments use the services of the SSO?

Mr Weeks: No, I do not think so. I think we deal with a highly contentious area and we are dealing with statutory approvals and we still need a combination of internal legal advice that we will test with the State Solicitor when needed.

The CHAIR: Some have legal advisers just to deal with FOIs.

Hon PETER COLLIER: If we sent everything off to state sols for every single legal issue that the DAA had to deal with, we would not get anything done, essentially. So I think it is modest.

Hon ROBIN CHAPPLE: So in relation to those officers, how many have current practising certificates?

Mr Weeks: We can provide that information.

Hon ROBIN CHAPPLE: If we can identify how many and who has practising certificates. Thank you.

[Supplementary Information No D11.]

Hon STEPHEN DAWSON: I have two quick questions—two different questions. We could deal with them both under page 301 under “Community Development”. Do not worry about turning to the page.

Hon PETER COLLIER: Okay, I will take your word for it.

Hon STEPHEN DAWSON: I am going to use that dot point because that is what the rule is.

Hon PETER COLLIER: I know it back by heart.

Hon STEPHEN DAWSON: Minister, can I ask about the Gwoonwardu Mia Aboriginal cultural heritage centre in Carnarvon?

Hon PETER COLLIER: Yes.

Hon STEPHEN DAWSON: There has been some issues with that centre as of late. Can I get a sense from the department of what discussions the department has been involved in in relation to the continuation of that centre? What discussions have they been involved in, and is the department committed to ensuring the ongoing viability of that centre, which I think is a great one?

Hon PETER COLLIER: Yes. The director general knows about it.

Mr Weeks: I am not aware of any recent discussions, but I think it was 18 months or two years ago that the matter came before the Aboriginal Affairs Coordinating Committee. At the time, the department was holding what was the Aboriginal communities’ emergency relief fund—a \$10 million R for R program. When there were emergencies with communities and programs, we could use that money to go in and make sure that they were able to deliver their services. I cannot remember the exact name but I know the cultural centre in Carnarvon—there was an application for that but it was only temporary. I think it may have been 12 months. So we are probably at that point now where they are looking for continuation of funding. The department does not hold that money anymore; it is actually managed by the Department of Regional Development. So I am assuming they are continuing to have discussions around the ongoing viability of the cultural centre.

Hon STEPHEN DAWSON: Chair, the last I heard was that the money was kind of in limbo. It had been set aside—\$200 000-odd—but it had not been distributed to the centre. Can I ask, minister, by way of supplementary, if the department is able to investigate the matter and report back to us?

Hon PETER COLLIER: Certainly.

The CHAIR: They can just provide information to the best of their knowledge what has happened to the money.

[Supplementary Information No D12.]

Hon PETER COLLIER: We may need to seek it from DRD.

The CHAIR: If that is the answer, then come back that you do not have it and you cannot identify where it has gone.

Hon STEPHEN DAWSON: This minister is always very helpful, so I appreciate he will do what he can.

Hon PETER COLLIER: Very accommodating.

Hon STEPHEN DAWSON: The second question relates to, again, the community closure issue. We are aware that the consultation is starting in the Kimberley and the Pilbara. I have had concerns expressed to me by people in the goldfields who still feel like they are in limbo. Yes, ministers and others have made statements that they are not closing, but they are wondering when they might have a consultation process and when they might know what the future holds for them?

Hon PETER COLLIER: I hope they are not in the goldfields. I will ask the director general to comment, but they should not feel threatened.

The CHAIR: Mr Weeks—as short as possible, please.

Mr Weeks: Look, we have got ongoing discussions. There are reform processes, obviously, targeted for the Pilbara and the Kimberley, but my department is working closely with the midwest and the Ngaanyatjarra lands and around the goldfields, so we know that they are feeling that they are not part of that at the moment. But we will keep them informed as much as possible.

The CHAIR: I think I might bring it to a close there. I have one last question, which I just want a simple answer to and I will put the detailed question on notice. Have you got any role in terms of trying to increase the number of police officers who identify as Aboriginal? As a department, are you involved in any way in trying to see an increase in the number of police officers who identify as Aboriginal?

Mr Weeks: Not directly. I was an Aboriginal police officer myself, but not since that point. I have not had any discussions with the commissioner.

The CHAIR: All right. I will not worry about asking you any further questions. If I can also ask you to take it on notice, minister, you talked about your visit to the Kimberley earlier this year.

Hon PETER COLLIER: I did.

The CHAIR: If you could provide as supplementary: which communities you visited; which ones had no-one in them; which ones were seasonal communities; and, if you have got details because you were able to quote it, how many school-aged children were in each community.

[Supplementary Information No D13.]

The CHAIR: I will conclude the hearing. The committee will forward any additional questions it has to you in writing in the next couple of days through the minister, together with the transcript of evidence, which includes the questions you have taken notice. Responses to these questions will be requested within 10 working days of receipt of the questions. Should you be unable to meet this due date, please advise the committee in writing as soon as possible before the due date. The advice is to include specific reasons as to why the due date cannot be met. If members have any unasked questions, I ask them to submit these to the committee clerk at the close of the hearing. On behalf of the committee, can I thank you for your attendance today.

Hearing concluded at 6.01 pm
