

**SERVICES TO INDIGENOUS PEOPLE IN THE  
TOWN OF PORT HEDLAND**

**MAPPING AND GAP ANALYSIS**

**24 December 2003**

**FINAL DRAFT**

**PREPARED BY THE DEPARTMENT OF INDIGENOUS AFFAIRS**

**FOR THE**

**PILBARA KEY MANAGERS INDIGENOUS FORUM**



**Department of Indigenous Affairs**  
Government of Western Australia

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## 1.0 EXECUTIVE SUMMARY

The Town of Port Hedland is a town of many contrasts. High incomes and a strong resource sector on the one hand, abject poverty, disadvantage and social problems on the other. Although Indigenous people have been major contributors to the culture, diversity and development of the region, they have generally failed to share equitably in the rewards of economic prosperity.

The situation faced by Indigenous people in Port Hedland is a direct legacy of a turbulent history of dispossession, displacement and socio-economic disadvantage. Statistical analysis confirms that Indigenous people continue to suffer in comparison to their non-Indigenous counterparts across a wide range of social indicators. For example, Indigenous people:

- suffer from higher rates of mortality and hospitalisation from a variety of often preventable diseases such as circulatory disease, injury and poisoning, respiratory disease and diabetes;
- are more likely to access counselling or assistance for social and health problems due to alcohol abuse, financial matters and domestic and family violence.
- mainly live in larger households with a higher likelihood of renting and inadequate housing conditions;
- are more likely to leave the education system after compulsory schooling; and
- have lower individual and household incomes, a high unemployment rate, a low labour force participation rate, and are not typically employed in the high gross domestic product (GDP) industries of mining and retail.

These underlying social issues mean that too many Indigenous people come from backgrounds that predispose them to social problems and to early and potentially frequent contact with the criminal justice system.

Importantly, 37 per cent of the Indigenous population in Port Hedland is aged 14 years or under. Pressure is also being placed on town facilities by people moving or visiting from outlying communities in search of services and amenities that are unavailable to the residents of remote Indigenous communities. Port Hedland and the broader Pilbara region is therefore facing a sizeable emerging problem unless there is urgent and sustained action taken. This action must not only tackle the obvious symptoms of disadvantage, but also act to prevent current and future generations of Indigenous people being exposed to the same environmental and social risk factors.

This service mapping exercise has shown that there is a myriad of government-funded programs and services; both mainstream and Indigenous-specific, available to Indigenous people in Port Hedland. The effectiveness of these resources is, however, blunted by an operational environment that is characterised by confusion regarding roles and responsibilities, misunderstandings and competition. The vast majority of funding is also consumed by the downstream consequences of disadvantage rather than being invested in intervention and prevention activities.

One of the strengths of Port Hedland is the tremendous commitment and goodwill apparent amongst government agencies, community organisations and the private sector. Non-government organisations play a pivotal role in service provision and are an important expression of the social capital available to Port Hedland. They are, however, often caught in the middle of an environment where competition for resources is high, where organisational capacity may be low and where there are unrealistic expectations to deliver outcomes on behalf of government agencies with very limited resources.

The challenge for Port Hedland is to harness this goodwill and commitment; to support it with appropriate technical expertise and resources; and to ensure that all sectors are working collaboratively in order to promote services that are efficient, effective and appropriate to the needs of Indigenous people.

This report has made a number of strategic and operational recommendations that focus upon developing a collaborative and coordinated approach across all functional areas and all tiers of government. A significant effort is needed to shift the delivery of services to Indigenous people away from a discernibly fragmented environment and to move towards the type of coordinated and reciprocal models being promoted as policy by State and Federal Governments.

This strategic and non-partisan approach needs to extend to the relationship between government agencies and non-government organisations and also to relationships within the Indigenous community. "Community politics" is a common and invasive theme within the Port Hedland environment that has been acknowledged by all stakeholders as an impediment to effective working relationships and to efficient service provision.

There are many challenges facing the Port Hedland community and it is encouraging that the Pilbara Key Managers Indigenous Forum has recognised the need to work collaboratively to tackle these issues in a planned and strategic manner. This needs to be done in close partnership with the Indigenous community and to be supported by decision makers in Perth and Canberra.

## 2.0 INTRODUCTION

Port Hedland has been the focus of increasing attention related to issues of community safety and anti-social behaviour. It is recognised that the factors contributing to these issues are complex. It is also recognised that Indigenous people continue to suffer from significant socio-economic disadvantage and that this contributes to the current problems being experienced in Port Hedland.

This report seeks to promote a multilateral and targeted approach by all stakeholders to improve outcomes for Indigenous people in Port Hedland. It provides an overview of existing programs and services available to Indigenous people in the region. It also presents demographic data on the Indigenous population and provides an analysis of key issues and priorities under the key themes of:

- Health and Community Services
- Housing and Infrastructure
- Justice, Safety and Security
- Education and Training
- Income and Employment
- Land, Heritage and Culture.

The report has not attempted to provide detailed analysis of matters that are clearly the specialist responsibility of mainstream agencies. Nor has it attempted to provide a comprehensive review of needs and issues from an Indigenous community perspective. The recommendations focus instead on key themes, impediments and opportunities for improving collaboration and efficiency between government agencies. An attempt has also been made to link local needs and priorities to broader State and national policy directions in Indigenous affairs.

### 3.0 BACKGROUND

On 19 May 2003, the Department of Indigenous Affairs (DIA), the Aboriginal and Torres Strait Islander Commission (ATSIC)<sup>1</sup> and the Town of Port Hedland signed an agreement to work together to improve outcomes for Indigenous people in the Port Hedland area and to address a number of critical social issues impacting on community residents.

The first stage of this process was a review of current services within the Town of Port Hedland municipal boundary. This has been undertaken by DIA with support from regional stakeholders. The project has developed under the auspices of the recently established “Pilbara Key Managers Indigenous Forum” (PKMIF), which sought to:

- establish a clear picture of service provision to Indigenous people in Port Hedland;
- identify potential strengths, shortfalls and inefficiencies;
- promote a multilateral and targeted approach to issues in the Port Hedland area;
- develop an action plan agreed by stakeholders to improve outcomes for Indigenous people; and
- provide information to assist resource allocation and promote local resource needs.

The data contained in the report has been sourced from State, Federal and Local Government agencies based both in the Pilbara and in Perth. Consultations were conducted by DIA staff based in Perth and involved a number of visits to Port Hedland for periods of up to one week. Consultations were also held with non-government organisations and key Indigenous bodies.

Data Analysis Australia was appointed by DIA to provide assistance with the collation and analysis of statistical data relevant to Port Hedland. That report is appended at Attachment 3.

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<sup>1</sup> As explained in section 9 of this report, ATSIC now has been separated into representative and administrative arms, with the latter the responsibility of the newly created ATSIIS. For the sake of convenience, only ATSIC is used throughout this report to denote the entire organisation (except for parts of section 9 explaining the transition).

## 4.0 OVERVIEW OF PORT HEDLAND<sup>2</sup>

The Town of Port Hedland is the smallest of the four Pilbara Local Government areas at 11,844 square kilometres. The two main residential centres are Port Hedland and South Hedland.

As of August 2001, the combined population of Port Hedland and South Hedland was estimated to be just over thirteen thousand with approximately two-thirds of that number residing in South Hedland with the other third in Port Hedland. The remaining proportion of the population is situated on pastoral stations or Indigenous communities located throughout the area.

The main industries are iron ore processing and export, salt production from extensive evaporation ponds for export, shipping of manganese and other minerals and livestock production (mainly cattle). The Port is one of the world's largest in tonnage terms, with over 70 million tonnes of product worth more than \$3 billion shipped each year.

### 4.1 A Brief History of the Pilbara

According to the archaeological record, humans have occupied the Pilbara (called Bilybarra by many Indigenous groups) for over 30,000 years. The original Indigenous inhabitants, who were divided into approximately 30 discrete socio-linguistic groups, lived off and managed the region's natural resources in a system governed by intricate social relationships and a strong spiritual framework. This spiritual framework still exists today with many areas maintaining strong links to pre-settlement culture. It is estimated that about 3,000 people still speak a variety of Indigenous languages.

European occupation of the Pilbara began in earnest in the 1860s. Attracted by reports of abundant grazing lands, settlers with ample land grants began to move into the area to establish the pastoral industry that would, with its reliance on Indigenous labour, dominate the region's economy for the next hundred years. Economic diversity gathered momentum towards the end of the nineteenth century and wool and fishing industries gained a foothold in the area and gold and tin were found near the soon to be created towns of Marble Bar and Nullagine. In the wake of this diversity came more people and the new towns of Port Hedland, Onslow and Roebourne.

This activity, as elsewhere in the State, had a dramatic and largely deleterious effect on the local Indigenous population. Yet despite the deprivations of imported disease, conflict and displacement, the Indigenous people developed alternative means of economic independence through mining and garnered a reputation over the years with

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<sup>2</sup> The authors acknowledge that the information in this section and section 4.1 has been largely derived from the websites of the Town of Port Hedland and the Pilbara Development Commission. Other sources utilised include the Department of Local Government and Regional Development publication, *Indicators of Regional Development in Western Australia*, Peter Biskup's *Not Slaves, Not Citizens*, University of Queensland Press, 1973, Ronald and Catherine Berndt (eds) *Aborigines of the West: Their Past and Present*, University of Western Australia Press, 1979, and various sources from the Wangka Maya Pilbara Aboriginal Language Centre.

their “long tradition of active opposition to the white man’s rule”<sup>3</sup>. This independence of spirit, which according to some experts may have been nurtured by the lack of a meaningful missionary presence in the region<sup>4</sup>, culminated in the 1946 strike of Indigenous stockmen, which “was without doubt the most single important event in the history of Aboriginal affairs in Western Australia to that date”<sup>5</sup>, and would have ongoing repercussions throughout the State for a number of years as Indigenous rights moved to the forefront of the wider political agenda.

In the 1960s, changes to the laws restricting the export of iron ore and ongoing discoveries of other mineral and petroleum resources created a new boom in the Pilbara. New towns were rapidly established and initiated a parallel growth in population, thereby setting the scene for the current period, and for the region to be known as the “engine room of the nation”. The other significant legislative change was the introduction of the pastoral award in 1968. As pastoralists would or could not pay full wages to Indigenous workers, so began the mass migration of the Indigenous population into the coastal towns and the creation of a totally different social dynamic: the legacy of which still looms large over today’s Indigenous and non-Indigenous population.

Today the Pilbara region is home to 40,000 people with Indigenous people making up 16.5 per cent of the total population, almost twice the State’s regional average. The region has the highest gross regional product per capita and also the highest weekly wages. Although Indigenous people are playing a larger role in the mainstream economic and social life of the region, the overall population of the region is in decline and a recent Department of Local Government and Regional Development (DLGRD) report cautioned how:

“...the challenge for this region is to manage the tensions between economic and social development so that undesirable compromises may be avoided but more significantly, positive synergies may be realised. The increased number of ‘fly-in fly-out’ workers, and the decline in the number of families with young children has the potential to have significant impacts in (*sic*) the investment in infrastructure and services in many of the towns in this region.”<sup>6</sup>.

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<sup>3</sup> Biskup.P, *Not Slaves, Not Citizens*, University of Queensland Press, 1973, p 211.

<sup>4</sup> See for example Wilson. J, ‘The Pilbara Aboriginal Social Movement: An Outline of its Background and Significance’ in Ronald and Catherine Berndt (eds) *Aborigines of the West: Their Past and Present*, University of Western Australia Press, 1979.

<sup>5</sup> Biskup.P, *Not Slaves, Not Citizens*, University of Queensland Press, 1973, p 219.

<sup>6</sup> Department of Local Government and Regional Development, *Indicators of Regional Development in Western Australia*, Annex A p xxxii.

## **5.0 CURRENT SERVICES – STRENGTHS, GAPS AND ISSUES**

### **5.1 Overview**

The matrix at Attachment 2 provides a comprehensive overview of key service and program information available to Indigenous people in Port Hedland. It includes both Indigenous-specific services and those available through mainstream programs and accessed by Indigenous people. Every attempt has been made to ensure the accuracy and currency of information. The final product, however, is dependent upon the quality of information received from stakeholders.

There is an extensive and complex array of programs and services available to Indigenous people in the Port Hedland region. With some exceptions, most of the stakeholders consulted in the development of this report did not identify a lack of resources as a major issue. Instead, what was identified was:

- a lack of clarity about key roles and responsibilities;
- complex program and funding arrangements;
- bureaucratic and political impediments; and
- a lack of flexibility to respond to local needs and priorities.

The following section provides a brief overview of the current operational environment within each of the functional areas covered by this report. It then details the respective issues that were raised by the various stakeholders during the consultation process. A number of issues specific to each particular theme were highlighted, but also more generic concerns emerged that, whilst demonstrating that there were areas of mutual anxiety, also offer the potential for collaborative discussion and resolution.

## 5.2 Health and Community Services

As the attached service and program matrix demonstrates, there are manifold services and programs currently being administered in Port Hedland that can be categorised under the theme of health and community services. Despite this, the local consultation process consistently made it clear that Indigenous people were either not using the available resources, or were clearly over represented when they did access them.

There are a number of reports and specific statistical evidence that starkly demonstrate how a broad range of socio-economic factors impact upon the health and well-being of the Indigenous population and the need for these factors to be taken into account when trying to address particular health issues. The fact remains that Indigenous people continue to suffer from a range of preventable illnesses which contribute towards a life expectancy approximately 18 years below that of the non-Indigenous population in the region<sup>7</sup>.

The key health and community services issues that were raised fall into the following general categories:

- primary health care
- alcohol and drugs
- family support.

### 5.2.1 Primary Health Care

The *Pilbara Regional Aboriginal Health Plan* (PRAHP) provides the strategic framework for health services in the region<sup>8</sup> and has been well received by the local stakeholders. During the consultation process for the plan, a number of major themes, similar to those raised in the consultations for this report, were identified as requiring attention in order to achieve the equitable, inclusive and holistic definition of health favoured by Indigenous people.

The major themes of the PRAHP covered a broad socio-economic spectrum that clearly demonstrated the crucial links between health and other areas of service provision to Indigenous people. It is clear that these linkages have yet to be comprehensively made at the local level in either a strategic, formal or operative sense (although efforts are being made to address this at the regional and State level<sup>9</sup>). The avenue to achieving this appears to be hampered by, amongst others things, an unwieldy, tripartite funding system, a tentativeness among the various stakeholders to

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<sup>7</sup> See *Pilbara Regional Aboriginal Health Plan*, p 14-20

<sup>8</sup> It should be noted that there was overwhelming endorsement among a number of key stakeholders of the earlier *Norhealth 2020* report that set out a comprehensive framework for health services in the region. The recommendations of the report did not manage to secure government endorsement or funding.

<sup>9</sup> The Pilbara Aboriginal Health Planning Forum met for the first time on 28 November 2003. The Forum has been organised by the Office of Aboriginal and Torres Strait Islander Health (OATSIH). The membership comprises representatives from ATSIC, State and Federal health agencies, Aboriginal medical services, non-government organisations and other key stakeholders. The first step of the forum will be to undertake a strategic implementation process guided by the Pilbara Aboriginal Health Plan. This will mirror the role of the Perth based Joint Planning Forum at the statewide level.

engage frankly with each other and a lack of understanding between the Government agencies and non-government organisations regarding responsibilities, aims and approaches.

One of the results of this type of issue is that Indigenous service providers do not believe they are given sufficient input into the development of programs and services. For example, there is obvious tension about the recently established dialysis unit that was devolved to a mainstream health agency despite its clientele being almost exclusively Indigenous. There are also concerns that local mainstream health providers do not fully appreciate the role played by Indigenous organisations and their ability to articulate Indigenous health issues. The point of illustrating these cases is not to allocate blame but to illustrate an operational environment where there appears to be some misunderstanding and potential competition between service providers rather than full cooperation.

Importantly, representatives from the various health organisations were among the few service providers who, despite the numerous services and programs they administer, identified a lack of fiscal and human resources as an area of major concern.

The following summarises the other major issues raised by the key stakeholders in relation to primary health care:

- A need for a more holistic approach to tackle preventable diseases like scabies that are invariably the result of a lack of basic services and poor environmental health standards. Too much time and resources are being devoted to dealing with the effects of poor environmental health management.
- The potential for multiple treatment plans where a number of service providers deal with the same client. This problem is acute in relation to drug prescription. In addition, it was claimed that there are multiple providers in discrete communities with the Department of Health (DOH), various Aboriginal medical services and the Royal Flying Doctor Service (RFDS) all working the same area without formal coordination.
- The Outreach programs to remote communities are restricted (generally to monthly visits) by a lack of human and financial resources.
- Although work has been done between local stakeholders to develop strategic planning through a Statement of Intent that is intended to formulate cooperation and resource sharing principles, there is some tension regarding “turf” issues, and the relationship between mainstream and Indigenous-specific service providers.
- The majority of doctors employed in Port Hedland are from overseas. It is difficult to attract Australian workers to the region. There is a lack of a comprehensive induction program for doctors, which can lead to cross-cultural misunderstanding and acute problems of adjustment.
- Attempts at establishing any formal coordination mechanisms with other Indigenous organisations have been hampered by local Indigenous politics. A lack of substantive dialogue has occurred about service overlaps, although the recently formed Federation of Aboriginal Medical Services has the potential to provide a more unified approach.

- A high incidence of Indigenous people not complying with treatment programs. Some viewed this as a problem due to the mainstream providers being too focused upon regulatory matters and believed there was a need for a flexible approach that takes into account cultural obligations.
- There is some confusion regarding the relationship between the Office of Aboriginal Health (OAH) and the regional DOH office. For example, OAH directly funds various project activities in the Pilbara with seemingly little liaison with, or involvement of, the regional office.

## **Recommendations**

That:

1. A formal protocol is negotiated between the local DOH office and the OAH that provides a framework for a greater degree of information sharing in relation to the planning and provision of health related services to Indigenous people in the region.
2. A greater degree of focus is placed upon providing a comprehensive induction and cross-cultural awareness package for new doctors coming into the region. The Wangka Maya Pilbara Aboriginal Language Centre (WMPALC) already runs successful cross-cultural awareness courses and should be approached to implement a package to meet the requirements of the DOH.
3. Priority be given to progressing the proposed Statement of Intent between the mainstream and Indigenous health service providers with focus placed on:
  - improved collaboration;
  - resolving issues such as the potential for multiple treatment plans; and
  - establishing a process that will provide Indigenous stakeholders with an opportunity for input to the way current mainstream health services are administered to Indigenous people

### **5.2.2 Alcohol and Drugs**

Despite the focus given to the issue of alcohol and drug abuse through various reports, the fact remains that “alcohol consumption in...Port Hedland...is rising, and is more than twice the national per capita level of consumption”<sup>10</sup>. Some of the factors behind this grim statistic include unemployment, a lack of meaningful activities and the pressure from family and peers where drinking and drug taking within the home environment was accepted as the norm<sup>11</sup>. Although the problems associated with this issue are by no means exclusively confined to the Indigenous community, in fact more Indigenous people abstain from drinking than non-Indigenous people, they “are more likely to be drinking at harmful levels”<sup>12</sup> and more likely to be drinking in public places.

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<sup>10</sup>National Drug Research Institute, *Port Hedland and Roebourne Substance Misuse Services Review*, Curtin University Press, p 74.

<sup>11</sup> Ibid, p 24.

<sup>12</sup> Ibid, p 9.

At present, the specialised services outside of the mainstream health service that have a mandate to deal with this problem include the Community Drug Service Team (CDST), the Port Hedland Sobering Up Centre (PHSUC) and the associated Port Hedland Community Patrol, and the Local Drug Action Group (LDAG). A significant absentee is Wirraka Maya Aboriginal Medical Service (WMAMS), which is not funded for alcohol and drug misuse. In addition, there is the Project 0.05 program to address drink related road accidents and the well established Liquor Accord in operation.

The Accord evolved from a partnership of the local liquor industry, the Town of Port Hedland, DOH and the West Australian Police Service (WAPS), and is based around the principles of harm minimisation and responsible service. The Accord seeks to adopt a number of best practices that the stakeholders have agreed to, including: the elimination of under-age drinking; the discouraging of rapid drinking; the prevention of known criminals entering licensed premises; and equity of access irrespective of race, religion or gender.

Among its tangible achievements have been:

- a ban on the sale of four-litre cask wine and casks of port and fortified wine;
- a change in hotel opening hours from 10.00am to 11.00am;
- restrictions on the sale of “shooters”; and
- removing the practice of serving double nips of spirits unless specifically requested by the patron.

Although these achievements and the overall aims of the Accord have been widely recognised and supported, a number of the stakeholders also acknowledged that the Accord continued to face difficulties in terms of ongoing participation from licensees, evaluation and enforcement. WAPS pointed to the difficulties from a resource perspective of monitoring all premises to ensure that the basic principles of the Accord were being adhered to.

It should be noted that more formal restrictions on the sale and promotion of alcohol come into force on 1 January 2004. This is part of a 12-month trial of restrictions imposed by the Director of Liquor Licensing in August 2002 in response to significant evidence of alcohol related harm experienced in Port Hedland. A comprehensive evaluation of harm data and community attitudes will be conducted as part of the trial.<sup>13</sup>

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<sup>13</sup> On 15 August 2002, the Director of Liquor Licensing determined that there would be a trial of liquor restrictions, commencing on 1 October 2002 and for 12 months duration (Decision A84477). These restrictions applied to the sale of packaged liquor, sale of large volume containers and the promotion of alcohol. Twelve licensees were affected. On 12 September 2002, three of the twelve licensees applied for a review of the decision made by the Director of Liquor Licensing. The restrictions were upheld in the Liquor Licensing Court and the proposed trial of restrictions was set to commence in June 2003. A further appeal by one licensee to the Supreme Court further delayed the implementation of the full restrictions. As part of the local alcohol Accord, many of the licensees have voluntarily taken on board some, but not all of the proposed restrictions.

The appeal is no longer proceeding and the restrictions are scheduled to start on 1 January 2004 and cease 31 December 2004. The Drug and Alcohol Office supplied the information in this footnote.

The extent to which available services are effective in dealing with long-term alcohol and substance abuse issues is questionable with a number of stakeholders expressing concern about the approach taken by service providers and/or the lack of facilities and resources to deal with the problem in a sustainable manner. There was some difference in opinion regarding the issue of coordination with some believing that the levels of coordination were satisfactory and others saying that a lack of coordination was undermining the commitment and work of those working in the area.<sup>14</sup>

Indeed, the consequences to the Indigenous and non-Indigenous community of the abuse of alcohol and other illicit drugs was a constant theme throughout the consultations and many of the services being provided are an attempt to either deal directly with the problem or its manifold repercussions such as family violence, sexual assault and general anti-social behaviour. The problem is accentuated by the fact that the effects are often highly visible in relation to Indigenous people and this makes a substantial contribution towards perpetuating negative stereotypes.

Despite the evidence on the harmful levels of alcohol and drug misuse in the Pilbara region, there is still no local detoxification or rehabilitation facility. Among the consequences of this are that alcohol and drug abuse is only being managed and not treated, and that patients have to travel to either Broome or Perth with all of the associated inconvenience and cost. One of the recommendations of the *Port Hedland and Roebourne Substance Misuse Services Review* undertaken in 2000-2001 by the National Drug Research Institute was that an:

“appropriate detoxification and rehabilitation treatment centre should be provided in the Pilbara. For Aboriginal people this means a residential detoxification and rehabilitation treatment centre managed by an Aboriginal controlled committee including representatives from Aboriginal health services and sobering up shelters in Port Hedland and Roebourne. It should comprise a significant cultural component in both staff and programs, and include visits to and activities in traditional country. Once established the service should be evaluated regularly”<sup>15</sup>

As a consequence of this recommendation a Project Management Group was established and feasibility study commissioned to investigate the establishment of such a service in the Pilbara. The subsequent report by Relsprey Pty Ltd has produced a preferred model that is estimated to cost just under \$8 million over a number of years with a recurrent cost of about \$1.6 million per annum. The response to the report among the local stakeholders has been mixed. The concept of a detoxification and rehabilitation service is strongly supported but not necessarily in the format outlined in the report. The main issues raised by the stakeholders were:

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<sup>14</sup> Cognisance of the lack of coordination between key agencies has resulted in Drug and Alcohol Office (DAO) in Perth establishing an informal forum that meets roughly every six weeks with OAH and the OATSIH. DAO also has a discrete Aboriginal unit led by Wendy Casey. This unit plays a key role in bringing people from the regions to Perth for training in specific Indigenous issues and intervention techniques.

<sup>15</sup> National Drug Research Institute, *Port Hedland and Roebourne Substance Misuse Services Review*, Curtin University Press, p 81.

- any form of service that could be rapidly operational was supported;
- some alleged that the rehabilitation facility being proposed is driven by a pre-determined agenda around Indigenous politics;
- some proposed a dry clinic with a family focus that could be situated at WMAMS;
- concern was expressed at the type and cost of the preferred model with some suggesting that the level of funding proposed could be used in a more strategic manner across the entire Pilbara;
- concern was expressed about the emphasis on a large-scale residential facility, with the preferred option being a smaller facility with a capacity for an effective outreach service.

Discussions with the OATSIH and Bloodwood Tree Inc have revealed that the Relspre report has been completed and is now under the auspices of the recently formed forum comprising the Aboriginal medical services in the Pilbara region. Part of the initial funding package allowed for the employment of a Project Officer to be attached to the forum with the role of following up on the recommendations from the report. At this stage, the status of this position is unclear.

The following summarises the other major issues raised by the key stakeholders in relation to alcohol and drugs:

- Alcohol is unquestionably the major problem of the town. There are too many liquor outlets (three) within the confined space of South Hedland with long opening hours. A large part of the social fabric of the town appears to be reliant on the provision of alcohol and too many special licences are issued that encourage drinking.
- Consistent use of illicit drugs is also a major issue, although it is alleged that harder drugs are the province of the mainstream community, and the recent emergence of petrol sniffing is causing concern in some of the outlying communities.
- The only formalised coordination mechanism is the LDAG and this does not have any input from the WMAMS.
- The existing patrol run by the PHSUC lacks adequate funding and support. PHSUC complains that the funds from DIA are invariably late, and there is little or no support to help access other funds. Increased support and resources are needed to provide training, a patrol coordinator and to raise the patrol's profile in the community.
- It was alleged that there was a lack of a prompt and consistent response, or support, from WAPS for the patrol.
- Doctors need to be better trained to administer programs such as the Methadone program and improve their overall drug awareness. Otherwise, medical treatment is seen as adequate, but needing the support of a detoxification and rehabilitation facility.
- The current resources of the CDST are inadequate to meet the requirements of the entire Pilbara region. Despite the statistical evidence demonstrating the prevalence of alcohol and drug misuse in the region, there are only five counsellors, a coordinator, an Indigenous trainee and a data input position to cover the entire Pilbara Health Region.

## **Recommendations**

That:

1. Appropriate steps are taken by DOH to ensure that doctors receive adequate and appropriate training in relation to treatment programs and overall drug awareness.
2. The DIA Regional Office provides increased levels of support to the local patrol to help access other funds, provide staff training, and improve awareness of the function and potential of the patrol. This should also include liaison with WAPS to ensure that protocols are adopted to ensure that there are clear procedures in regard to supporting requests for assistance from the patrol.
3. The PKMIF support the need for an increase in access to detoxification and rehabilitation services in the Pilbara region as a matter of priority.
4. WAPS, DAO, the Town of Port Hedland and other relevant stakeholders undertake to review the Liquor Accord in light of proposed restrictions that will come into force on 1 January 2004 and to ensure a suitable monitoring and evaluation mechanism is in place.
5. In order to combat the “culture of drinking” associated in Port Hedland, more efforts should be directed towards trying to initiate “dry” community events, with an emphasis on drawing Indigenous and non-Indigenous people together. *The Long Grassers* report<sup>16</sup> contains a number of recommendations within its alcohol strategy that could be profitably investigated and adopted with modifications by the relevant agencies. For example:
  - the development of acceptable drinking venues;
  - the education of itinerant people regarding the expected types of behaviour within the environs of Port Hedland;
  - targeted case management;
  - an alcohol-free day; and
  - the creation of diversionary activities.

### **5.2.3 Family Support**

The category of family support embraces a broad range of issues ranging from domestic violence and sexual abuse to child and aged care, young people being truant and demonstrating anti-social behaviours, support for separated families (Stolen Generation) and general family dysfunction. Most of the stakeholders interviewed indicated that resources in these areas were adequate, but also complained that the lack of coordination amongst the various providers and programs were diluting their effectiveness. One exception appears to be the local Domestic Violence Action

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<sup>16</sup> Memmott, P & Fantin, S, *The Long Grassers: A Strategic Report on Indigenous ‘Itinerants’ in the Darwin and Palmerston Area*, University of Queensland, 2001, p 9-10. Some of the recommendations used have been slightly modified from those in the report.

Group (DVAG), which has made a concerted effort to clarify roles and responsibilities among its members and produced a useful ready reckoner.

One of the results of the overall lack of coordination is that, as the service matrix suggests, a number of programs appear in part to overlap or duplicate aims. For example, the Youth Involvement Council (YIC) receives funding from the Federal Department of Family and Community Services (FACS) for a program that includes in its targets “Indigenous youth...who have complex...personal/family issues”, and also receive money from the Department for Community Development (DCD) for a program that targets young people “with complex needs and challenging behaviours”. There is no question that the funding from both of these programs is crucial for the ongoing viability of YIC, but it means the organisation has the onerous task of complying with two sets of administration when there might be potential for program integration.

In the sensitive areas of domestic violence and child abuse, it was honestly acknowledged that the legacy of complex historical factors was precluding a forthright and appropriate response to a variety of issues. Government agencies with responsibilities in these areas admitted that this legacy had made it difficult to build relationships with the Indigenous community. In particular, the DCD representatives acknowledged that there were examples where the agency had sometimes been too lenient about drink related problems such as the lack of parental supervision. This tentativeness was seen as being a direct result of the Department’s role in the past removal of Indigenous children from their parents. The agency was attempting to counter this problem with innovative approaches to the employment of more Indigenous members of staff and a more collaborative case management model involving other agencies.

Another identified area of difficulty was in relation to the pressure placed on non-government organisations to deliver complex programs that required a high level of expertise. Insufficient levels of government support from the outset of a number of programs had left many organisations struggling to cope with the various demands placed on them. Instead of approaching government agencies for assistance, many organisations had tended to conceal their problems to avoid the possibility of losing their funding. To some, this highlighted the lack of a rigorous methodology for assessing funding applications and deficiencies in the evaluation process for existing programs, outside of ensuring accurate financial acquittals (see section 8 for a more detailed analysis of this topic).

Finally, the implementation of the HYPE Project in South Hedland was seen to be a very positive initiative. HYPE appears to be one of the few programs actively engaging with the target population (Indigenous youth). Concern was expressed, however, that the project is not a panacea, and it is important that the stakeholders involved recognise that the project is about the identification of issues and merely a starting point from which to develop appropriate and collaborative strategies based around the identified needs and issues of young people.

The following summarises the other major issues raised by the key stakeholders in relation to Family Support:

- Lack of sufficient focus from government agencies in relation to community development and the support of Indigenous organisations.
- A general concern that government has neglected its responsibilities to Indigenous people in the region. The most consistent reasons cited for this was the high regional staff turnover and the appearance this gives of a lack of long-term commitment.
- There is often a lack of alignment and coordination among government services. What government agencies do is not transparent or obvious.
- There is a confusing array of Indigenous organisations that do not do enough to promote their activities to the wider community.
- The YIC is not fulfilling its full potential due to the inflexibility of Government funding criteria, which is mainly for salaries and therefore limits the amount of money available for programs.
- The Youth Centre enables Indigenous children to be occupied until 9.00pm, but then has no bus to take the children home, thereby exposing them to potential risk and also allowing them to possibly cause trouble on their way home.
- There is a lack of programs for the 17-25 year old age group who are too old for, or disinterested in the type of activities promoted at the Youth Centre.
- The Youth Centre is aware of its limited catchment of specific Indigenous children and has only a limited engagement with Indigenous children from remote communities, or other areas of Port Hedland. This has resulted in the wider community not using the facility.
- All areas of social policy need to focus on family based and holistic approaches. In respect of domestic violence, agencies need to work with the family not just the perpetrator, as men are sometimes also victims of circumstance. Also, women have sometimes used the refuge as a "time out" and have allegedly fabricated allegations.
- A view was expressed about keeping domestic violence and child sexual abuse separate, as they were very different issues for the Indigenous community. There was still a great deal of reluctance within the Indigenous community to discuss child sexual abuse.
- A number of the Indigenous Elders are not happy with the practice of incarcerating perpetrators of domestic violence, as it only exacerbates the problem by not giving the family an opportunity to resolve their issues. While the men are in prison, their women sometimes take up with other men and this can result in violent paybacks.
- The Bunara Maya hostel run by Bloodwood Tree is not utilized enough by the local Indigenous people who view it as a place for "whitefellas" and Indigenous people from outside the local area.

## **Recommendations**

That:

1. The relevant government agencies work in conjunction with all youth focused community organisations and young people to develop a range of programs and activities to engage the 17-25 year old age group.
2. The “ready reckoner”/posters produced by the Pilbara Regional Domestic Violence Council and the DVAG be used as a model for other areas such as crisis accommodation and alcohol and drug misuse.
3. The relevant organisations collaborate in developing strategies to market the Bunara Maya hostel to local Indigenous people and to develop suitable alternate accommodation strategies (see also section 5.3.2).
4. DCD and other relevant agencies investigate options to assist the YIC in taking young people home from the youth centre when it closes.

### **5.3 Housing and Infrastructure**

The provision of adequate and appropriate housing and support infrastructure for Indigenous people was a consistent priority identified through regional consultations. This issue was seen as fundamental to providing good health and educational outcomes as well as addressing problems associated with anti-social behaviour and itinerant populations.

The key housing and infrastructure issues that arose fall into the following categories:

- housing and tenancy support
- crisis accommodation and itinerant population issues
- outlying communities
- transport.

#### **5.3.1 Housing and Tenancy Support**

The housing situation for Indigenous people in Port Hedland is characterised by:

- increased likelihood to be in rented accommodation than non-Indigenous people;
- more likely to be Homeswest clients;
- less likely to own or to be purchasing their own home;
- three times as likely to be in households of six or more people; and
- less likely to be in houses with three or more bedrooms.

There are 776 Homeswest accommodation units in Port Hedland of which 134 are designated for Indigenous clients. The Department of Housing and Works (DHW) waiting list is approximately 6 months (approximately 200 applicants) and remained relatively constant for the 11 months prior to April 2003.

There are a number of sources of rental accommodation in Port Hedland that provide for the long-term needs of Indigenous people. These include:

- mainstream DHW rental housing, managed by DHW Port Hedland (including Indigenous-specific or “Fund 6” housing);
- ATSSIC funded housing managed by Pilbara Meta Maya (PMM) or the Port Hedland Regional Aboriginal Corporation (PHRAC);
- DHW funded housing managed by the Aboriginal Housing and Infrastructure Unit (AHIU) in Perth.

A major issue for service providers is anti-social behaviour and associated drinking, noise, litter, overcrowding and property maintenance issues. Key support programs provided for DHW properties include the Aboriginal Tenants’ Support Service (ATSS) and the Supported Housing Assistance Scheme (SHAP) that are funded by DHW and delivered through the PHRAC. The ATSS is currently under review.

In addition, PMM are funded by ATSIC to provide tenancy management and routine repairs and maintenance for housing in outlying communities and some town properties.

The need for homemaker skills was highlighted, particularly for those making the transition from remote areas or an itinerant lifestyle. DCD funds a resource worker to work with DHW, PHRAC and PHSUC to provide assistance with retention of tenancies. SHAP also assists in this area. However, the need for a concerted and coordinated effort by all parties was emphasised. Significantly, the Gordon Inquiry highlighted this urgent need across the State. Both DCD and DHW have developed versions of a “Practical In Home Support (Homemaker) Service.” However, there seems to be little coordination between the two programs, which are being separately piloted in regional locations.

The following summarises the other major housing issues raised:

- A heavy reliance by DHW on Indigenous organisations such as PHRAC to respond to and manage problem tenancies.
- Pressure placed on town services due to people moving from outlying communities.
- Lack of Indigenous input to DHW policy, housing and service design.
- High reliance on rental accommodation, inadequate public housing and often inappropriate designs for Indigenous people which fail to cater for extended and multiple families.
- Difficult for local Indigenous people to work for DHW as they are often faced with having to deal with family issues and conflicts.
- The lack of an effective working relationship between AHU and mainstream DHW.
- Anti-social behaviour is exacerbated by planning and design issues associated with unit complexes, clusters of Indigenous housing and urban design with many thoroughfares and walkways<sup>17</sup>.
- Lack of capacity of individuals and families to make the transition from remote and transient living to town housing and to successfully manage tenancies.
- The DHW waiting list may not be a true reflection of housing need as some Indigenous people do not register and therefore remain outside the public housing system.
- There is a need for improved coordination between crisis accommodation providers, mainstream housing and other service providers to cater for highly mobile and disadvantaged clientele.

## **Recommendations**

That:

1. A holistic approach is adopted to meet the housing and accommodation needs of Indigenous people in Port Hedland. This should consider remote, town reserve, itinerant and town based needs, and the relationship between each.

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<sup>17</sup> WA Police Service referred to a “Walkways” program which involves public and private sector interests in a coordinated strategy to close unnecessary paths and access for criminal activities.

The first stage of this process should be a detailed study of population trends and shifts, motivations and subsequent short, medium and long-term accommodation requirements.

2. A formal protocol is negotiated between the DHW regional office and the AHJU that promotes a joint approach to the planning and provision of housing and related services to Indigenous people in the region.
3. DHW establish a clear process (possibly utilising the ATSI Regional Council sub-committee structure) to provide direct and local input to housing services, design and evaluation.
4. The application of appropriate housing design guidelines suitable for extended Indigenous families and cultural needs be applied to all future and existing rental housing stock catering for Indigenous people.
5. Increased emphasis is placed on providing home support to tenants of DHW and other housing providers in order to facilitate the transition to mainstream housing and to develop life skills. DHW and DCD should fully implement existing protocols to supplement existing resources and to prioritise Port Hedland for the roll out of the pilot programs.

### **5.3.2 Crisis Accommodation and Indigenous Itinerants**

A major accommodation issue in Port Hedland is the number of itinerant people who are either chronically homeless or are visiting for short periods of time and place pressure on existing facilities and services. It is reported that these people are responsible for a significant proportion of the anti-social problems affecting Port Hedland. They are also a very visible problem and tend to impact negatively on broader community perceptions of Indigenous people.

Many of these itinerants are visiting from outlying communities such as Mugarinya, Warralong, Strelley, the Western Desert, and also as far afield as the Kimberley and south west. It is outside the scope of this project to provide a detailed analysis of the reasons for their presence in Port Hedland. Recent studies in Darwin<sup>18</sup> however, categorise itinerants into the following groupings:

1. Those who only wanted to stay on a short time basis but may need special assistance in getting home, due to their lifestyle circumstances.
2. Those who only wanted to stay for a short term and needed appropriate accommodation.
3. Those who had no intention of returning to their community of origin and who required long-term accommodation, but due to their chronic itinerant lifestyle would also require special support to maintain such accommodation.

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<sup>18</sup> Memmot. P & Fantin.S, *The Long Grassers – A Strategic Report on Indigenous Itinerants in the Darwin and Palmerston Area*”, University of Queensland, 2001.

4. Permanent town residents and their visitors who go into parks and public places to drink either for comradeship or because such behaviour is unacceptable in their homes.

Consultations with service providers in Port Hedland would appear to support these general categories.

There are a number of crisis accommodation options available to Indigenous people in Port Hedland. These include:

- DHW has constructed the 24 bed Bunara Maya Hostel in South Hedland for transient people. This receives operational funding from Aboriginal Hostels Limited. The management of the facility has been contracted to Bloodwood Tree Inc.
- DCD provides a support service for homeless and transient people that is contracted through the PHSUC.
- The Youth Crisis Accommodation Centre provides accommodation for 15–20 year olds funded by DCD and contracted to the YIC.
- The PHSUC provides overnight accommodation for people affected by alcohol.
- The Women’s Refuge provides a safe haven for women and young children at risk.

It is understood that these facilities are rarely filled to capacity. Yet despite their availability, homelessness remains a problem in Port Hedland. The reasons for this are complex and multifaceted but include:

- Reluctance to pay for accommodation at the hostel.
- Lack of awareness of services available.
- “Shame” associated with use of refuges and hostels.
- Desire to drink and socialise in town.
- Preference for informal or camping-type arrangements.
- Preference to stay near family.
- Chronic homelessness that has led to an acceptance of this condition as the norm.
- Distance between facilities in South Hedland and those residing in Port Hedland.
- Lack of after hours services<sup>19</sup>.

The recent Port Hedland *Community Safety Plan* (CSP) identifies the need for “a managed camping area” with basic facilities to cater for itinerant visitors. Although there is support for this proposal, concerns were expressed about the potential problems such a facility may create, including the potential to attract increased numbers of remote Indigenous people to town, and possible increased levels of alcohol abuse.

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<sup>19</sup> DHW, DCD and the Salvation Army established a Homeless Helpline in 2001.

Such a proposal needs to be part of a comprehensive and long-term accommodation strategy that takes into account the individual needs and motivations of itinerants. In isolation, it could be seen to be simply “shifting the problem out of sight”. It was also pointed out that if the camp were to be a dry camp then the problem of public drinking would remain. Notably, the Pilbara Commission of Elders did not support the proposal for fear of creating “another Parnpajinya”.

The key to the success of such a facility is the ongoing management and recurrent funding commitment. It is noted that responsibility for these issues has yet to be resolved. It should be noted that the current camp at Two Mile has recently had its water cut off due to unpaid water accounts. It is suggested that local government is the key to effective management of such a facility and that any future management strategy should closely involve the Town of Port Hedland. Adequate support from police, health and welfare agencies would also be vital.

It should be noted that the Northern Territory Government has recently initiated a Territory-wide “Itinerants Strategy” and provided a budget of \$5.2 million for implementation.

### **Recommendations**

That:

1. A comprehensive strategy is developed to meet the immediate, medium and long-term needs of all four categories of itinerants identified above. This strategy should build on the proposals contained in the CSP and the work that has been done in the Northern Territory.
2. The commonality between itinerant issues in Port Hedland and other areas of the State be acknowledged and that the State Government through the Aboriginal Housing and Infrastructure Council (AHIC) consider the development and resourcing of a state-wide (or across jurisdiction) strategy for itinerants comparable and/or complementary to that being developed in the Northern Territory.
3. The Town of Port Hedland take an active role in managing any proposed town camping area and that no facilities be provided until ongoing management and funding issues have been resolved.
4. A protocol is developed between those agencies providing crisis accommodation in Port Hedland, which details the roles and responsibilities of each stakeholder, eligibility requirements and referral procedures.

### **5.3.3 Outlying Communities**

The discrete communities of Tjalka Wara, Tjalka Boorda, Strelley, Jinparinya, Marta Marta, Punju Ngarugudi Nyamal and Pipingarra lie within the Town of Port Hedland municipal boundary. In addition, communities such as Warralong and Yandeyarra are in close proximity. No attempt has been made to visit these communities or to consult with community members.

The services and facilities available to these communities and their relationship to those in “mainstream” Port Hedland have a significant impact on current issues and trends. However, the planning and funding mechanisms for discrete and mainstream services are disparate. The provision of adequate facilities, activities and opportunities in remote communities is an important counterbalance to population drift to regional centres and the potential problems associated with the formation of transient camps in town. The need for a closer working relationship between the AHU and the regional office of DHW has been mentioned above.

The communities of Warralong, Strelley and Woodstock (the Nomad communities) have long suffered from poor environmental health conditions and consequent poor health and well being of residents. The 1997 Environmental Health Needs Survey of 257 discrete communities in Western Australia identified these communities as having the highest priority needs in the State. Since this time the Town of Port Hedland and the Shire of East Pilbara have expressed concern at the ongoing risk to community residents. Despite this, very little improvement has occurred in these communities. It is suggested that this has had a major impact on Port Hedland with the movement of people from these communities in search of adequate services and facilities.

Since the resolution of land tenure issues, the Warralong community has attracted significant capital funds from DHW and ATSIC for improved housing and facilities. Many people hope that this will alleviate problems in Port Hedland. However, concern was also expressed that the movement of people back to Warralong and the current limited management capacity of community members will place significant pressure on new infrastructure.

Despite progress at Warralong, the Strelley and Woodstock communities continue to suffer a lack of access to basic services and appear to rely on support from the Independent School system for their existence. WMAMS commented on the high rate of preventable diseases present in these communities. It is anticipated that the 2003 Environmental Health Needs Survey will again highlight their urgent environmental health needs.

It is understood that the current situation relates to a long-standing and ongoing dispute between the Strelley Nomad organisation and ATSIC. A concerted effort is required by all parties to resolve this situation.

A number of those consulted commented on the recent decline of the Tjalka Wara community and the consequent impact on Port Hedland. Issues raised include:

- a lack of management and leadership within the community;
- inadequate housing management and rent collection practices (despite the recent implementation of the Management Support Program);
- high number of aged pensioners who are remote from town services;
- problems with the power card system and bypassing of meters; and
- high water bills due to leakages and inappropriate location of water meter.

## **Recommendations**

That:

1. The current capital investment in improving housing at Warralong is supported by adequate housing management support programs and community development initiatives.
2. A taskforce be established to review current needs and approaches to the Nomad communities and to seek to resolve the current impasse preventing the resolution of the service needs of Strelley and Woodstock. This review should be undertaken by an independent person and involve ATSIC, DHW, DOH, DIA, the Strelley Nomad organisation, the Association of Independent Schools, the Office of Non-Government and International Education and the Department of Education, Science and Training.
3. DHW should seek to fully regularise essential services to the Tjalka Wara community and consider mainstream options for housing management. In the interim, immediate action should be taken to ensure the correct positioning of the water meter and to ensure the safe and equitable running of the pre-payment power system.<sup>20</sup>

### **5.3.4 Transport**

The lack of adequate public transport infrastructure within the Town of Port Hedland was a consistent matter raised by regional stakeholders, particularly the difficulties for those wishing to travel between Port Hedland and South Hedland.

The Town of Port Hedland has recently undertaken a Public Transport Study<sup>21</sup> funded by the Federal Department of Transport and Regional Services. This study provides a comprehensive review of current services and needs. The study notes how the public transport system is used predominantly by the most disadvantaged groups in the community and that Indigenous people are the most disadvantaged. The current service is seen to be inadequate which compounds the difficulties faced by Indigenous people in achieving a quality of life.

The study lists the following disadvantages faced by such groups as a consequence of an inadequate town bus service:

1. Inadequate access to essential services such as Centrelink, banks, employment agencies and medical facilities. There is no service on weekends or public holidays, which has a profound impact on Indigenous people, as they are less likely to have alternate means of transport.
2. The unemployed find it difficult to attend job interviews.
3. Low paid workers face difficulties in commuting to work.
4. Persons on low incomes are unable to access lowcost accommodation options.

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<sup>20</sup> This matter has been raised with the AHU at DHW which has initiated action with the Water Corporation.

<sup>21</sup> Wildermuth. H, *Better Public Transport for Port Hedland*, Report 2002.

5. There are limited opportunities to access recreational facilities and pursue leisure activities.
6. The transport needs of people with disabilities have not been addressed.

Importantly, the study notes that the lack of an adequate public transport system has led to increased costs to other service agencies, which have had to make alternate arrangements to meet the transport needs of their clients. This has led to a piece-meal approach to transport and inefficient use of available resources.

The current limited passenger transport service is provided by Hedland Bus Lines under a licence arrangement with the Department of Planning and Infrastructure (DPI). In addition to this service, a number of alternate modes of transport have developed. These include:

- BHP Billiton Employee Bus Service
- TAFE Student Service
- St Cecilia Primary School Service
- Treloar Day Care Service
- Home and Community Care Service
- Wirraka Maya Transport Service
- Town of Port Hedland mini-bus
- Tjalka Wara Bus.

The Transport Study noted that the bus purchased by ATSIC for the Tjalka Wara Community was at the time “not in working condition and that no person in the community had an appropriate, current driver’s licence.”<sup>22</sup> The report notes that such a small community will struggle with the technical skills and management discipline required to run a reliable transport service.

There would seem to be potential for the sharing of resources to maximise the use of existing services and transport infrastructure. As discussed in section 5.2.3, the YIC has identified the need to transport children back home after the youth centre at Lawson closes and is seeking access to a bus for this purpose.

The Transport Study notes the potential for better utilisation of existing services and makes a number of recommendations to enhance the public transport system in Port Hedland. It is understood that the Town of Port Hedland and the DPI are currently considering these proposals.

It is also understood that transport between communities and between regional towns is also problematic. The Department of Justice (DOJ) expressed concern about the difficulties in transporting clients across the region given that it is serviced by two different bus companies with often discordant schedules. The issue is also important in terms of Indigenous people travelling to and from Port Hedland and between communities. The potential inability of individuals to easily return to communities has a significant impact on accommodation and social issues in Port Hedland (see section 5.3.2).

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<sup>22</sup> ATSIC has subsequently advised that the bus is now operational.

## **Taxis**

The inadequacy of current public transport in Port Hedland has led to a heavy reliance by Indigenous people on taxis. A consistent concern raised by regional stakeholders was the impact of this reliance on family income streams. A further significant concern was the reported practice of taxi drivers of holding customer key cards as security to ensure payment of taxi fares. These drivers apparently have access to account details and Personal Identification Numbers and withdraw the amount owed directly from clients' bank accounts.

Not only does this practice have significant potential for abuse, there are reported circumstances of individuals getting into significant debt resulting in no access to Centrelink payments for a number of weeks while the debt is repaid. This has obvious consequences for the health and well-being of family members reliant on this income for the basic necessities of life.

Discussions have been held with the Taxi Unit at DPI and the Ministry of Fair Trading. It is understood that the matter is considered a private arrangement between the driver and the client and that neither organisation has powers to intervene. DPI advises that if there is evidence of misuse or fraud, then the Police can take action if the matter is reported. This may also impact on the driver's taxi licence.

It is understood, however, that the practice would contravene the terms and conditions applied by most banks relating to the issue of ATM cards and Personal Identification Numbers. The Commonwealth Bank has advised that they would have major concerns with the practice, which effectively authorises a third party to access the account. There would be very little chance of prosecution for misuse of the account under these circumstances.

It is understood that a "Taxi Code of Conduct" has been negotiated between the taxi companies, Police, the Drug Action Group and DPI. Although this Code of Conduct relates to the purchase and transport of alcohol, there may be capacity to extend its provisions to include safeguards relating to the use of ATM cards.

## **Recommendations**

That:

1. The Town of Port Hedland and DPI give a high priority to the implementation of the recommendations of the Port Hedland Transport study.
2. A coordinated strategy to meet the transport needs of Indigenous (and other) people in the region be developed. This should be led by the Department of Planning and Infrastructure and involve key stakeholders from the PKMIF.
3. The PKMIF seek further advice on the implementation of appropriate safeguards to avoid potential problems associated with the practice of taxi drivers withholding individual ATM cards. Such safeguards may include an education program aimed at drivers and clients and the development of protocols that include the issuing of an itemised account and receipts showing taxi fares and withdrawals.

## 5.4 Justice, Safety and Security

Out of all the topics encompassed by this report, 'Justice, Safety and Security' is the most contentious and passionately disputed. The arguments aroused by crime rates and their causes and consequences invariably provoke a debate that has a tendency to be characterised by sensationalism and perceptions and not by rigorous analysis of the available data and underlying causes. Port Hedland is no stranger to this sort of debate and the town has lately witnessed a renewed focus on justice, safety and security. Claims that "the Pilbara region has one of the highest rates of violent and property crime in the State" have converged with a feeling in some quarters of the local community that "the levels of crime and public disorder had never been higher"<sup>23</sup>; and that not enough is being done by the various tiers of government to address the real and perceived problems facing the town, particularly in South Hedland.

The statistical data indicates that Indigenous people are over-represented in figures showing reported crimes and arrests for violent offences, property offences and good-order offences. WAPS advised that a relatively small number of repeat offenders are responsible for a large proportion of reported crimes. Importantly, it should be noted that Indigenous people are also significantly over-represented as victims of crime. According to a recent report by The University of Western Australia's Crime Research Centre, "Indigenous people were about five times more likely than non-Indigenous people to be victims of violence"<sup>24</sup>, with women making up 71 per cent of the total of Indigenous victims.

Another area of concern is that if statistics showing that 37 per cent of the Indigenous population is aged 14 years or younger are set alongside those showing the low level of attendance and retention amongst Indigenous people in all forms of education, with all of the associated problems demonstrated with poor educational outcomes, then it becomes clear that Port Hedland is facing a sizeable emerging problem. This makes it crucial that the recent initiatives proposed to combat crime rates in Port Hedland give the highest priority to the stated aim of a coordinated and preventative approach.

### 5.4.1 Safer WA and the Town of Port Hedland Community Safety Plan

The recently published CSP marks a serious attempt to articulate a coordinated strategy to deal with a number of problems that is "consistent with the philosophy of the new structure for community crime prevention for Western Australia"<sup>25</sup>. The CSP, with its emphasis upon the pivotal role of local government, seeks to draw a number of key stakeholders together in various operational partnerships that range from immediate response strategies to "some that are intended to address the underlying causes of the crime and anti-social behaviour issues, most notably the social exclusion of many Aboriginal people in the Pilbara."<sup>26</sup> The table below has been extracted directly from the CSP and summarises the strategies that the Town of

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<sup>23</sup> *Town of Port Hedland Community and Crime Prevention Plan*, 2003, p 3

<sup>24</sup> Loh, N & Ferrante, A, *Aboriginal Involvement in the Western Australian Criminal Justice System: A Statistical Review, 2001*, UWA, 2003, p 3.

<sup>25</sup> *Town of Port Hedland Community and Crime Prevention Plan*, 2003, p 6

<sup>26</sup> *Town of Port Hedland Community and Crime Prevention Plan*, 2003, p 16

Port Hedland, numerous State Government agencies and some areas of the corporate sector have committed to developing and implementing:

Agency	Strategy	Timeframe	Resourcing
WAPS	Deploy District Tactical Support Group	2003/04	
WAPS	Target repeat offenders	2003/04	Within current operational budget
WAPS/ TOPH	Joint Police/Ranger night patrols	2003/04	Within current operational budget
WAPS	Concerted campaign to combat public drinking and disorder	2003/04	Within current operational budget
WAPS	Replace South Hedland Police Station	2004/05	
WAPS	Drive by shooting prosecution	2003/04	
DCD/ TOPH	HYPE Project at South Hedland Shopping Centre	2003/04	\$100,000pa
DCD	Engage young people at night	2003/04	
DCD	Support Safe Houses	2003/04	
DCD	Apply provisions of Child Welfare Act	2003/04	Within current operational budget
DET	Community based education program	2003/04	
DET	Integrated truancy program	2003/04	
DET/DIA/ ATSIC/ Corporate	Develop and implement an Aboriginal student sporting excellence curriculum at HSHS	2004/05	
DET	In Town Classroom for Students Visiting Hedland	2003/04	Needs to be resourced \$100,000
DET	A Retention and Participation (RAP) Officer	2003/04	Within current budget 0.40 FTE
DET	Building an Inclusive Curriculum	2003/04	Funded via Hedland SHS
DET	Bullying	2003/04	School Funds
DET	ASSPA (Aboriginal Student & Support Parent Association)	2003/04	DEST (Commonwealth)
Djustice	Re-entry training & employment program	2003/04	\$200,000pa
Djustice	Recidivist behaviours case management	2003/04	Within current operational budget
Djustice	Drivers Licence reinstatement contract	2003/04	Within current operational budget
Djustice	Amend public drinking legislation	2004/05	
Djustice	CSO offender litter collection team	2003/04	
DIA/ ATSIC	Community Local Laws & Cultural Protocol, Aboriginal Warden patrols	2004/05	\$500,000pa
DIA	Mapping and Gap Analysis	2003/04	Within current operational budget
DLGRD/ TOPH	Delivery of administrative and community services by TOPH	2004/05	
DHW	New Living Program	2003/04	
DHW	'Homemaker' style program	2003/04	

DHW/ ATSIC	Develop managed camping area	2003/04	
GEHA	Improve quality of State Govt employee housing	2003/04	

In response to the proposals put forward by the Safer WA Committee, the State Government committed to a package of initiatives worth approximately \$1 million, including:

- a \$100,000 reward for information leading to the apprehension and conviction of people responsible for the drive-by shooting of Nora Williams and the attempted murder of Mr Steven Marney;
- WAPS to use the Pilbara District Support Unit to conduct operations targeting repeat offenders, public drinking and disorder;
- a \$200,000 training and employment program by DOJ for prison inmates and recently released offenders;
- \$600,000 to be directed toward the revitalisation and refurbishment of housing in Port Hedland and South Hedland; and
- \$50,000 for the Port Hedland HYPE project for the appointment of a youth affairs officer to develop new activities and programs.

Although the overwhelming majority of the stakeholders consulted were supportive of the CSP and its aims, the consultations did raise a number of concerns about the process leading up to the production of the document and some of the strategies it seeks to implement. One of the major concerns related to the role and profile of the district Safer WA Committee. The committee was seen by many to:

- be too “politicised” and driven by local figureheads and commercial interests;
- lack an operational focus to effectively debate and deal with local problems;
- utilise a populist approach that appealed to, and reinforced, long standing fears and prejudices;
- focus too heavily on acts of crime and their consequences, and did not give sufficient weight to the underlying issues that caused crime;
- consistently alienate the Indigenous population through the high profile style of its public lobbying on crime; and
- not take sufficient steps to engage with the broader Indigenous community and created an environment in meetings that tended to alienate and discourage the ongoing participation of Indigenous representatives.

The major concerns expressed by many of the stakeholders regarding the CSP concentrated upon the lack of Indigenous input into the compilation of the report and the perceived “top down” approach. A number of people pointed out that most of the issues currently under the high profile scrutiny of the CSP were well-established problems that tended to surface on a cyclical basis, often motivated by political agendas and the discontent of the commercial sector. Many argued that the current set of problems were the direct legacy of the community’s previous reluctance to tackle the root causes of crime and its tendency towards ill-considered and punitive short-term solutions. In addition, there was a view that relying upon limited discussions with select elders had compromised the process of Indigenous

engagement in the composition of the CSP. What also remains unclear is the level to which the regional Commission of Elders supported the CSP.

It is important to emphasise that the raising of these issues is not an attempt to invalidate the intent of the CSP. Those involved in the development of the CSP have lobbied effectively to engage the attention of the State Government and secure the commitment of valuable resources for the local community. Furthermore, there was overall agreement that most of the issues raised in the CSP were pertinent and reflected the frustration felt by many members of the community. It was also frankly acknowledged that the comprehensive effort proposed in the CSP was overdue and required to combat the serious rates of recidivism, sexual assault and various crimes related to alcohol and drug abuse, as well as the haphazard approach that characterised previous responses to these problems.

The problems outlined above have been outlined in order to indicate that further work needs to be done by the stakeholders responsible for the implementation of the CSP in order to ensure that they garner the support of the wider Indigenous community and actively engage those with operational responsibilities.

Another area of the CSP that requires further examination is the proposal to institute community local laws that would be enforced by the Town of Port Hedland and an Aboriginal Wardens system. This idea is based on amalgamating initiatives that have been developed and implemented in the Perth City of Gosnells and Darwin - Palmerston in the Northern Territory. The Safer WA Committee applied for a substantial grant from the Office of Crime Prevention (OCP) and the proposal was subsequently forwarded to DIA, which fund a number of community patrols across the State, including the existing Port Hedland Patrol. Although there was in-principle support from OCP and DIA, both agencies concluded that further work was required to fully develop certain elements of the proposal, and in September 2003, OCP advised the Safer WA Committee that<sup>27</sup>:

- “We await the outcome of the mapping project being undertaken by DIA;
- In the meantime work be undertaken to develop a community protocol and define the proposed ‘cultural laws’ and their operation;
- The proposed establishment of a permanent camp be resolved to the satisfaction of the State;
- Proposals for the application of ‘local by-laws’ based on community by-laws that operate under the Aboriginal Affairs Planning Act (sic) be investigated and resolved;<sup>28</sup>
- Detailed design work be undertaken on the operation of the patrol and relationship with the existing community patrol; and
- Evidence of the Aboriginal community’s endorsement of the approach to commence in June 2003 is secured including that of the ATSIC Regional Council.”

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<sup>27</sup> The dot points below are from a letter dated 12 September 2003, to Larry Graham, Chair of the Port Hedland Safer WA District Committee, from Michael Thorn, Director, Office of Crime Prevention.

<sup>28</sup> It should be noted that the reference to the *Aboriginal Affairs Planning Act 1972* is an error. The act under which community by-laws operate is the *Aboriginal Communities Act 1979*.

The OCP also advised that it “and DIA are prepared to invest in the exploration and resolution of the outstanding issues that might ultimately result in establishing a patrol to support a Larrakia type protocol”<sup>29</sup>.

### **Recommendations**

That:

1. The Safer WA Committee and Town of Port Hedland take the appropriate measures to ensure that the aims of the CSP are adequately conveyed to the broader Indigenous community.
2. The Safer WA Committee and nominated Task Force liaise with OCP to resolve the issues raised in the recent correspondence and progress the aims of the CSP.
3. The Town of Port Hedland and Safer WA Committee in consultation with DIA examine the possibilities for developing the legal framework required to implement the proposed community by-laws outlined in the CSP.
4. The relevant stakeholders work together to develop strategies that will encourage a broad, consistent and proactive Indigenous attendance at Safer WA and similar forums.

#### **5.4.2 Other Justice Issues**

The consultation process also unearthed a number of other concerns among the various stakeholders working in this area. DOJ acknowledged that their past approach had not focused sufficiently on the type of preventative measures needed to intercept the cycles of behaviour that led to crime. Much of DOJ’s time and resources has been devoted to case management work with offenders that they were unable to outsource because of the lack of experienced local service providers in the field. More emphasis is required to initiate effective outreach services, which currently do not exist. The result has been that remote communities have been essentially left to their own devices to deal with offenders returning to society and DOJ has frequently lost contact with these people. It is hoped that the Gordon Inquiry response package will alleviate this problem to some degree.

Concern was also expressed with proposed new sentencing legislation that will potentially see the release of a large number of offenders back into the community. This will place a further strain on existing support services that are already stretched to the limit. It was also admitted that any serious mental assessment of offenders was not capable of being undertaken in Port Hedland and that people had to be referred to Perth.

Many offenders suffer from poor life and problem-solving skills and act on impulse to address basic needs. There is therefore a need for cognitive behaviour counselling and life skills support, however, this requires expertise and qualifications that are not

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<sup>29</sup> Letter from M. Thorn to L. Graham, dated 12 September 2003.

readily available the Pilbara. The lack of a halfway house facility that could assist in the rehabilitation of offenders was seen as a major gap. As one stakeholder stated “you can’t rehabilitate in prison”.

Although there is a willingness among stakeholders to collaborate in service delivery, their efforts are often stymied by the uncomplementary nature of different agency programs, disparity of resources and a lack of discretionary funding arrangements. An exception to this is the family violence programs implemented through the Sobering Up Centre where DOJ fund a perpetrator program that sits alongside a victim support program funded by DCD. There may be opportunities in the future to jointly tender these programs as a joint initiative and therefore streamline reporting and acquittal requirements.

The consistent themes of Indigenous politics and the abundance of Indigenous organisations was also raised, with calls for a rationalisation of the number of organisations and for Indigenous leaders to place greater emphasis on the social problems confronting their people.

The following summarises the other justice, safety and security issues raised:

- Frustration at the high numbers of repeat offenders and the inability of the system to break that cycle.
- Frustration with the lack of non-custodial options and the inevitable impact on the incarceration rates of Indigenous people and subsequent flow-on effects for families.
- There is a lack of rehabilitation facilities and programs targeting repeat offenders.
- The local Police and Citizens Youth Club (PCYC) needs to be more productive in engaging Indigenous children.
- Concern regarding the security guards at the shopping centre. Some have limited skills in dealing with Aboriginal people.
- Community dysfunction at Warralong prevents many people from returning and therefore places increased pressure on Port Hedland.
- Driving under suspension is a major issue. Many Indigenous people have lost their licence for life by the time they are 20.
- Fines enforcement legislation impacts negatively on disadvantaged Indigenous people due to an inability to pay fines, loss of licences and incarceration.
- The location of Liquorland in Coles and its vicinity to the park causes major problems of drunkenness and anti-social behaviour.
- DOJ programs need to focus on culturally appropriate solutions. For example, there was support for the use of high-impact videos to target issues such as driving offences and alcohol abuse.
- There is a need for more programs along the lines of the Indigenous Perpetrators Pilot that was tested in Roebourne, which is a genuine community-based and highly successful initiative. This is still running despite losing government funding.

## **Recommendations**

That:

1. DOJ work in collaboration with DCD and the CDSTs and other agencies with outreach services to remote communities to develop strategies for assisting in the monitoring of DOJ clients who have just been released from prison.<sup>30</sup>
2. The PKMIF support the DOJ Regional office in requesting additional resources for:
  - a. improved case management and follow-up for offenders post-release;
  - b. an outreach worker for remote communities;
  - c. investigating options for the establishment of a facility focusing on the rehabilitation of offenders; and
  - d. improved access to counselling and life-skills support as part of rehabilitation and prevention.
3. DOJ work towards creating a wider community awareness of its role and also consider the production and use of high impact videos to help get the message across regarding driving offences and alcohol abuse.
4. WAPS investigate and develop strategies to ensure that the local PCYC attracts more Indigenous youth to participate in its activities.

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<sup>30</sup> DOJ has recently advised that they have been allocated additional resources to address this issue. They are hopeful of contracting an NGO to provide community re-entry services for offenders leaving prison [funding is \$200,000 per annum]. They are also in the process of recruiting two full-time positions whose focus will be developing programs, capacity building [community development], negotiation of MOUs/contracts, etc. between DOJ and remote and not-so-remote communities and assisting with whatever support the community[ies] needs.

## 5.5 Education and Training

It was not until 1949 that Indigenous children were generally allowed into Western Australian schools and even in the 1960s Indigenous education was largely restricted to missions. Indigenous education has since been characterised by lower levels of access, lower levels of achievement, lower retention rates and inadequate and inappropriate curricula. The result is that Indigenous people are the most poorly educated group in Australia.

In Port Hedland, education outcomes for Indigenous people are significantly worse than those for non-Indigenous people, with lower attendance and retention figures across all levels of education. Nearly 9 per cent of Indigenous people aged 15 years and over in Port Hedland have never attended school.<sup>31</sup>

Reduced educational participation decreases the likelihood of stable employment and regular income. It also increases the likelihood of contact with the criminal justice system. Ninety per cent of Indigenous prisoners received into Western Australian prisons at the time of the *Royal Commission into Aboriginal Deaths in Custody* (RCIADIC) had less than three years secondary education.

An enormous amount has and is being done within the educational sector to tackle this pressing issue. The National Aboriginal Education Strategy provides a strategic framework within which the State Aboriginal Education Strategy has been developed. A policy direction of “building inclusive schools” and developing improved pathways between education, vocational training and employment will hopefully improve the responsiveness of the system to the needs of Indigenous people.

Key education and training issues raised by regional stakeholders fall into the following categories:

- Pre-Primary and Early Years Strategies
- School Retention and Truancy
- Teacher Induction and Cross--Cultural Awareness
- Curriculum Development and Vocational Education and Training.

### 5.5.1 Pre-Primary and Early Years Strategies

It is increasingly being recognised that the early, formative years of childhood development are the most important determinants of future educational outcomes and quality of life. Research shows that children who are most likely to experience slow learning development often have hearing, nutritional or other health problems.<sup>32</sup>

The disadvantaged position in which many Indigenous children find themselves at the commencement of school is a major barrier to effective educational outcomes. This is not something the education system can deal with adequately, without support from families and service agencies in order to provide safe, secure housing and essential

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<sup>31</sup> Table 7, Attachment 3.

<sup>32</sup> *Taskforce on Indigenous Education and Training*, Discussion Paper, 2001.

services and a nurturing and healthy family environment. The Gordon Inquiry has documented in great detail the absence of many of these factors in too many Indigenous families.

DCD currently fund the Best Start Program that is an Indigenous specific program aimed at preparing 0–5 year-olds for school. This program is currently being delivered at Tjalka Wara and Tjalka Boorda, and is to be expanded to South Hedland, Strelley, Yandeyarra and Warralong. The Department of Education and Training (DOET) also provide an Early Literacy and Numeracy Program and an Aboriginal Kindergarten Program.

The State Government has developed an Early Years Strategy targeting the 0-8 age group and their families. It aims to:

- Make a positive difference to the lives of young children and their families through seamless and locally relevant early years services;
- Strengthen the ability of families and communities to nurture their young children;
- Ensure early years services are more responsive to child, family and community needs through effective community engagement; and
- As far as possible, ensure children grow up in conditions that maximise their intellectual, physical and psychosocial well-being.

The Early Year Strategy is currently being piloted in six locations throughout the State. The future implementation of this approach in Port Hedland is supported.

An important issue raised with the authors was the availability of appropriate pre-primary facilities for Indigenous children. A decision to amalgamate two previously “community-based” Indigenous kindergartens and to locate a new facility at the site of the Port Hedland Primary School has apparently led to a significant decline in Indigenous enrolments. This is of concern given the importance placed on this stage of schooling. It is understood that DOET have undertaken a review of Indigenous pre-primary services and that there is a proposal to close the Port Hedland Aboriginal Kindergarten due to a lack of numbers. It is uncertain as to whether this decline in numbers is a result of children attending pre-primary facilities elsewhere or not attending at all.

Parent education was also identified as an important issue and one on which there needed to be greater emphasis in order to establish a supportive environment for childhood education and to break the cycle of poor educational outcomes.

### **Recommendations**

That:

1. The importance of appropriate pre-school support and parent education be recognised and that a case management approach be adopted at an early age, which identifies potentially disadvantaged students and works with their families and relevant support agencies.

2. DOET investigates the apparent declining pre-school attendance and determines the causative factors and develops strategies to address these.
3. Port Hedland is considered for the future expansion of the Early Years Strategy.

### 5.5.2 School Retention and Truancy

Truancy continues to be a significant issue in Port Hedland with a number of informants expressing concern regarding school-aged children in the streets and shopping centre during school hours. This concern related both to local children and to those visiting from remote areas who may be absent from school for long periods.

As outlined in Attachment 3, Indigenous students in Port Hedland tend to leave school at an earlier age than non-Indigenous students. In addition, consultations identified consistent concerns about school attendance and truancy.

A number of initiatives to address these issues are currently in place. These include:

- A Liaison Committee on Truancy and Retention involving DOET, DCD, WAPS and other key stakeholders.
- The appointment of a RAP Officer.<sup>33</sup>
- A Truancy Patrol undertaken by the Sobering Up Centre.
- In school “student at risk” programs.
- The proposed establishment of a town classroom for visiting children from remote communities.
- Aboriginal Education Operational Plan (refer Attachment 2).

Issues raised that relate to school retention include:

- Identified need for an increased focus on working with the parents and families of chronic truants and those dropping out of school.
- Retention and at-risk programs need to be extended to younger age groups, prior to Years 10 and 11 (it is noted that DOET are increasingly focusing from Year 7 and beyond).
- Aboriginal studies are not compulsory which impacts on relationships, relevance of curricula and cultural awareness.
- Closer working relationships are required between agencies working with students and their families. The current “fragmentation” of government agencies and responsibilities is frustrating for Indigenous families.
- The high mobility of Indigenous people means that some children are never in one place long enough to receive a proper education.
- The “Student Information System” developed by DOET to track students moving from school to school is centrally based and incompatible with software available to DOET in the Pilbara.

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<sup>33</sup> It is uncertain what the relationship is between this officer and the DCD funded “Education Officer” detailed in the matrix.

- Cliques within the community make it hard to get effective community input to strategies.
- Other pressures on students (e.g. family disputes, cultural obligations, lack of basic services) influence their departure from the school system.
- Staff training and curriculum issues (see below).
- Bullying, disruptive behaviour and racism in schools.<sup>34</sup>

### **Recommendations**

That:

1. The retention of Indigenous students requires a multilateral approach involving a range of agencies including those responsible for education, health, housing, and community development. A case management approach that encourages the sharing of information should be adopted by those dealing with at-risk students and families that is flexible and responsive to individual needs.
2. Retention and at-risk programs focus on all at risk students from year one and beyond.
3. The DOET “Student Information System” be reviewed to ensure its utility for regional and district operatives.

#### **5.5.3 Teacher Induction and Cross-Cultural Awareness**

Common concerns raised during consultations related to rapid turnover of teaching staff and the relative inexperience of many of the teachers posted to Port Hedland. It was stated that many teachers have limited or no experience in working with Indigenous children and lack cultural awareness.

Cross-cultural awareness training is not compulsory for teachers and currently needs to be negotiated school by school. The current approach is therefore ad hoc and unsatisfactory. DOET is working with Wangka Maya to deliver the “Our Story” cross-cultural training package. The importance of appropriate cultural awareness has been highlighted by numerous government reports including the Royal Commission into Aboriginal Deaths in Custody and the recent Gordon Inquiry.

It is suggested that the sort of recruitment and induction processes that apply to teachers in remote areas are equally applicable to schools in areas such as Port Hedland with high numbers of Indigenous students.

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<sup>34</sup> The Port Hedland Safer Community and Crime Prevention Plan notes the range of strategies in place at the high school to deal with bullying.

## **Recommendation**

That:

1. Cross-cultural awareness training is mandatory for all teachers working with significant numbers of Indigenous children and forms part of a comprehensive recruitment and induction program for those posted to Port Hedland.

### **5.5.4 Curriculum Development and Vocational Education and Training (VET)**

The successful transition from school to work is seen as a vital and often missing link in the development of Indigenous youth. This relates to the relevance of education and training, the availability of suitable employment opportunities and the aptitude and attitude of individuals.

Despite the amalgamation of the Department's of Training and Education into DOET, there appears to be limited interaction between the education and training sectors, although this is improving. The Aboriginal School Based Traineeships and School Intervention Program are seen as successful models for providing relevant vocational education for Indigenous students.<sup>35</sup> Exposure to such vocational learning experiences early in schooling is important as many Indigenous children leave school before Year 10.

Innovative programs such as the Sporting Excellence Program at Balga Senior High School<sup>36</sup> are also being looked at in the context of Port Hedland. Such programs seek to develop an educational curriculum that integrates educational outcomes with the development of sporting and other talents.

BHP Billiton is investing significant resources in the community through programs such as the Port Hedland Education Partnership, which includes the Kurtakalku Maya "Learning Home for the Kids", an Indigenous education centre in South Hedland and a vital part of the partnership. This partnership is part of the "Follow the Dream" aspirant program for Indigenous students, which responds to the recommendations of the Gordon Inquiry regarding the retention of Indigenous students to Year 12. BHP Billiton has supported the Follow the Dream Program in Port Hedland by providing \$500,000 for a centre and equipment. The students in the program are provided with mentoring, educational development opportunities, homework supervision and work experience placements throughout their secondary schooling.

An issue that was raised in consultations was the tendency for many programs and strategies to focus at the "upper end" of the talent spectrum of Indigenous students. That is; students that are higher achievers either academically or for example, through sport, have greater opportunities to develop those talents. While those who have not shown the same potential (which may be due to a variety of circumstances) but may be more in need, miss out. This potentially "elitist" approach was criticised by a number of stakeholders particularly when private sector interests are involved. A

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<sup>35</sup> Concern was raised that following the initial success of school-based traineeships in Port Hedland the scheme was experiencing some difficulties due to the Group Training provider being located in Geraldton.

<sup>36</sup> Refer to the *Town of Port Hedland Safer Community and Crime Prevention Plan*.

further concern is that once the cream of the local Indigenous talent has been skimmed, then the attention goes elsewhere in search of other ready made talent rather than investing in the more disadvantaged children in Port Hedland.

Importantly, a focus only on poorly performing students can be counterproductive when special programs and events are organised that appear to reward those that do not cope in mainstream schooling. It was suggested that this approach in the past had seen the performance of good students decline in order to be eligible for alternate programs.

The relevance of education and training to the needs of employers is a significant issue raised in consultations. The authors received conflicting stories regarding on one hand, the high number of skilled and trained Indigenous people who are unable to get jobs, and on the other hand a lack of suitable Indigenous people to fill available jobs. Either:

1. Training is not filling the needs of employers;
2. There are other issues impacting on the employability of individuals; or
3. The prerequisites set by employers are excluding potential applicants.

It is suggested that the current situation is a result of a combination of all of these factors.

A quarter of Eastern Pilbara TAFE's enrolments are Indigenous students. Some 80per cent of these are based at the Pundulmurra campus. The Eastern Pilbara College of TAFE quotes a figure of 95per cent of course graduates being successfully employed. Thus it appears that there are jobs available for those who can take on and successfully complete a full course of study. However, a lack of basic literacy and numeracy skills as well as lifestyle and motivational issues often militate against this. A recent Auditor General's report<sup>37</sup> on vocational education and training in Western Australia demonstrated that almost 30 per cent of VET does not result in the successful completion by a student of a course module. It is understood from the Eastern Pilbara College of TAFE that this figure is higher for Indigenous people with a module completion rate for 2002 of 65per cent. The State average for Indigenous people is 58per cent.

TAFE appears to be a popular alternative to formal school-based education for many Indigenous people. Nationally, Indigenous people are also much more likely than non-Indigenous people to attend TAFE colleges than universities or other higher educational institutions.<sup>38</sup> TAFE appears to have a greater degree of flexibility to adapt to student needs and in effect, compensates for a lack of educational outcomes by being able to focus on individual needs such as literacy and numeracy but in a vocational context. Student retention rates are, however, still a significant issue.

A concern raised by TAFE was that current mainstream and industry-driven training packages, although often very good, were effectively superseding other more specific training packages that had evolved to meet the needs of Indigenous people. Such

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<sup>37</sup> *Second Public Sector Performance Report, 2003*

<sup>38</sup> *2001 Census*

courses no longer attract funding, thus reducing the flexibility of TAFE to respond to individual and local needs.

A comprehensive Education, Training and Employment Strategy is required which involves all relevant sectors and develops the pathway from education to employment and wealth creation. Such a strategy has recently been proposed and is discussed further in section 5.6.

### **Recommendations**

That:

1. Vocational education and training in schools be promoted through increased cooperation between schools and TAFE and that contact with such alternatives be extended prior to Year 10 in order to expose younger Indigenous students to more relevant and career-based educational experiences.
2. A closer working relationship develops between the education, training and employment sectors within DOET. This is particularly important given the impending move of the District Education Office from Port Hedland to Karratha.
3. A balance be achieved between the legitimate aims of rewarding and promoting excellence through targeted programs, with the need to invest in the more disadvantaged and underachieving students. Negotiations with potential private sector sponsors should seek support for both approaches.
4. DOET review the impact of mainstream industry training packages on the capacity of TAFE to maintain flexibility and to respond to local training needs and opportunities.
5. The Auditor General's recommendations relating to the enhancement of VET plans and performance indicators, particularly relating to training outcomes and retention, be given a priority.

## 5.6 Income and Employment

Indigenous people are considerably poorer than any other sector of the community. High levels of unemployment, low income and occupational status levels, and high degrees of dependency on welfare are continuing features of Indigenous life. This scenario is particularly prevalent in the Pilbara, which has the greatest disparity in the State between Indigenous and non-Indigenous incomes and where Indigenous incomes are only 27per cent of non-Indigenous incomes.<sup>39</sup>

The statistics show a similarly bleak picture in regard to Indigenous employment levels in Port Hedland. When Community Development Employment Program (CDEP) participants are included in the unemployment figures, the adjusted Indigenous unemployment rate according to the 2001 Census stands at 29per cent.<sup>40</sup> In addition, the type of work undertaken by Indigenous people is concentrated at the lower end of the income scale with just over 15per cent of employed Indigenous people in Port Hedland earning in excess of \$1,200 per week compared to a figure approaching 50per cent for the non-Indigenous population (refer to Attachment 3).

Indigenous people tend to be employed in clerical, sales, services or labouring jobs and are under-represented as managers, administrators and tradespeople. Importantly, Indigenous people are significantly under-represented in the two industries that provide the most employment to the Town of Port Hedland: mining and retail trade.<sup>41</sup>

The resource, pastoral and tourism potential of the Pilbara region is unique in Australia and has led to enormous economic benefits for the nation, for governments, for private sector interests and for employees. Historically, however, Indigenous people have been denied equitable participation in this economy. Indigenous impoverishment becomes even starker when it is seen alongside a booming economy and a well-paid workforce in a place like Port Hedland.

Interestingly, despite the abject poverty experienced by many people in Port Hedland, the region does not come up as a high priority according to indicators of disadvantage.<sup>42</sup> Such indicators present Port Hedland as a wealthy and affluent region and fail to distinguish adequately between the “haves and the have-nots”.

In recent years there has been a significant change both in the willingness and capacity of industry and other employers to recruit, train and employ Indigenous people. Large companies such as BHP Billiton and Rio Tinto have become increasingly proactive in employing Indigenous people and in encouraging Indigenous enterprise development.

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<sup>39</sup> Department of Local Government and Regional Development, *Indicators of Regional Development in Western Australia*, 2003, p 61.

<sup>40</sup> See attachment 3. In addition, statistics from 1996 for the Pilbara region as a whole are even worse due mainly to the higher level of CDEP participants in remote area communities. The adjusted figure including CDEP participants was 41per cent. See Department of Local Government and Regional Development, *Indicators of Regional Development in Western Australia*, 2003, p 54

<sup>41</sup> Attachment 3, Data Analysis Australia Statistical Report Table 2, p 7

<sup>42</sup> *ABS Socio-economic Index of Australia*

BHP Billiton has a current Indigenous workforce level of 6per cent, and is committed to a target of 12per cent by the year 2010. In order to achieve these levels without compromising its corporate work standards, BHP has embarked upon a number of programs in collaboration with a number of other stakeholders. These include<sup>43</sup>:

- a formal undertaking to work with Indigenous communities and the Commonwealth Department of Employment, Workplace Relations and Small Business (sic) to improve Indigenous employment and education opportunities;
- an Aboriginal apprenticeship and traineeship scheme that includes engineering and clerical trainees and mechanical and electrical apprentices;
- indirect employment through contractors where BHP Billiton Iron Ore actively encourages major contractors to increase their employment of Indigenous people;
- involvement of Indigenous contracting organisations in the Company's operations such as the Martu Gardening Project;
- employment of a specialist trainer to identify and facilitate training opportunities within the Company and provide assistance, advice and support to existing Indigenous employees in developing their skills; and
- provision of work experience placements for high school students.

In addition, key local BHP Billiton personnel recently visited one of their own operations in Canada to examine a number of successfully implemented programs that had achieved Indigenous employment rates in excess of 40per cent. A number of prominent Indigenous representatives were also invited on the trip, and the company is currently studying how some of the Canadian initiatives could be transferred to their Port Hedland operation.

The continuing lack of employment outcomes for Indigenous people is a long-term and multifaceted problem. Consultation with key stakeholders in Port Hedland identified a number of common and sometimes contradictory themes. These include:

- A lack of suitably skilled Indigenous people, including those with basic literacy and numeracy skills.
- Attitude and motivational problems.
- Health, social and lifestyle issues.
- Lack of family support and peer pressures.
- Cultural obligations.
- Alcohol and substance abuse problems, which lead to failed drug tests.
- A lack of drivers licences to get to training, interviews and jobs. Also lack of public transport alternatives. Drivers licences can also be a prerequisite for some jobs.
- Job application processes that are daunting for Indigenous people.
- Standards and job requirements set too high by employers.
- Lack of genuine commitment and cultural awareness by employers.

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<sup>43</sup> The following points have been taken directly from the BHP booklet *Investment in Aboriginal Relationships*, p 23

- Fly-in fly-out and imported workforces. This was seen to have both an immediate impact in terms of the loss of positions in industry and a flow-on effect due to an influx of people and families who take opportunities with other potential local employers.
- Racism and discrimination.

A lack of skills and educational outcomes means that Indigenous people either cannot get jobs or get low-skilled positions with little career progression or opportunities at senior management. As seen in Attachment 2, numerous pre-employment programs, traineeships and subsidies are available, however, many of the barriers to employment are seen as more substantive than what can be addressed by such programs. A lack of basic life skills, poor health and poverty, alcohol addictions and the consequences of generations of unemployment create significant impediments to employment.

There are, however, success stories. Ngarda Civil and Mining Pty Ltd (NCM), a joint venture between the Ngarda Ngarli Yarndu (NNY) Foundation, Indigenous Business Australia and Henry Walker Eltin, has developed as a viable business entity contracting to the mining and construction industries. The joint venturer has negotiated contracts with BHP Billiton and Rio Tinto (Robe) worth \$21 million. It employs 90 people, 78 of whom are Indigenous. This success has required a long-term commitment by the joint venture partners as well as the support of industry to promote the objectives and ideals of NCM.

Importantly, the NNY Foundation seeks to return the proceeds of investments such as this back to Indigenous people in the region. It is understood that this is not always the case and that the benefits of successful community-based economic ventures are often reinvested in the organisation for the benefit of a few, rather than flowing transparently back to the community for the benefit of many. The process by which such organisations, that are clearly established for benevolent purposes, return benefits to the community needs to be clearly stated at the time of their formation.

In addition, some Indigenous communities throughout the Pilbara have, and will continue, to benefit from future act deals under the *Native Title Act 1993* (NTA). The recent deal between BHP Billiton and the Innawonga Bunjima Niapaili and Martu Idja Banyjima native title claimants was based around substantial compensation payments that will see in excess of \$60 million paid into trusts. There are also provisions relating to Indigenous employment and contract opportunities and the protection of Indigenous heritage and culture.<sup>44</sup>

There seems to be a general consensus that the lack of employment outcomes for Indigenous people in Port Hedland is a problem of supply rather than a lack of opportunities. There is a lack of people with the skills, abilities and aptitude to successfully compete for existing jobs. This problem also seems to be getting worse as those with the right credentials are increasingly being taken into jobs, traineeships and pre-employment programs. A number of potential employees including BHP Billiton, the Pilbara Development Commission (PDC) and even NCM expressed the

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<sup>44</sup> Information on the details of the native title deal was derived from the BHP Billiton booklet, *Investment in Aboriginal Relationships*

need to now be looking outside of Port Hedland, and even outside of the Pilbara, to employ suitable Indigenous people.

A number of stakeholders commented that despite a desire to employ Indigenous people, past experience and current supply issues meant that it was “too hard”. Past experiences had included a number of unsuccessful recruitment, employment and traineeship attempts that had failed despite the good intentions and considerable efforts of employers.

The reasons for these failures are complex and relate to all the issues outlined above. However, as NCM has shown, with a genuine and long-term commitment by the employer, success is possible. An element of NCM’s success may relate to the fact that it is seen as an Indigenous company and has a majority of Indigenous employees. Thus there is peer support and positive peer pressure to turn up to work and to contribute to the success of the organisation. This contrasts with the position that single trainees or employees often find themselves as potentially the only Indigenous person in a large organisation. Indigenous people working in service agencies have the added pressure of dealing with family and cultural obligations that may be inconsistent with the expectations of employers.

Innovative approaches are required by public and private sector employers in the recruitment and employment of Indigenous trainees and employees. These approaches need to acknowledge the need for increased peer and mentor support and that a critical mass of Indigenous employees may be required in order to overcome potential problems of isolation and marginalisation.

As outlined in Attachment 2, there are abundant programs and services from Commonwealth and State agencies aimed at improving employment outcomes. There are also a number of different Commonwealth and State agencies sponsoring positions in Port Hedland - Pilbara which work on related issues. These include:

- DOET Regional Employment Coordinator
- DOET Aboriginal Employment and Economic Development Officer.
- PDC Aboriginal Economic Development Officer (funded by the Department of Industry and Resources [DOIR])
- The Pilbara Area Consultative Committee has an Indigenous Employment Project Officer funded by the Department of Employment and Workplace Relations (DEWR).

There does not appear to be a good understanding among stakeholders of the respective roles of these positions and the relationships between each. There is potential for a closer alignment of these positions in order to pool resources, share what are often one-person offices and rationalise responsibilities.

ATSIC’s CDEP received criticism from a number of quarters. Although acknowledged as a vital support for communities suffering chronic unemployment and for its benefits in terms of raised self-esteem, skills development and community development, the success of the program in leading to real jobs was questioned. It was seen as an alternative to employment rather than a job creation program. There was also concern about the coordination and relevance of training resources available

to CDEP participants. Training funds held by Job Network providers are not easily accessed by CDEP organisations. The Pilbara Aboriginal Chamber of Commerce (PACC) has been established to assist CDEP organisations to administer and acquit funds. It has the potential to also provide a vital link between CDEP, vocational training opportunities and employment.

As mentioned in the previous section, there is a need for a comprehensive education, training and employment strategy for the Port Hedland - Pilbara region. At the time of writing, such a strategy has been proposed by Bloodwood Tree which has convened a meeting of regional stakeholders including government and industry groups to discuss the development of a Local Employment Strategy. This initiative is strongly supported and appears to have good support from local stakeholders. There is a need for this strategy to be clearly led by relevant government agencies so as not be negatively influenced by community politics and partisanship.

It is suggested that the development of this strategy look at the relative success of an Aboriginal Employment Strategy developed in Moree in New South Wales.<sup>45</sup> The Moree Aboriginal Employment Strategy (MAES) has had remarkable success in creating employment outcomes for local Indigenous people (largely in the cotton industry) as well as improving community relations and capacity. The MAES recorded 433 job placements between 1997 and June 2001 and has recorded significant flow-on effects such as improved educational outcomes. It has a strong emphasis on mentoring and placement support, has engaged both the Indigenous and non-Indigenous community and has had widespread and high profile media exposure.

Moree has a number of similarities with Port Hedland including a large Indigenous population, a buoyant local economy and a strong and growing industry. Each of these factors was identified as underpinning the success of the MAES.

Importantly, there are also opportunities to link such a strategy to initiatives at a State level. The Gordon Inquiry has made specific recommendations regarding the correlation between economic development and the circumstances that lead to family violence and child sexual abuse. It was these recommendations that led to the directions of the Premier's Roundtable Communiqué in November 2002, including that the parties to the Roundtable should develop a cohesive economic development strategy.

This strategy is being developed under the auspices of the Indigenous Affairs Advisory Committee (IAAC), which has recognised the need for a coordinated statewide strategy to improve economic outcomes for Indigenous families and communities. This development of this strategy is being led by DOIR and will draw together the connected streams of education, training, employment, and enterprise to develop a policy approach with wealth creation as its focus.

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<sup>45</sup> Lewis, G, *Moree Aboriginal Employment Strategy – A Report to Reconciliation Australia*, 2001.

## **Recommendations**

That:

1. Private and public sector employers and relevant Group Training companies negotiate training subsidies that encourage the pooling of resources to enable group intakes of trainees. This approach could provide mutual support, increased employment options, the potential for rotation between employees and encourage interagency collaboration.
2. The potential for a locally based Group Training Company be investigated by DOET.
3. Group Training Companies, employment and funding agencies place increased emphasis on mentoring and peer support of trainees in order to address the apparent high drop-out rate.
4. PDC, DOET, DOIR and DEWR hold discussions to clarify roles and potentially develop more effective partnerships between respective regional employment and economic development officers.
5. The PKMIF support the development of the proposed Local Employment Strategy and closely monitor progress to ensure the active participation of all relevant government and community sectors.
6. Government agencies at the regional and local level consider the development of performance targets to encourage the appointment of Indigenous employees and trainees.

## 6.0 Land, Heritage and Culture<sup>46</sup>

The following section emphasises the inherent potential in land, heritage and culture to provide a number of social, economic and cultural benefits for Indigenous people. That they already provide the base for an enormous amount of the social capital within Indigenous communities is not disputed, but the development of this capital has yet to be fully explored and invested in by governments that have invariably been distracted by the complexities involved in resolving the manifold issues surrounding native title and the various problems afflicting Indigenous people in the portfolio areas detailed earlier in this report.

The fundamental role played by land, heritage and culture in defining a distinctly Indigenous identity has been well documented by a legion of authors.<sup>47</sup> Many of these authors also describe how the traumatic history of contact between Indigenous and non-Indigenous people has in various ways eroded Indigenous identity and replaced it with insecurity and anxiety. As one writer stated:

“... assertions regarding identity are often grounded in a situation of relative security – where there seems to be a feeling of belonging within a particular social order that is taken for granted, accepted without any serious or consistent expressions of doubt... This is how it was, generally speaking, in traditional Aboriginal Australia... but over much of the continent, the odds were heavily against its continuation. Through the vicissitudes of harsh and unsympathetic contact with people who were initially alien to them, many Aborigines lost their traditional heritage and in the process lost too their own socio-cultural identity and their sources of socio-cultural identification”.<sup>48</sup>

Although one of the great strengths of Indigenous culture has been its ability to evolve and incorporate various practices that originated in non-Indigenous culture, there are persistent challenges and pressures exerted upon traditional modes of thought and lifestyle, which either denude, or constantly demand Indigenous people to modify their traditional lifestyle. As a recent report noted, “older people cite language loss, alcohol, loss of land, the forced removal of children from their parents, the death of old people, and the influence of Western culture, education and law as challenges to the transmission of traditional culture to the young”.<sup>49</sup>

The Pilbara has historically been seen as an area where this type of pressure has been vigorously resisted and where the transmission of traditional culture remains strong, such as rules for social interaction, various ceremonies, initiation into law, practices to do with death and grieving, as well as the retention of a variety of languages. Despite

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<sup>46</sup> It should be noted that in dealing with these categories, it has been difficult to focus on the specific area of the Town of Port Hedland, as most of the initiatives are relevant to the entire Pilbara region.

<sup>47</sup> See for example, Berndt. R (ed), *Aborigines and Change: Australia in the 70's*, Canberra, 1977; Brehaut. L & Vitenbergs. A (eds) *The Guruma Story*, Alice Springs, 2001; Read. J & Coppin. P, *Kangkushot: The Life of Nyamal Lawman Peter Coppin*, Canberra, 1999; Stanner. WEH, *White Man Got No Dreaming: Essays 1938-1973*, Canberra 1979.

<sup>48</sup> Berndt. R ‘Aboriginal Identity’, in Berndt. R (ed), *Aborigines and Change: Australia in the 70's*, Canberra, 1977, p 10

<sup>49</sup> Wangka Maya Pilbara Aboriginal Language Centre, *Indigenous Profile of the Ngarda-Ngarli-Yarndu Region*, p 6

this, however, there has been a substantial measure of cultural dislocation and displacement in the Pilbara, which should certainly be seen as a major factor in some of the problems currently facing the entire community.

Ever since the migration of Indigenous people to the coastal towns of the Pilbara following the equal wages decision of the late 1960s, many have now experienced a generation of being displaced from their traditional country. As a result, many people, especially of the younger generation, have found themselves situated in a form of cultural “no man’s land”: on the one hand they have been deprived of the full richness of their traditional cultural heritage; and on the other, situated in an alien culture that has been frequently characterised by socio-economic deprivation and blatant racism. In many cases, this has produced the depressing cycle of unemployment and alcohol and drug dependence, with all of its associated costs to the individual and the wider community they live in.

The enormous economic potential of the region will only serve to augment the pressure on the Indigenous community in the future. It is crucial that mechanisms are established relating to land, heritage and culture that will allow Indigenous people to make their own choices regarding the extent to which their identity and culture evolves and adapts to the challenges and opportunities that the future will bring.

## 6.1 Land

The intense relationship Indigenous people have to land with all of its complex mythical associations has never sat comfortably within a western framework of land ownership based upon largely economic priorities. For many Indigenous people, the current status of Indigenous land interests in the Pilbara embodies a political and moral failure to appreciate and understand the significant role land plays in Indigenous society and the obvious correlation of this to the recognition of Indigenous people in their own right. As the late Senator Neville Bonner wrote in his review of the Aboriginal Lands Trust (ALT):

“The very fact that the ALT still holds land ‘on behalf’ of Aboriginal people at this point in time is remarkable... Much of the land managed by the ALT found its status as an ‘Aboriginal Reserve’ as a result of Government policies which decimated Aboriginal culture and society. In that sense alone, what we now call the ‘Aboriginal Lands Trust’ cannot be easily divorced from the shameful history of the different reserves and the laws and social attitudes which created them. While the reserve system was a means for the physical exclusion of Aboriginal people, it was a product of many laws which excluded Aboriginal people from the mainstream economy and held them in a self-perpetuating cycle of poverty”.<sup>50</sup>

Following Neville Bonner’s Report, in 1999 the ALT was authorised to commence the transfer of its estate back to the Indigenous community. However, the added complexities of native title and a negotiation process involving many groups with

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<sup>50</sup> Department of Indigenous Affairs, *Report of the Review of the Aboriginal Lands Trust*, p 5

multifaceted interests has meant that Bonner’s original timeframe of six years for the process to be completed will be considerably elongated.

Another issue that has gained increasing attention through the ALT’s land transfer process is the extent to which the disadvantaged position that many Indigenous people come from mitigates against their ability to achieve sustainable land use and land management regimes on land that they eventually acquire. Sustainable land use and management is a costly and high profile business, which now occupies a position squarely in the forefront of current political debates as measures are examined to prevent further ecological degradation throughout the State. The reality of this for many Indigenous people is a scenario of land being handed back to them without the resources to effectively care for it. In light of this, DIA - ALT has understandably become more circumspect about transferring land due to the broader economic implications involved and has established a Land Management Section to facilitate access for Indigenous groups to funding and partnerships, so that they are not “set up to fail”. However, resources still remain an issue for DIA - ALT which is responsible for a land estate larger than that held by the Department of Conservation and Land Management (CALM). The comparison below, which has been derived from 2000 - 2001 financial year, is a sobering reminder of the type of resource deficit that continues to afflict the Indigenous sector:<sup>51</sup>

	<b>CALM</b>	<b>DIA</b>
Land under management	23.6 million hectares (ha) (a)	26.9 million ha (b)
Total staff (all programs) (c)	1,329	144
Funding (all programs) (d)	\$177.1million	\$17.7million
Expenditure on reserve administration and management	\$47.9million (e)	\$2.5million (f)
Expenditure per ha for reserve administration and management	\$2.03 (g)	\$0.09 (h)

<sup>52</sup>More than a decade after the Mabo decision and the NTA introduced the expectation that Indigenous people would be entitled to wholesale common law and statutory rights in relation to land title and ownership, it would seem that, for a number of reasons,<sup>53</sup> progress towards these goals in the Pilbara has not matched the level of

<sup>51</sup> Notes on abbreviations contained in table:

- a) From Annual Report (*CALM, 2001*)
- b) From DIA Land Register (*DIA 2002*), as of July 2001
- c) Based on “head count” for both agencies (*DPC, 2002*)
- d) From Annual Reports (*CALM, 2001* and *DIA, 2001*) based on Total actual expenditure for all outputs
- e) From Annual Report (*CALM, 2001*) for “Nature Conservation” Output (Note: the report uses “Cost per hectare managed” as a measure for this output (see also note (g))
- f) From Annual Report (*DIA, 2001*) for “Management and transfer of the Aboriginal Lands Trust estate” Output.
- g) From Annual Report (*CALM, 2001*) as an Output (Nature Conservation) measure.
- h) Calculated from Annual report (*DIA, 2001*) expenditure on “Management and transfer of the Aboriginal Lands Trust estate” Output.

<sup>52</sup> The majority of the information in the subsequent 3 paragraphs has been derived from PNTS, ILC, ATSIIC, *Pilbara Sub-Regional Overview of Land Needs, VOLS 1 & 2*,

<sup>53</sup> On page 63 of the *Pilbara Sub-Regional Overview of Land Needs, VOL 2*, it notes how “it has become apparent that most of the regions native title claims on their own will not result in the applicants regaining possessory title to land ‘to the exclusion of all others’. A number of recent Court determinations have emphasized the fact that existing titles are relatively secure even if native title is

expectation. This is despite a number of Indigenous groups benefiting economically from lucrative future act deals under the NTA with companies such as BHP Billiton, Woodside and Rio Tinto. The initial optimism has now been replaced by an “uncertainty that native title will deliver substantial material benefits to the titleholders”.<sup>54</sup> Although many Indigenous people now reside in the major towns of the region and have not occupied their traditional country for some time, there is no doubt as to the clarity of their vision in relation to land needs. There is also an acute awareness that “the lands currently held by or on behalf of Indigenous people do not deliver the benefits required to ensure a sound economic future for current and future generations”.<sup>55</sup>

Earlier this year, the Pilbara Native Title Service (PNTS) produced a report that had been commissioned by the Indigenous Land Corporation (ILC). The *Pilbara Sub-Regional Overview of Land Needs* (PSROLN) was developed over a two-year period with the assistance of the Ngarda-Ngarli-Yarndu Regional Council, which contributed funds and had a member on the steering committee that oversaw its development. The PSROLN contains a comprehensive inventory of the current Indigenous land holdings across the Pilbara region. More importantly, it articulates Indigenous land aspirations for the region, and provides an all-encompassing blueprint for the development of a coherent land strategy for the Pilbara: proposing a collaborative approach between the ILC, PNTS, ATSIC and DIA to achieve this outcome.

The land aspirations of Indigenous people are focused around providing an avenue towards viable economic and social benefits. Despite the recognition of the associated risks and cost in assuming responsibility for land, many Indigenous people believe that if they are given the appropriate training and financial support, they will be able to profitably develop the land and escape the existing welfare cycle that offers little hope for the future. Following an extensive consultation process that involved Government agencies, Indigenous groups and the findings of previous reports, the PSROLN identified the following strategic focus areas in terms of Indigenous land aspirations, which encompass the pertinent economic, cultural, social and environmental factors:

- a land base for community development;
- re-entering the pastoral industry;
- non-pastoral enterprises;
- heritage and conservation; and
- town land.

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found to exist and be held by the claimants”. Other factors have included the instability of, and changes to, the representative bodies in the region, where at one stage there were three separate NTRBs with jurisdiction over the Pilbara. This has now been resolved with the responsibility residing with the Pilbara Native Title Service.

<sup>54</sup> *Pilbara Sub-Regional Overview of Land Needs, VOL 2*, p 63. Although, given the size of a number of future act deals that have been negotiated under the NTA, it is probably more accurate to talk of the potential inequity of material benefits that will result in huge benefits for some communities and others with little or no benefits whatsoever.

<sup>55</sup> *Pilbara Sub-Regional Overview of Land Needs, VOL 1*, p 10

The PSROLN is an excellent resource that has gathered together crucial information, and represents a unique opportunity for the development of a holistic land strategy for the region.

Another resource that has not been utilised in the Pilbara is the “Farmbiz” initiative. This is jointly sponsored by the State and Commonwealth Governments and provides grants to individuals and groups to subsidise the course cost of approved training that is intended to improve their technical and business management skills as well as their knowledge in relation to land management, agricultural and pastoral business development. In addition to this, there is also a national initiative being proposed by the National Heritage Trust that seeks to enhance Indigenous engagement in the regional delivery of natural resource management.

During the consultation process for this report, the issue of land tended to be overshadowed by the more immediate social issues facing the majority of the stakeholders. The discussions that did take place indicated that the state of relations between the local stakeholders regarding land matters were excellent. The PNTS<sup>56</sup>, on behalf of the Kariyarra people, commended the Town of Port Hedland on its proactive attitude and both parties are confident that their recently signed Memorandum of Understanding (MOU) will lead to a comprehensive Indigenous Land Use Agreement (ILUA) that will eventually facilitate all land matters such as heritage and town planning. The negotiations have been overseen by the National Native Title Tribunal (NNTT), which has also agreed to fund a presidential consultancy to implement the terms of the MOU. Negotiations are also proceeding between the PNTS and the DIA Land Branch for an MOU to identify and prioritise land in relation to the land transfer process.

The following summarises the other major issues raised by the key stakeholders in relation to Land:

- Relationship between PNTS and ATSIC needs to be developed so that the relevant organisations are able to increase their mutual knowledge and understanding of each other.
- Resources are a major issue. The PNTS as an organisation would struggle to function without the extra injection of funds provided by future act deals.
- Stakeholders are keen to understand what specific government agencies can offer in relation to the economic development of land. Some contact has been made with the Office of Aboriginal Economic Development (OAED) and the Department of Fisheries, but more work needs to be done in expanding this network.
- The PNTS has a broad statutory mandate in relation to land, but presently lacks the capacity to develop this base.

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<sup>56</sup> The PNTS is the statutory body representing the Pilbara Native title claims and is funded by ATSIC. It also receives income from future act deals under the NTA negotiated on behalf of its clients with the resource sector. The future act funding is significant and a number of crucial positions are sustained by it. There are three native title claims within the Port Hedland LGA: the Kariyarra, Ngarla and Njamal, all of these claims are listed as being in mediation with the National Native Title Tribunal (NNTT).

## **Recommendations**

That:

1. The PKMIF acknowledges the importance and inherent potential of land, heritage and culture to provide a number of social, economic and cultural benefits for Indigenous people.
2. The PKMIF adopts the PSROLN as a blueprint for a potential Indigenous land strategy in the Pilbara and works in conjunction with the identified stakeholders to undertake the development of this strategy.
3. The DIA Land Branch brief the PKMIF on the Land Transfer process and provide information relating to the ALT Estate in the Pilbara region.
4. The PKMIF acknowledge the potential socio-economic capital inherent in land for Indigenous people and work to build the capacity of Indigenous organisations to manage and gain benefit from land ownership. This should be done by investigating the various State and Commonwealth initiatives that are available in relation to capacity building and natural resource management.

### **6.2 Heritage and Culture**

The Department of Indigenous Affairs, which has legislative carriage of the *Aboriginal Heritage Act 1972* (AHA), provides the following description of Indigenous heritage and its importance to Indigenous people and the wider society:

“Indigenous society has existed in a variety of forms in Western Australia for at least 40,000 years. The historical traces of these societies and their cultures reflect a subtle and often complex relationship with the land. For Aboriginal people today, it is vital that their heritage is acknowledged and preserved because it provides an essential emotional and spiritual link to traditions and practices which ensure the continuity of their culture.

“As present day Australian society sees and feels the impact of ecological disturbance, the desirability of understanding a culture which was able to maintain a sustainable relationship with its natural environment becomes self-evident. Aboriginal heritage is much more than the preservation of relics in a museum. It is a unique and valuable resource which all Western Australians should be proud of and try to preserve.”<sup>57</sup>

The reality of preserving Indigenous heritage remains a contentious area, as it is frequently the nexus where two very different philosophical outlooks have to reach a compromise. The mineral boom of the 1960s attracted large-scale mining operations into the Pilbara region, a trend that continues today. This type of large scale economic development and its obvious effect on the natural landscape then places huge pressure on Indigenous groups who are frequently caught in the quandary of

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<sup>57</sup> Department of Indigenous Affairs, *Aboriginal Heritage and Development in Western Australia: Advice for Developers*, 1999, p 1

needing and wanting the economic benefits that such development will invariably provide, but are faced with having to sacrifice their cultural heritage in order to do so.<sup>58</sup>

This problem has been exacerbated by the perceived ineffectiveness of DIA, past and present, in enforcing the provisions of the AHA. Although, DIA has recently taken steps to bolster resources in this area<sup>59</sup>, there was still some concern expressed throughout the consultations for this report about the need for a full-time Senior Heritage Officer who would be devoted exclusively to the Pilbara region. Questions were also raised about the existing capacity of the Pilbara regional office to participate effectively in an area that has gained increasing importance since the advent of native title, and its close connection with Indigenous heritage matters.

The PNTS is close to signing a region-wide heritage protocol with industry bodies that has been mediated through the Office of Native Title (ONT). During the past thirteen months, ONT has convened a Heritage Protection Working Group (HPWG), which comprised representatives from the Native Title Representative Bodies (NTRBs), Industry and Government (State and Commonwealth) organisations.

The aim of this working group was to develop regional template heritage agreements. It was proposed that there be six regional agreements (common in content with some regional differences) where it is expected by the State that licence applicants must agree to enter into a template agreement to trigger use of the expedited procedure under the NTA.

The use of these agreements should, in the long term, streamline processing of applications for prospecting and exploration licences by reducing the number of objections lodged by native title parties to the expedited procedure under the NTA.

In respect to the HPWG sub-working group for the Murchison - Pilbara areas (two regions), it is understood that the Yamatji Land and Sea Council - Pilbara Native Title Service has reached agreement with the Chamber of Minerals and Energy and the Association of Mining and Exploration Companies.

The main thrust of this agreement is recognition, protection and management of Aboriginal heritage when processing future acts (mining matters) in Western Australia. This agreement gives certainty to explorers by providing a mechanism for specific exploration activities to be undertaken with or without the need for a heritage survey, within acceptable timeframes and at an agreed budget with fees capped at acceptable rates. It also provides for an arbitral process when matters cannot be agreed between parties.

Although the agreements are largely focused around the relationship between industry and the NTRBs, they will not affect DIA's statutory role in relation to the Indigenous

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<sup>58</sup> The highly respected Indigenous elder, Peter Coppin, was faced with this sort of dilemma in the 1990s when negotiating with BHP over the location of the Yarrie Mine. See Read, J & Coppin P. *Kangkushot: The Life of Nyamal Lawman Peter Coppin*, Canberra, 1999, ps 173-178.

<sup>59</sup> DIA has recently appointed a Senior Heritage Officer for the North who has the responsibility for heritage matters in the DIA Pilbara and Kimberley regions.

heritage site register and in responding to reported site disturbances, and there is the potential for greater collaboration with the PNTS in this area.

Another key component of Indigenous culture that requires attention is the preservation of traditional languages, which are uniquely equipped to articulate the rich cultural traditions of Indigenous society. A recent study undertaken by the WMPALC of the Ngarda-Ngarli-Yarndu region noted that, “[a]pproximately 20 traditional languages are associated with this region. These languages have a great deal of cultural importance. They are inextricably linked with the land, culture and law... a number of these languages are now dead... All Aboriginal languages spoken in this region are endangered”.<sup>60</sup> The table at Attachment 5 has been derived from information contained in Wangka Maya’s, *Indigenous Profile of the Ngarda-Ngarli-Yarndu Region*, and contains the languages of the region, some of which are only alive through the preservation of archival material.

<sup>61</sup>Although there are a large number of Indigenous people who have a fluent command of English, there are also a significant number for whom English is a second, third or fourth language and they face particular difficulty in “communicating in highly technical areas such as medical diagnosis and contact with the law and justice system”.<sup>62</sup> There is currently a significant lack of appropriate interpreter services for Indigenous people.

This lack of interpreter services has serious ramifications for the effective delivery of services to Indigenous people as well as potentially deny Indigenous people fair and equitable treatment under the law. This issue has been documented in the recommendations of several national reports. These reports include the *Royal Commission into Aboriginal Deaths in Custody*; the *Recognition, Rights and Reform Social Justice Report*; the *Bringing them Home Report*; and the *Commonwealth Grants Commission Inquiry into Indigenous Funding*.

The Commonwealth, through the Department of Immigration and Multicultural and Indigenous Affairs, provides an interpreter service for speakers of over 100 migrant languages, with over \$2 million allocated to Western Australia. This commitment to providing interpretive services for migrant communities has not been matched by a parallel commitment to provide a similar service for Indigenous people. A feasibility study undertaken by WMPALC has identified some of the implications of not having an appropriate Indigenous interpreter service, and also demonstrates the level of support for such a service from key State Government agencies as well as in numerous previous studies. The study recommended that:

1. A Pilbara Interpreting Service be established through Wangka Maya Pilbara Aboriginal Language Centre.
2. The establishment of the service be accorded the highest priority for the Centre.

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<sup>60</sup> Wangka Maya, *Indigenous Profile of the Ngarda-Ngarli-Yarndu Region*, p 1

<sup>61</sup> The information in preceding this section has been largely derived from, Wangka Maya, *Interpreter Services Feasibility Study*.

<sup>62</sup> Wangka Maya, *Interpreter Services Feasibility Study*, p 2

3. An Interpreter training course be run in Port Hedland through the Pilbara TAFE by NAATI<sup>63</sup> for the following Pilbara Aboriginal languages: Nyangumarta, Yindjibarndi, Martu Wangka, Thalanyji, Banyjima, Ngarluma, Manyjilyjarra.
4. The State Government of Western Australia supports the establishment of the service financially.
5. All agencies both State and Federal be required to use the interpreter and other language services of Wangka Maya and report on this use.
6. Wangka Maya will lobby for fully funded Interpreter Services across the State.

### **Recommendations**

That:

1. DIA liaise with the PNTS and arrange to brief the PKMIF on the recently signed heritage protocols with a view to developing greater regional collaboration regarding the protection of Aboriginal heritage.
2. DIA undertake to investigate additional resources for Indigenous heritage in the Pilbara region with a view to appointing a Senior Heritage Officer devoted exclusively to the Pilbara region.
3. The PKMIF adopt recommendations 1-4 of the WMPALC feasibility study and work in conjunction with WMPALC to lobby the appropriate arms of the State and Federal Governments in order to secure funding to establish an interpreter service in the Pilbara.

#### **6.2.1 Community Attitudes and Cross-Cultural Awareness**

Throughout the consultation process for this report, community attitudes in relation to Indigenous people, was a persistent if somewhat ambivalently expressed theme. A number of stakeholders, Indigenous and non-Indigenous, expressed concerns about racist attitudes in Port Hedland, but some did not consider race to be a major factor in the town's current problems, instead emphasizing that issues and not race were the primary concern.

It is obvious, however, that Port Hedland suffers, like most areas of Australia, from a lack of awareness of Indigenous history and culture and the historical context of the current disadvantaged position experienced by Indigenous people. The recent focus on law and order and community safety has unfortunately reinforced negative stereotypes of Indigenous people. Many problems such as those involving itinerant Indigenous people, street-drinking and truancy are very visible to the public and this impacts negatively on all Indigenous people in Port Hedland. In contrast, as one stakeholder articulated: "white people do their drinking and have their arguments behind closed doors".

The historical experience of Indigenous people and their continuing disadvantaged position in society is the source of considerable distrust and enmity in the community.

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<sup>63</sup> The National Accreditation Authority for Translators and Interpreters

Many of the issues currently affecting the Town of Port Hedland can be legitimately traced to a number of historical factors. These include:

- Dispossession from land and marginalisation from mainstream resource development and labour market opportunities has severely restricted prospects for economic development and contributed to welfare dependence.
- An education system that was initially out of reach and then out of touch with Indigenous people.
- The consistent destruction of Indigenous heritage and culture.
- A lack of respect for Indigenous culture and beliefs.
- The lack of basic services and infrastructure in remote communities.
- The lack of tangible results from a succession of Government reviews.
- The demoralising effects of consistently poor health and life opportunities.

This report has a number of recommendations in it relating to the provision of cross-cultural awareness training for government workers. It is important that such training be provided to all government agencies and service providers working with Indigenous people. There is also a need for broader community education about the Indigenous history of the Pilbara and the important contribution that Indigenous people have made and continue to make to the region.

BHP Billiton is targeting all employees for cultural-awareness training and currently has in the order of 50 per cent coverage. They have made their training sessions available to other community members and also sponsor the local reconciliation group that has been active in Port Hedland.

Another less obvious, but potentially equally destructive, community relations issue in Port Hedland concerns the relationships between Indigenous people themselves. Section 8.0 discusses some negative impacts of competition and antagonism between Indigenous organisations in the region. There also appears to be a particular resentment directed towards those Indigenous people from other regions of Western Australia.

Consultations suggest that factors contributing to this animosity include the perception that these people:

- take jobs away from local Indigenous people;
- occupy crisis and other accommodation options;
- place pressure on local services;
- are responsible for a large proportion of anti-social behaviour and criminal activity that is attributed to Indigenous people generally; and
- create tenancy and other problems for family and long-term residents.

These issues and perceptions, together with potentially divisive outcomes from the native title processes, has seemingly resulted in the development of a pseudo-class structure within the Indigenous community. This comprises:

- traditional owners and native title holders/claimants;

- other “local” Indigenous people and those with family or historical connections; and
- Indigenous people from others areas of the State.

The consequence of this is the further marginalisation of many Indigenous people who are already alienated from mainstream society and perhaps from their own traditional country.

The CSP discusses the need to develop cultural protocols as the basis for a system of local by-laws to govern the behaviour of visitors to the traditional land of the Kariyarra people (which incorporates Port Hedland). This has the potential to be a very positive initiative and is based on the cultural protocols developed by the Larrakia Nation in the Northern Territory (refer to Attachment 5). The successful implementation of the proposal would go some way towards promoting mutual respect and reducing current animosity.

Port Hedland is a multi-cultural town with approximately 50 different nationalities represented. There is therefore a need for tolerance and understanding within all sectors of that community. This applies equally to the Indigenous population.

### **Recommendations**

That:

1. Cross-cultural awareness training is provided to all government workers and service providers.
2. DIA and ATSIC, in conjunction with BHP Billiton and Wangka Maya, explore options for improving the broader community understanding of Indigenous history and heritage and for the promotion of Indigenous culture and achievements.
3. ATSIC take a lead in engaging the community to develop strategies to address the current level of disharmony within the Indigenous community.

## 7.0 Coordination of Service Delivery

Given the multitude of programs, services and service providers that are active in Port Hedland, the need for effective mechanisms to coordinate between agencies is fundamental to effective and efficient service provision.

There are a number of initiatives at a State and national level to effectively “join-up” government in order to address potential duplication and waste and to drive public sector reforms.<sup>64</sup> However, despite agreement of principles by heads of government and Directors General, the impact of these reform agendas at the local level is unclear.

The consultations undertaken in Port Hedland and subsequent review of existing programs and structures identified a number of impediments to effective coordination in the region. These include:

- A lack of delegation at the regional and district manager level to make decisions and to respond to emerging needs and priorities.
- Rigid program and funding guidelines that mitigate against flexible and responsive service delivery.
- A lack of discretionary funds with which to respond to local needs.
- Individual agencies under increasing pressure to focus on core business at a cost to intersectoral collaboration.
- Community politics encourages inertia, as it is impossible to satisfy all sectors.
- A growing number of interagency and community forums consuming the time of senior managers and officers.
- A history of ineffective committees and forums that have taken much time but delivered little.
- A continually high turn-over of agency staff resulting in the loss of key networks and relationships.
- Variable skills and motives of key staff posted to the Pilbara (present managers excepted!)
- Interpersonal and interagency conflicts.
- A history of Perth and Canberra failing to support the needs and initiatives of the Pilbara (outcomes are achieved in spite of the system not because of it).

The notion of a partnership with reciprocal responsibilities as envisaged in the Statement of Commitment places an onus on the State Government, working in conjunction with Commonwealth and Local Governments, to perform effectively and efficiently in its dealings with Indigenous people.

The Federal system of government in Australia means that the country operates under three spheres of government each with specified and often related or overlapping functions. There are many advantages of such a system of government, however, there are also added complexities such as the potential for confusion about roles and responsibilities; the potential for duplication and waste, the potential for buck-passing for policy failures and complicated and competitive fiscal arrangements.

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<sup>64</sup> Refer Section 9.0

Indigenous affairs, perhaps more than most areas of government, has suffered from all of these complexities.<sup>65</sup> In addition, Indigenous people must not only work with the three spheres of government, but also must sort through the myriad of separate State and Commonwealth Government agencies that have been created to deliver specialised services and advice. The tendency of government to compartmentalise in order to deal with specific issues is not always conducive to dealing with the multi-dimensional nature of many of the problems in Indigenous affairs.

The traditional response to the fragmentation of government service delivery is the establishment of interagency committees. As mentioned in the issues outlined above, these committees can become counterproductive if they are seen to not add value to the work of regional operatives and not be worth the time invested.

A paper prepared for OAH in September 2000<sup>66</sup> identified the following critical success factors for effective collaboration:

- Strong leader/skilled convenor;
- Adequate resources;
- Shared vision;
- Relevant key stakeholders are included;
- Issues are a priority and members see collaboration as being in their self-interest;
- Good relationships between members based on respect, understanding and trust; and
- Members have a commitment to both the process and the goals.

There are numerous interagency committees operating in Port Hedland, generally with a focus on a specific subject area, e.g. domestic violence, safety, education. The recently established PKMIF, convened by DIA and ATSIC, is providing an important forum for broad discussion regarding Indigenous issues and to date has been well received. It is seen as providing a badly needed forum for senior managers to exchange information and to discuss operational issues without the political backdrop of some committees. It provides a formal structure for State agencies to work with ATSIC consistent with the Statement of Commitment as well as providing a direct link to the Indigenous Affairs Coordinating Committee.

DIA, ATSIC, the Town of Port Hedland and the PDC all have statutory responsibilities to coordinate service delivery and to provide advice on local needs and priorities. Successful coordination, however, cannot be left to one or two agencies. It is suggested that the long-term utility of the PKMIF will require a commitment by all participants to the principles for effective collaboration outlined above. It will also require the recognition that coordination comes at a cost and that it is the job of regional managers to liaise and collaborate with their counterparts in other agencies. There are a number of successful examples of this in the Pilbara.

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<sup>65</sup> Department of Indigenous Affairs Discussion Paper, *Services to Discrete Indigenous Communities in Western Australia*, unpublished, 2002.

<sup>66</sup> Eslick and Gevers, *Intersectoral Collaboration: Critical Success Factors*, 2002

The long-term viability of such a forum is dependent not only on goodwill and relationships but also on the ability to make a difference. This is both in the immediate sense, as a result of information sharing and improved communication, and in the long term as a result of potential joint planning, collaborative initiatives, shared resources and mutual accountability.

It is strongly suggested that government resources be dedicated to the efficient running of the PKMIF and to drive the actions agreed by participating agencies. It is also suggested that participating agencies consider an annual contribution to the forum from program budgets that could be used to:

- Fund an executive support role;
- Establish a pool of funds to be used to implement collaborative initiatives; and
- Attract other sources of funding from State and national programs.

This is consistent with the model used by the State Environmental Health Needs Coordinating Committee since 1995 and which has successfully led to key joint initiatives such as the 1997 (and now annual) *Environmental Health Needs Surveys* and the *Housing and Infrastructure Code of Practice*.

Such a proposal is also consistent with current directions of “place management” being developed by the State Government in response to the recommendations of the Gordon Inquiry. Such an approach seeks to cut across the traditional silos of government departments and focus instead on multifaceted problems and outcomes defined by geographical area and the specific needs of the communities.

Place management is being used in New South Wales in Cabramatta, Kings Cross and Redfern to achieve:

- Improved health and community resilience;
- Increased community safety and reduced anti-social behaviour and crime;
- Improved local coordination and infrastructure;
- Improved educational and employment opportunities.

This place management approach is based on:

- A focus on places and communities rather than function-orientated government departments;
- A focus on outcomes in those places rather than on the inputs and outputs of departments;
- To various degrees, moving mandated authority, responsibility for resource decisions and accountability for results to a person or organisation responsible for a place and away from those responsible for agencies.

Place Management can occur at a number of levels. A conservative approach (“place coordination”<sup>67</sup>) has less transfer of authority and a focus on the improved coordination of services within existing systems, while at the other end of the spectrum, it can involve changing the way services are delivered through a more complete transfer of power and authority to a community via a place manager.

It is suggested that a Place Management approach is well suited to the situation in Port Hedland and that a phased implementation could potentially attract additional support from the State.

### **Recommendations:**

That:

1. The PKMIF is consolidated as a key regional coordinating forum for government agencies in Indigenous affairs.
2. The PKMIF undertake an audit of existing Indigenous coordinating forums and committees in the region with a view to rationalisation.
3. The PKMIF establishes effective linkages to the ATSIC regional planning process, regional council sub-committees, peak community organisations and the IAAC.
4. Participating agencies consider an annual contribution to the cost of “intersectoral collaboration”.
5. A dedicated senior officer (executive officer / place coordinator) is appointed to support the PKMIF in driving collaborative initiatives and achieving agreed objectives.
6. Discussions be held with the Department of the Premier and Cabinet regarding the potential for piloting a Place Management approach in Port Hedland which builds on the proposal outlined in recommendation 5.
7. The PKMIF, with the support of a senior officer, take the lead role in driving the implementation of the recommendations endorsed from this report.

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<sup>67</sup> Green V and Zappala G, *From Welfare to Place Management: Challenges and Developments for Service Delivery in the Community Sector*, 2000, smithfamily.org.au

## **8.0 The Role of Non-Government Organisations (NGOs)**

The role of NGOs, particularly Indigenous organisations, in the delivery of services to Indigenous people in Port Hedland has been the subject of much discussion at virtually every interview carried out as part of this project.

Community organisations are important expressions of increased Indigenous control and many play a vital role in representing community views and in ensuring modes of service delivery are appropriate to the needs of Indigenous people. They also provide crucial opportunities for Indigenous expression, employment and enterprise development. Importantly, many of the smaller associations have developed in an ad-hoc manner and often in response to dissatisfaction with other structures that were not meeting the expectations of all community members.

ATSIC has played an active role in promoting the use of Indigenous organisations and in supporting Indigenous economic development. State and Commonwealth Government agencies are also active in the outsourcing of service and program delivery through community organisations.

There are a large number of Indigenous organisations active in Port Hedland (refer Attachment 8). In addition, there are numerous other non-government organisations that are involved in service delivery to Indigenous people. Examples include the PHSUC and the YIC.

The presence of these organisations and the committed people behind them is an asset to Port Hedland and a strength that can be built upon. However, the sheer number of organisations, confusion about roles and responsibilities and the apparent heavy reliance on them by both government agencies and clients for service delivery, adds another complex dimension to an already complicated environment.

Whilst the outsourcing of service delivery by government agencies is both necessary and desirable, the ideals of self-determination and self-management need to be balanced against the capacity of organisations to deliver program outcomes and the responsibility of government agencies to provide core services. It is apparent that in some cases, the aim seems to be find an Indigenous organisation to deliver the service rather than focusing on achieving the original objectives of the program. The efficient and effective delivery of services at appropriate standards needs to be the primary objective.

The challenge for government and Indigenous organisations is to ensure that services are appropriate to the needs of Indigenous people; that they are of no lesser standard than that expected for non-Indigenous people; and to develop long-term strategies that maximise opportunities for Indigenous people to successfully control and deliver those services. Employment and enterprise development, although crucial to long-term objectives and aspirations, should not take precedence over the achievement of the explicit outcome required or be used as an opportunity for government agencies to abrogate their responsibilities to the community. To do so discriminates against the recipients of the service by providing anything other than the best service available.

Consultations with stakeholders raised a number of specific issues with regard to the role of community organisations. The following points attempt to summarise these:

- Outsourcing of service delivery by government agencies can sometimes equate to outsourcing responsibility for outcomes.
- Outsourcing can be seen as cheap option for government agencies that sometimes provide insufficient resources for effective service delivery and thus place an unfair burden on NGOs.
- Contracting out can be seen as a convenient escape for government agencies that are unable or unwilling to deal appropriately with the issues.
- The success of a program sometimes appears to be measured by the successful acquittal of funds provided to a community organisation rather than the outcomes for clients.
- Community organisations are highly competitive and often focused on survival and associated recurrent funding needs rather than program delivery.
- The community sector is highly political with much partisanship and active undermining of other community groups (it was said more than once that some groups would prefer to see a positive initiative fail rather than a competing organisation succeed).
- Many community organisations have limited capacity or expertise to fulfil their purpose or to meet the obligations they have to funding bodies and to their members.
- The success or otherwise of a community organisation can be heavily dependent upon one or two organisational members and thus can be vulnerable to change.
- Many organisations have similar or overlapping functions and need to be rationalised.
- Partisanship of community service providers can lead to inequities in access to services.
- Organisations may be funded on the basis of their submission writing ability, historical factors or alleged connections to decision-makers.
- There is a blurred line between organisations established as an Aboriginal Corporation with various social objectives and those that have developed into business enterprises that are potentially self-funding and profit-making.

ATSIC advised that a number of Indigenous organisations funded by the NNY Regional Council have had performance and/or compliance issues. This can be a reflection of the capacity of the organisation; the focus of the organisation on service delivery rather than acquittal of accounts; and/or of the burden placed on such organisations by government agencies with unrealistic expectations.<sup>68</sup> Given that these organisations are often at the front line of service delivery, it is vital that they are adequately resourced to fulfil their obligations and that appropriate monitoring mechanisms are in place. A significant gap in service delivery is the lack of support that has been available to such organisations to improve their governance and administration.

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<sup>68</sup> It should be noted that State Government agencies also funded by ATSIC sometimes fail to meet reporting expectations.

The limited governance and administrative capacity of many organisations is exacerbated by the funding relationship between Indigenous organisations and government. The need to fit community needs and priorities into predetermined program guidelines via short-term funding submissions together with the often onerous accountability requirements of funding agencies creates a complex administrative environment. The scarce resources and expertise of community organisations is therefore often consumed by the need to meet submission deadlines and reporting requirements to the detriment of the achievement of the purpose for which the organisation is established. This seems to be exacerbated in Port Hedland where there are particular tensions between community groups and political infighting among the various management committees.

Indigenous organisations have the complex task of negotiating between the differing political positions and cultural imperatives of both the mainstream and the Indigenous community. There is therefore a potential incompatibility between the demands on organisations and individuals to fulfil external accountability requirements, and the meeting of obligations to constituents who are concerned with social, cultural and political obligations. The “Review of the *Aboriginal Councils and Associations Act 2002*”, referred to the “potential inconsistency” of some deeply held cultural values and practices with what would normally be regarded as good corporate governance. The review also noted the high degree of suspicion or distrust between different groups that is often a consequence of the emphasis, within Indigenous society, on the autonomy of individuals and of locally based groups. The review noted the following:

“Political struggles between groups may be exacerbated by intense competition to ensure that they have access to or control over the resources of a corporation – particularly where a corporation receives significant resources from funding bodies or other sources such as mining royalties. The competition for these resources typically manifests itself in groups or sub-groups trying to appoint their own representatives to the board of the corporation, or even to control it, since those from other groups may not be trusted to represent their interests. Thus directors may not be appointed because of their qualifications or managerial skills, but because of their position in a group, sub-group or family.”

It is suggested that this competition and distrust leads eventually to the establishment of other incorporated groups by those dissatisfied with the existing representation. There are currently in the order of 6,000 Aboriginal organisations incorporated nationally. It is currently not possible to amalgamate existing incorporations under the *Aboriginal Councils and Associations Act 1976*, although it is understood that such a provision is being considered as part of amendments to the legislation.

Support for community organisations to adequately govern and administer themselves is a significant gap in current service delivery. State and Australian Governments and ATSIC are increasingly acknowledging this.<sup>69</sup> Traditionally, funding bodies, the Office of the Registrar of Aboriginal Corporations and the State Department of

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<sup>69</sup> 2001 Statement of Commitment to a New and Just Relationship; COAG Communiqué.

Consumer and Employment Protection have failed to provide the sort of monitoring and mentor support that is required. Instead, organisations are put under grant control or administration once the wheels have fallen off.

Port Hedland TAFE currently provides important training support and Business Studies in administration. The recently established PACC is also positioning itself to provide governance and training support. The Office of the Registrar of Aboriginal Corporations is currently piloting an enhanced training program through improving the knowledge and skills of committee members and potential committee members, and also to provide opportunities for accredited (Certificate IV) training.

DIA, ATSIC, DOET and the WA Centre for Leadership and Community Development (WACLCD) are currently cooperating to build on current work and to target suitable training packages to meet the administrative and governance needs of Indigenous organisations. There is potential for a cooperative relationship between the WACLCD and the Pilbara TAFE to pilot a corporate management and governance approach that meets the needs of Indigenous organisations in Port Hedland.

The NNY Regional Council has been active in seeking to rationalise Indigenous organisations and to establish peak regional bodies to deal with various functional areas. These are:

- Employment and training (Pilbara Aboriginal Chamber of Commerce);
- Housing (Pilbara Meta Maya);
- Women's issues (Pilbara Indigenous Women's Aboriginal Corporation);
- Economic development (Ngarda-Ngarli-Yarndu Foundation Inc);
- Language (Wangka Maya);
- Sports and youth (Ngarda Sports Foundation);
- Health (Federation of Pilbara Aboriginal Health Services);
- Native Title (Pilbara Native Title Service);
- Broadcasting (Port Hedland Indigenous Media); and
- Arts (Pilbara Arts, Crafts and Designs Aboriginal Corporation).

These regional organisations attract funding in the order of \$8 million from ATSIC alone.

The need to rationalise the number of often competing organisations is supported, as is the vision of Regional Council to develop regional organisations and to promote long-term economic development for Indigenous people. However, there may be potential problems with the "one-stop-shop" approach. These include:

- Perceptions of favouritism when channelling funds to one organisation when there are others in the marketplace;
- Limiting competition between existing service providers leading to decreased value for money;
- Restricting the development of other potential service providers (Indigenous and non-Indigenous) which may add value to service delivery;
- Adding to, rather than rationalising, the number of competing organisations; and

- Putting all the eggs in one “basket-case”.

It is understood that the ATSIC review has mooted a move away from funding programs through “grants-in-aid”. It is suggested that competitive tendering of program dollars would address many of the concerns outlined above. The recent separation of powers decision may also alleviate some of these concerns.

It should be noted that in many rural and remote areas, there is a limited private sector market available to provide services and that in many cases the market price for the delivery of such services may be prohibitive. Full competitive tendering may therefore not always be possible. However, effective procurement strategies need to be adopted to ensure that sufficient funds are provided by government agencies to achieve the outcomes required; to source the best available service provider; and to ensure appropriate contract management.

Importantly, government does have a role in developing the skills of Indigenous organisations and businesses to compete in the marketplace. Innovative selection criteria and tender requirements are necessary in order to promote Indigenous businesses, joint ventures and Indigenous employment outcomes.<sup>70</sup> Funding agencies, OAED, training providers and industry groups all have a role in this area.

As mentioned above, ATSIC has been very active in the region in promoting economic development opportunities as a key to addressing long-term disadvantage. The NNY Foundation Inc. and NCM Pty Ltd are cases in point (see discussion on income and employment).

However, there does not appear to be a good awareness among many stakeholders of the rationale and the relative success of this approach. ATSIC was perceived as “wanting to deal with big business rather than focusing on community needs”. It was expressed that ATSIC needed to do more at the community development end of the spectrum rather than the current perceived “entrepreneurial approach”. It is suggested that this is both a question of balance and of marketing.

## **Recommendations**

That:

1. The vital role of community organisations in the delivery of services to Indigenous people is acknowledged.
2. The training sector, funding agencies, the Office of the Registrar of Aboriginal Corporations and the Department of Consumer and Employment Protection place increased emphasis on the development of capacity building strategies to promote improved corporate governance, management and administration of Indigenous organisations.
3. All government agencies that outsource services to community organisations review their processes and evaluation criteria to ensure: maximum value for

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<sup>70</sup> BHP Billiton has adopted such an innovative approach in supporting the establishment and successful operation of NCM (see section 5.5).

money; appropriate service standards; and adequate resourcing to achieve the outcomes required.

4. Agencies explore opportunities for the joint tendering of related programs and services in order to streamline the number of service providers, improve efficiencies, reduce perceptions of bias and improve interagency collaboration.
5. A clear distinction is made between community organisations with social objectives and those large corporations that are essentially businesses entities.

## **9.0 The Indigenous Affairs Policy Environment**

The development, implementation and evaluation of strategies at a regional and local level can be greatly enhanced by a clear understanding of and integration with current initiatives and policy frameworks at a State and national level. In addition, national and State frameworks only become relevant at a regional or local level when they can be seen to have practical application and assist service providers in responding to the needs of Indigenous people. Importantly, both the State and Commonwealth Governments have endorsed the use of consistent benchmarks and indicators to drive change and to measure progress in Indigenous affairs. These indicators will have significant implications for government agencies at all levels in terms of accountability and performance measurement.

This section provides a brief overview of major policy initiatives and directions of the Commonwealth and Western Australian Governments in Indigenous affairs.

### **The Statement of Commitment to a New and Just Relationship**

In 2001, the Premier and ATSIC signed a Statement of Commitment to a New and Just Relationship. The Statement of Commitment establishes a partnership framework between the two parties and sets out agreed principles for continuing dialogue between government and the Indigenous community.

In its negotiations with the State Government, the ATSIC Western Australian State Council (AWASC) is supported by the three major Indigenous representative bodies: the WA Aboriginal Community-Controlled Health Organisation (WACCHO), the WA Aboriginal Native Title Working Group (WAANTWG) and the Aboriginal Legal Service of WA (ALSWA).

The Statement of Commitment confirms a commitment to seek regional and local approaches to improve the responsiveness of government to Indigenous needs and priorities through the negotiation of agreements based on partnerships and reciprocal responsibilities. The IAAC is overseeing this.

### **IAAC**

The IAAC was established by the State Government to promote a coordinated response to the needs and priorities of Indigenous people and to provide advice to Government on the effective delivery of services. The IAAC is comprised of heads of key State Government agencies, the State Managers of relevant Commonwealth agencies, the WA Local Government Association and the AWASC.

The IAAC is leading a number of key initiatives that seek to link government agencies in developing joint strategies around key priority areas for action. In addition, the IAAC has endorsed three priority projects with the aim of piloting a whole of government and community-based approach to improving outcomes in specific locations. These locations are Tjurabalan (East Kimberley), Martu (Western Desert) and Northbridge (Perth).

## **Joint Communiqué**

A joint communiqué was signed on the 7 June 2002 between the Federal and State Ministers for Indigenous Affairs. The signatories to the communiqué agreed to pursue a whole-of-government approach to achieve long-term results at the local level. They also agreed to a number of priority areas for action and to work together through the IAAC. These priority areas are:

- Child development and growth;
- Early school engagement;
- Building on the strength of Indigenous community and culture;
- Breaking the cycle of alcohol and substance abuse;
- Functional and resilient communities;
- Functioning community infrastructure; and
- Family violence and community safety.

## **State Government Response to the Inquiry into the Response by Government Agencies to Allegations of Child Abuse (the Gordon Inquiry)**

The State Government has responded to the findings and recommendations of the Gordon Inquiry with a commitment to three strategic outcome areas related to achieving equity as citizens for Indigenous people. These are:

- the prevention of child abuse and family violence;
- improved environmental health and living conditions; and
- increased social and economic sustainability.<sup>71</sup>

Significant resources are being allocated to provide nine multi-purpose police facilities in selected remote communities (\$6 million per year over three years). \$3.36 million has been allocated for 25 additional Child Protection Workers. In addition, significant funding has been allocated for specialist Domestic Violence Police Officers; to expand the “Strong Families” program; to support sexual assault and child protection services; and for place management and community building activities.

## **Regional Frameworks**

The Statement of Commitment is based on developing regional and local partnerships based on negotiated agreements. The first round of negotiations to build these agreements have commenced in relation to the Gordon Inquiry and the prevention of child abuse and family violence.

It is intended that a key element of Regional Framework Agreements will be a joint approach to regional planning based around the statutory planning process within the ATSIC Act.

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<sup>71</sup> Government of Western Australia and Indigenous Leaders Roundtable Communiqué 11 December 2002

## **Bilateral Agreement on Indigenous Child Protection**

The Prime Minister and the Premier have agreed to negotiate a bilateral agreement on Indigenous child protection in order to develop joint strategies and services in Indigenous communities consistent with the findings of the Gordon Inquiry. The bilateral will promote a coordinated approach to tackling these issues and seek to negotiate a joint commitment to the resources necessary to achieve the strategic outcomes required.

## **Housing and Infrastructure Bilateral Agreement**

The *National Commitment to Improved Outcomes in the Delivery of Services for Aboriginal Peoples and Torres Strait Islanders*, endorsed through the Council of Australian Governments 1992, provided an important framework for improving coordination and defining intergovernmental responsibilities in Indigenous Affairs. Under the auspices of the National Commitment, bilateral agreements have been developed in Western Australia in the functional areas of Health, Housing and Infrastructure and Essential Services.

The 2002 Housing and Infrastructure Bilateral Agreement established an Aboriginal Housing and Infrastructure Council (AHIC) responsible for the allocation of pooled Commonwealth, ATSIC and State program funding. AHIC is also responsible for the development of strategic policy and five year rolling strategic plans. Funding allocations are informed by Regional Housing and Infrastructure Plans developed by each ATSIC Regional Council.

The Agreement promotes safe, healthy and sustainable housing for Indigenous people consistent with the 2001 National Housing Ministers policy "Building a Better Future: Indigenous Housing to 2010".

## **National Reconciliation Framework**

In November 2000, the Council of Australian Governments (COAG) agreed to a national reconciliation framework to address social and economic disadvantage. Three priority action areas were agreed:

1. Investing in community leadership initiatives;
2. Reviewing and re-engineering programs and services to support families and to tackle community dysfunction; and
3. Forging greater links between the business sector and Indigenous communities to help promote economic independence.

COAG subsequently directed Ministerial Councils to develop action plans and associated performance measures and benchmarks to drive and monitor progress.

In April 2002, COAG agreed to two significant new initiatives with the aim of progressing the reconciliation framework. The first was to trial a whole of government approach in up to ten pilot communities across Australia. The Western Australian trial site is Tjurabalan, which is consistent with the IAAC priority project.

The second initiative was to commission the Productivity Commission, through the Steering Committee for the Review of Commonwealth - State Service Provision, to produce a regular report against key indicators of Indigenous disadvantage. Future reports will inform Australian Governments about the effectiveness of government policy, programs and service delivery to Indigenous people.

The Steering Committee has now developed a draft framework based on the Indigenous Indicators Framework developed by the Ministerial Council on Aboriginal and Torres Strait Islander Affairs (MCATSIA). The first report is expected to be released in late 2003.

### **Indigenous Indicators Framework**

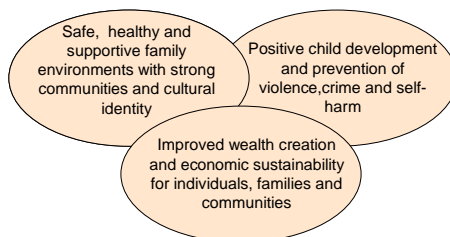
A draft two-tiered set of benchmarks and measures have been developed under the auspices of MCATSIA. It has now been endorsed by the IAAC and Cabinet and is ready to be applied at the State and regional level. The purpose of the Indigenous indicator framework is to inform policy and program development within jurisdictions as well as help measure the impact of changes to policy settings and service delivery and the effect of COAG's commitment to reconciliation.

The structure of the framework is based on the following concepts:

- Headline indicators indicate the extent of Indigenous disadvantage but, because of their longer term nature, are not responsive to policy and service delivery changes;
- Strategic areas for action are where action can be made now to improve outcomes in the future; and
- Strategic change indicators are the key measures of progress in each of the strategic areas for action.

The following summarises the headline indicators and the agreed "strategic areas for action":

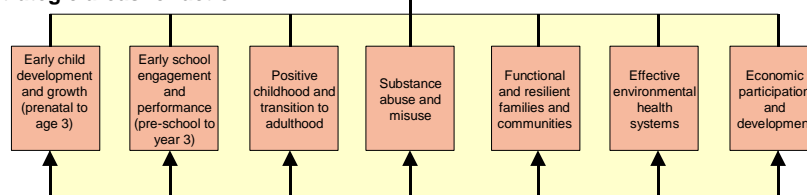
**Priority Outcomes**



**Headline indicators**

- Life expectancy at birth	- Unemployment and labour force participation	- Substantiated child protection notifications
- Rates of disability and/or core activity restrictions	- Household and individual income	- Deaths from homicide and hospitalisations for assault
- Year 10 and 12 retention and attainment	- Home Ownership	- Victim rates for crime
- Post secondary education participation and attainment	- Suicide and self-harm	- Imprisonment and juvenile detention rates

**Strategic areas for action**



**Strategic change indicators**

The following is a list of the Strategic Change Indicators:

**Strategic areas for action Strategic change indicators**

<b>Early child development and growth (prenatal to age 3)</b>	<ul style="list-style-type: none"> <li>- Life expectancy at birth</li> <li>- Rates of disability and/or core activity restrictions</li> <li>- Year 10 and 12 retention and attainment</li> <li>- Post secondary education participation and attainment</li> </ul>
<b>Early school engagement and performance (pre-school to year 3)</b>	<ul style="list-style-type: none"> <li>- Pre-school and school attendance</li> <li>- Year 3 literacy and numeracy</li> <li>- Primary school children with dental caries</li> </ul>
<b>Positive childhood and transition to adulthood</b>	<ul style="list-style-type: none"> <li>- Years 5 and 7 literacy and numeracy</li> <li>- Retention at year 9</li> <li>- <i>Indigenous cultural studies in school curriculum and involvement of Indigenous people in development and delivery of Indigenous studies*</i></li> <li>- Participation in organised sport, arts or community group activities</li> <li>- Juvenile diversions as a proportion of all juvenile offenders</li> <li>- Transition from school to work</li> </ul>
<b>Substance use and misuse</b>	<ul style="list-style-type: none"> <li>- Alcohol and tobacco consumption</li> <li>- Alcohol related crime and statistics</li> <li>- Drug and other substance use</li> </ul>

**Strategic areas for action Strategic change indicators**

<b>Functional and resilient families and communities</b>	<ul style="list-style-type: none"> <li>- Children in long term care and protection orders</li> <li>- Repeat offending</li> <li>- Access to the nearest hospital</li> <li>- Proportion of Indigenous people with access to their traditional lands</li> </ul>
<b>Effective environmental health systems</b>	<ul style="list-style-type: none"> <li>- Rates of diseases associated with poor environmental health (including water and food borne diseases, trachoma, tuberculosis and rheumatic heart disease)</li> <li>- Overcrowding in housing</li> <li>- Access to clean water and functional sewerage</li> </ul>
<b>Economic participation and development</b>	<ul style="list-style-type: none"> <li>- Employment (full-time/part-time) by sector (public/private), industry and occupation</li> <li>- CDEP participation</li> <li>- Long term unemployment</li> <li>- Self-employment</li> <li>- Indigenous owned or controlled land</li> <li>- Accredited training in leadership, finance or management</li> <li>- <i>Case studies of governance arrangements*</i></li> </ul>

**Commonwealth Grants Commission (CGC) Report on Indigenous Funding**

In 2001, the CGC undertook an extensive inquiry into Indigenous funding in Australia. The CGC detailed the entrenched levels of disadvantage experienced by Indigenous people in all regions and across all functional areas. It found that needs were greatest in remote areas and that, with the exception of housing and infrastructure, Commonwealth funding was not allocated on the basis of need.

Importantly, it documented how ATSIC's role as a supplementary funding provider had in many cases become a substitute for a lack of access to mainstream programs.

The Commonwealth Government's response to the CGC's report included a commitment to reduce Indigenous disadvantage through:

- Improving access to mainstream programs and services;
- Better targeting Indigenous-specific programs to areas of greatest need;
- Adopting broad principles to guide its approach to meeting the needs of Indigenous people;
- Using Specific Purpose Payments to States and Territories in the areas of health, housing, infrastructure and education;
- Working towards having the Australian Bureau of Statistics standard Indigenous identifier incorporated in major mainstream administrative data sets; and
- Producing a report in the 2005-06 financial year on the geographic distribution of Indigenous need; the alignment of mainstream and Indigenous-specific resources to meet that need; and progress in making mainstream services more accessible to Indigenous Australians.

### **The Section 26 Review of ATSIC**

The Federal Minister for Aboriginal and Torres Strait Islander Affairs has initiated a review of ATSIC in order to reassess its current roles and functions, including its role in providing:

- Advocacy and representation of the views of Aboriginals and Torres Strait Islanders;
- Programs and services; and
- Advice on implementation of legislation.

The review panel was asked to give particular attention to the role of Regional Councils in ensuring appropriate service delivery and to the structure of the relationship between the Government and the Commission.

On 17 April 2003, prior to the review panel's report, the Federal Minister announced new arrangements for Indigenous affairs administration at the Federal level. These new arrangements included the establishment of a new executive agency called Aboriginal and Torres Strait Islander Services (ATSIS). From 1 July 2003, ATSIS has been responsible for all individual funding decisions about programs delivered by ATSIC, thus separating the powers of the administrative and elected arms of ATSIC. The ATSIC elected arm continues to determine policy and expenditure priorities.

A discussion paper released by the review panel in June 2003 canvasses a number of possible future models for the operational structure of ATSIC. These include:

- The continuation of the current "Parliamentary" model, including the separation of powers;
- A Regional Authority model which would replace the existing 35 Regional Councils with 16 Regional Authorities;

- A Regional Council Model with a 16-member National Board; and
- A Devolution Model which would involve the Commonwealth delivering appropriate Indigenous-specific programs and services through the States and Territories.