



MINISTER FOR HOUSING AND WORKS; HERITAGE; INDIGENOUS AFFAIRS; LAND INFORMATION

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Your Ref: 6585 V1



Hon T.G. Stephens MLA
Chairman
Education and Health Standing Committee of the Legislative Assembly
Parliament House
PERTH WA 6000

Dear Mr Stephens

Thank you for your letter of 19 April 2007 and for the copy the Education and Health Standing Committee's discussion paper *Where From? Where To? A Discussion Paper on Remote Aboriginal Communities*.

The Department of Indigenous Affairs (DIA) has reviewed the discussion paper and provided comments as attached. I trust these will be of assistance in finalising the paper. I congratulate the Committee on the work done to date and look forward to the final report and recommendations of the Committee.

Yours sincerely

HON MICHELLE ROBERTS MLA
MINISTER FOR INDIGENOUS AFFAIRS

29 AUG 2007

**EDUCATION AND HEALTH STANDING COMMITTEE OF THE LEGISLATIVE
ASSEMBLY**

**DISCUSSION PAPER ON REMOTE INDIGENOUS COMMUNITIES,
REPORT NO. 6, 2007**

COMMENTS FROM THE DEPARTMENT OF INDIGENOUS AFFAIRS (DIA)

The following points are submitted to the Education and Health Standing Committee of the Legislative Assembly in response to the above draft Discussion paper.

In general, the Discussion Paper provides a very detailed and useful account of the history of Indigenous communities in Western Australia and of the changing policy and program environment that is impacting on current and future service delivery arrangements.

It should be noted that since the release of the Discussion Paper in April 2007, there has continued to be much debate and change in Indigenous affairs, particularly impacting on remote communities. These will need to be reflected in the final paper.

Specific comments are:

- Development Requirements on Aboriginal Lands Trust (ALT) Land (page 25, Section 1.1)

The legislative and regulatory impediments to improving environmental health on Aboriginal Lands Trust Land as reiterated in the Discussion Paper are significant. DIA, through the Environmental Health Needs Coordinating Committee has led a number of initiatives to circumvent these issues pending the required legislative change. There are three important documents that should be referred to regarding development on Aboriginal Lands Trust (ALT) land:

- a) *Land Use and Development Policy*, Aboriginal Lands Trust, 2006 (DIA web site at:
<http://www.dia.wa.gov.au/Land/ALT/files/LandUseandDevelopmentPolicy2006.pdf>)
- b) *Planning for Aboriginal Communities*, Statement of Planning Policy 3.2, Western Australian Planning Commission, 2000
- c) *Code of Practice for Housing and Infrastructure Development in Western Australian Indigenous Communities*, Indigenous Environmental Health Coordinating Committee, 2006 (revised)

Note that a new Public Health Act, as well as a Building Act, are in development in Western Australia. The intent of these proposed legislative changes is to bind the Crown.

- Chapter 2, Page 32 – The reference to “normalise” in the second paragraph is perhaps more appropriately referred to as an “upgrade”.

- Page 36 – the point made in relation to the purpose of Commonwealth funding in the first paragraph is an important one. Rather than supplementing mainstream services, Commonwealth and other Indigenous specific funding has instead substituted for services usually provided by mainstream agencies. Thus creating an environment where basic essential services are provided on a “funds permitting” basis rather than as the normal business of mainstream service agencies.
- Page 38 – third paragraph. The “Agreement” for the State Government to assume limited responsibility for services to 48 communities relates to a series of Cabinet decisions that were made in the mid 1980s. The State’s agreement was conditional upon the infrastructure in these communities being at an acceptable standard, that the Commonwealth would continue to provide capital funding and that outstations were excluded from State responsibility.
- Page 40 – In the discussion of the Aboriginal and Torres Strait Islander Commission (ATSIC) policy for homelands and outstations, it would be beneficial to make mention of the State Government’s outstation policy, which was endorsed in 1997, in response to the ATSIC Discussion Paper. This is appended as an attachment.
- Page 44 – the Discussion of the Commonwealth’s “New ways of Working” needs to be updated following the announcements in relation to the Northern Territory intervention and the subsequent abolition of the Community Development Employment Program (CDEP) in Northern Territory communities. Additional useful references include the work being done by the Centre for Aboriginal Economic Policy Research (CAEPR) and Reconciliation Australia under the Indigenous Community Governance Project. The project has been funded jointly by the Western Australian, Northern Territory and Commonwealth Governments.
- Chapter 3

Discussions of Indigenous communities and population sizes are fraught with difficulties both in terms of the mobility of many remote populations and the logistical difficulties in gaining reliable survey information. It should be noted that the Community Housing and Infrastructure Needs Survey (CHINS) 2006 was released in April 2007 by the Australian Bureau of Statistics (ABS). The raw data however is not yet available for analysis.

The ABS 2006 Census was released in June 2007, but the count is incomplete for small communities and is based on residents being present on the date of the survey. Note that the Environmental Health Needs Survey (EHNS) 2004 survey and CHINS 2006 are based on a ‘usual population’ definition, which involves Indigenous people being resident in the community for at least 9 months of the year.

The table below is provided as an update to that provided to the Department of Water for the report quoted on page 57 of the Discussion Paper. It provides the

most up to date information using the various sources outlined above (predominantly the 2004 EHNS) and subsequent verification through field visits. There will be consequential amendments to the text if this table is used.

Table 1 (suggested revision)

Discrete Indigenous Communities in Western Australia

Community population size	Communities		Usual population	
	n	%	n	%
Less than 50 persons	184	64.1	3,127	18.1
50 - 199 persons	85	29.6	7,242	41.9
200 or more persons	18	6.3	6,922	40.0
All communities	287	100.0	17,291	100.0

- Page 58 – The discussion in the second paragraph should make reference to the specific exclusion of outstations from State responsibility. This has been confirmed in successive bilateral agreements. However, as pointed out in the Paper, the “Agreement for the Provision of Housing, Infrastructure and Essential Services for Indigenous People in Western Australia (2005 –2008),” recognises the need for the parties to jointly develop a strategy for the servicing of these communities. This is being progressed as part of the negotiations occurring through the implementation of the Bilateral Agreement on Indigenous Affairs (July 2006).
- Page 59 – The first paragraph should note that the State contribution for the Remote Area Essential Services Program (RAESP) has increased in the 2007/08 financial year to \$9.7 million per annum.
- Page 60 – In the third paragraph, the reference to \$2.5 million should read “\$2.8 million.” The State Government has announced an additional \$35 million over four years for Aboriginal town based communities as part of the 2007/08 budget.
- Tables 2, 3 and 4: Outcomes for Indigenous People (pg. 62-65, Section 3.3)

These tables have been presented as a proportion of communities (n) vs. the total number of communities (N), to show a percentage of communities per issue, based on EHNS 2004 data. As noted on page 71, 82 % of the inhabitants of discrete Indigenous communities reside in the larger communities (i.e. in communities of > 50 population). By using tables that report the ‘number of communities’ instead of ‘usual population’, it appears as if the issue that is being reported affects the majority of the population. However, the total population of these communities is often small.

An example is the reporting of “no disinfection of drinking water” whereby the number of communities is relatively large (58%). However, these are generally the smallest communities not serviced by the Remote Area Essential Services

Program (RAESP). The actual population affected is some 17% of the Indigenous population in remote communities.

- **Section 3.3 – Outcomes for Indigenous People**

This section focuses on environmental health indicators and key health concerns reported by Indigenous communities. The section would benefit from a discussion of the Overcoming Indigenous Disadvantage (OID) Framework and the associated interrelationship between the various strategic areas for action.

The Council of Australian Governments, has endorsed the OID as a means of addressing the root causes of Indigenous disadvantage and measuring the impact of Governments' services and programs on outcomes over time. 'Effective environmental health systems' is one of seven strategic areas for action identified as a determinant of Indigenous disadvantage. The OID indicator framework describes the major determinants of Indigenous disadvantage and also provides an ongoing *evidence base* of the extent to which Governments are achieving progress against key indicators.

Western Australia has produced its own report, *Overcoming Indigenous Disadvantage in Western Australia Report: Key Indicators – 2005* (Dept. of Indigenous Affairs, 2005), which disaggregates national statistical information to a regional level, making the information of more relevance to WA-based agencies and Indigenous organizations.

- **Findings and Recommendations**

DIA supports the draft findings and recommendations of the Discussion Paper. These issues are key matters to be resolved in negotiations with the Commonwealth Government on future responsibility for services to remote Indigenous communities. These negotiations are currently progressing under the auspices of the Bilateral Agreement on Indigenous Affairs (July 2006).

STATE GOVERNMENT POLICY ON OUTSTATION DEVELOPMENT
(February (1997))

1. The funding of infrastructure to outstation communities is the responsibility of the Commonwealth Government and of the communities themselves;
2. Funding of outstation communities should not take precedence over the identified needs of larger, permanent communities;
3. Outstations should only be funded if they satisfy the core criteria of:
 - demonstrated support from the associated base community (if any) for the diversion of resources to the proposed outstation;
 - principal residence of the applicants for a significant part of the year;
 - secure land tenure granted by the State in accordance with criteria established by the Minister for Lands (where secure tenure is lacking, funding provided in special circumstances should be conditional upon adherence to all other criteria agreed with the State);
 - minimal environmental health risk to be assessed in consultation with relevant local authorities, including an adequate supply of potable water;
 - provision for planned access by road, air or sea and the preparation of adequate community emergency management plans;
 - completion of a planning and coordination process to the satisfaction of the State. This process must ensure:
 - appropriate consultation with relevant State and local government agencies
 - proper planning for the development and maintenance of the community including its relationship to other associated communities;
 - guaranteed access to funds to maintain essential services at a standard acceptable to State regulatory bodies;
 - strategies to assess and monitor environmental health risk; and
 - adherence to local government building and health regulations.
4. The provision of services to outstation communities by State agencies should be negotiated on a case-by-case basis with the relevant functional agency (eg. Health, Education, Local Governments) prior to the establishment of new communities. These negotiations should include specific agreement for Commonwealth funding and agreement about the level and nature of services to be provided.