

Chief Minister and Treasurer
ACT Legislative Assembly
GPO Box 158
Canberra City ACT 2601

via email to: budgetconsultation@act.gov.au

Dear Chief Minister and Treasurer

In response to your invitation for budget submissions for consideration as part of formulating the 2019-2020 ACT Budget, Winnunga Nimmityjah Aboriginal Health and Community Services (Winnunga AHCS) has prepared the attached submission covering the comprehensive needs for Aboriginal peoples in the ACT and region. The submission is based on the right of Aboriginal peoples to self-determination which has particular application to Aboriginal and Torres Strait Islander peoples as Australia's first peoples. Self-determination is an 'ongoing process of choice' to ensure that Indigenous communities are able to meet their social, cultural and economic needs. It is not about creating a separate Indigenous 'state'.

The right to self-determination is based on the simple acknowledgment that Indigenous peoples are Australia's first people, as was recognised by law in the historic Mabo judgement.

The loss of this right to live according to a set of common values and beliefs, and to have that right respected by others, is at the heart of the current disadvantage experienced by Aboriginal Australians. Without self-determination it is not possible for Aboriginal and/or Torres Strait Islander peoples to fully overcome the legacy of colonisation and dispossession.

The right of self-determination for Aboriginal and Torres Strait Islander peoples is in addition to the right which everyone has to freedom from discrimination (including under The International Covenant of Civil and Political Rights (ICCPR) articles 2.1 and 26) and which members of all ethnic, religious or linguistic minorities have to enjoy their own culture, profess and practice their religion, and use their own religion.

In its submission to the 2017-18 budget consultation, Winnunga AHCS pointed out a range of issues that highlighted the relative disadvantage of Aboriginal peoples in the Territory. These include the high rates of child removal, adverse health outcomes, poor educational outcomes and high incarceration rates.

To address those concerns, Winnunga AHCS made a number of recommendations. There are further indications of worsening trends. This submission follows and updates the 2017-2018 submission, and urges the Government to commit to the actions proposed.

It should be reiterated that the starting point must be the development of a comprehensive policy statement covering all needs and demands across the full spectrum of health and community services. Sadly, this is seriously lacking in the Territory, and since the 2017-18 submission, no action has occurred in this regard.

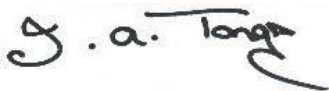
For any progress to be made, the Government has an important role to perform which must be aimed at developing Aboriginal lead and controlled service delivery responses. As noted in our previous representations, the Territory, being a smaller political entity demographically and geographically, is well placed to meet the changes sought and to be a progressive leader across Australia.

I am pleased to advise Winnunga AHCS continues to be multi accredited through AGPAL (Australian General Practice Accreditation Limited) and QIC (Quality Improvement Council), and this year the service reached a significant milestone of 30 years of continuous services delivered in the ACT and region. Appropriate accountability and governance structures are in place ensuring Winnunga AHCS meets the needs of Aboriginal peoples across all aspects of health and community services – covering for example health, justice and corrections, social welfare, mental health, throughcare and housing.

We look forward to working with the ACT Government to achieve the best outcomes (equal to mainstream services) for all Aboriginal and/or Torres Strait Islander peoples.

I would be happy to provide any additional information in relation to our submission. The point of contact is Ms Kiki Korpinen on telephone (02) 6284 6208.

Yours sincerely,

A handwritten signature in black ink that reads "J. a. Tongs". The signature is written in a cursive style with a long, sweeping tail on the letter 'g'.

Julie Tongs OAM
Chief Executive Officer
31 October 2018



Winnunga Nimmityjah Aboriginal Health and Community Services (Winnunga AHCS)

Planning and Delivering Services to Address the Entrenched Disadvantage in the Aboriginal and Torres Strait Islander Community

Key Points

Context of the 2019-20 ACT Budget Submission

- The social and economic outcomes for the Aboriginal and Torres Strait Islander Community in the ACT remain significantly below the non-Indigenous population, as measured through a range of indicators¹.
- While compared to the national averages, the outcomes may appear better, however they mask the relative disadvantage experienced by the Indigenous community within the ACT.
- The disadvantage is persistent, and in some cases, worsening over time. For example, the proportion of Aboriginal children who are developmentally vulnerable remains almost double the rate of non-Indigenous children; child removal rate for out of home care in the ACT has been increasing and is the second highest of all the States and Territories; Indigenous incarceration rates have been increasing; school attendance rates for Indigenous students remain markedly below the non-Indigenous students; learning outcomes have been declining with increasing gap between the Indigenous and non-Indigenous students in a number of learning areas; avoidable hospitalisation rates for some conditions are significantly higher for Indigenous children.
- Notably, there was a death in custody of a young Aboriginal man in 2016. An inquiry by Philip Moss found failures across several government agencies and systems.
- Such outcomes and failures should not be acceptable in any community, and especially, in an affluent community with strong financial and economic position, and without the challenges of remoteness.
- Winnunga AHCS provided a comprehensive submission in the 2017-18 ACT budget consultation process to address the persistent relative disadvantage of Aboriginal people in the Territory. The Submission proposed a range of policy and program measures. The

¹ *Overcoming Indigenous Disadvantage: Key Indicators 2014*; Steering Committee for the Review of Government Service Provision; Commonwealth of Australia (2014).

2017-18 Budget allocated \$12 million for a purpose built Health and Community Services facility. With this exception, no progress appears to have been made on any of the other policy proposals.

- The 2019-20 Submission reiterates the issues raised in the 2017-18 Submission and urges the ACT Government for actions on developing Indigenous specific policies; program design jointly with the Aboriginal service providers and Aboriginal led service delivery.

Persistent and Emerging Concerns

- Government's policy is difficult to assess. Apart from the national commitment to 'closing the gap', there is no overarching strategy to address Indigenous disadvantage, or a policy for Indigenous service delivery.
- Expenditure by the ACT Government on services to the Indigenous population remains at approximately \$34,811 person, and almost three times the expenditure per person on non-Indigenous population². The relative outcomes highlight the ineffectiveness of the expenditure.
- Implicit service delivery policy is through mainstreaming of services. Of the \$247 million ACT Government expenditure on services, only a fraction was through an Aboriginal led and controlled service.
- Service delivery policy and design are contrary to the well-established principle of 'do it with us, not to us' and well accepted research that Aboriginal led and controlled services are the most effective, indeed the only, means of making any significant improvements in outcomes.
- The concept of the long awaited and planned residential rehabilitation facility for Aboriginal people impacted on by alcohol and other drug misuse (Ngunnawal Bush Healing Farm) appears to have been abandoned. The purpose built facility remains unutilised for this purpose.
- There are some disturbing recent trends. The rate of out-of-home care for Aboriginal children has continued to increase, as has the rate for incarceration of Aboriginal peoples in the ACT.
- In this context, the 2019-20 Budget Submission from Winnunga AHCS reiterates the need highlighted in the previous Submission, through self-determination, to establish: (a) some key guiding principles for Aboriginal service policy and program design;(b) funding for some priority areas; and (c) government's engagement and support for a number of strategic programs that will make a significant improvement in the socio-economic outcomes for the Aboriginal community in the ACT.

² 2017 *Indigenous Expenditure Report*; Steering Committee for the Review of Government Service Provision; Commonwealth of Australia (2017).

Key Principles

- Successful policy implementation and quality outcomes can be achieved through the key principles of: (a) Indigenous involvement in policy development and service design; (b) program delivery through Aboriginal led and controlled service providers; and (c) services based on a 'wrap around' model to support the health and spiritual wellbeing of Aboriginal peoples and families.
- Winnunga AHCS request the ACT Government to adopt these principles for the development of policy, and design of programs for Indigenous people.

Winnunga Governance Enhancements

- Winnunga AHCS has delivered continuous services for over 30 years and has a well proven track record. It is a peak representative organisation for Aboriginal people in the Territory, with around 80% of Indigenous people as its clients.
- Winnunga AHCS successfully transitioned from an incorporated association (ACT) to a company limited by guarantee under the *Corporations Act 2001*. This reflects the continuing growth in existing health services, and the pressures for expanded health and community services being faced. It also enhances decision making, transparency, accountability and Aboriginal self-determination.

Priorities and Initiatives

Current priorities and initiatives:

- the development of an Indigenous policy and service delivery framework;
- planning for the service needs of the community;
- commitment to construction and commissioning of an Aboriginal residential alcohol and other drug rehabilitation facility;
- prisoner health and the human rights compliance of the Alexander Maconochie Centre;
- re-establishment of the Aboriginal Justice Centre;
- Aboriginal housing;
- restoration of the Boomanulla Oval and its return to Aboriginal control and management; and
- a review of all Aboriginal funding in the ACT (and other states and territories) be carried out as a matter of priority.

Proposals and Recommendations

1. That a comprehensive Indigenous policy statement should be prepared in consultation with Aboriginal advisory and peak representative bodies.
2. That a 'single point' Indigenous policy and coordination focus be established within ACT Government.

3. That planning for service needs of Indigenous people should be a priority task for the 'single point' Indigenous policy and coordination area within Government.
4. That funding be allocated for the design and construction of an Aboriginal residential alcohol and other drug rehabilitation facility in the ACT.
5. That an action plan be prepared in consultation with Winnunga AHCS, apart from the range of other stakeholders, to make the Alexander Maconochie Centre human rights compliant in accordance with its original vision.
6. That appropriate funding be allocated for Winnunga AHCS to provide autonomous, holistic health and wellbeing services at the AMC as part of the implementation of Recommendation 5 of the Independent Inquiry Report by Philip Moss, and as committed to by Minister Rattenbury. It is proposed this service will be delivered through a staged process, initially by 2 x FTE GPs, 4 x FTE Nurses and 3 x FTE Social Health Team workers. Winnunga AHCS will in addition provide in kind services (ie midwifery and allied health) as needed with agreement these services will also be funded by ACT Government in future years.
7. That the Aboriginal Justice Centre be re-established through the allocation of additional funds in the 2019-20 Budget.
8. That Boomanulla Oval be restored for community use through the commitment of \$3.5 million in the Government's Capital Works Program for 2019-20.
9. That transfer of Boomanulla Oval to Aboriginal control and management on a sustainable basis be progressed as a matter of priority.
10. That a review of all Aboriginal funding in the ACT be carried out as a matter of priority.
11. That a Working Group with representation from Aboriginal representative bodies and service providers be established to: (a) develop an Indigenous housing policy; and (b) develop an action plan for the implementation of the policy.
12. That the Winnunga AHCS Healthy Weight Program and the Winnunga AHCS Justice Reinvestment Trial Program receive recurrent funding through the 2019-2020 Budget.



Winnunga Nimmityjah Aboriginal Health and Community Services (Winnunga AHCS)

2019-2020 ACT Budget Submission

PRIORITIES AND INITIATIVES

1.1 POLICY AND SERVICE DELIVERY FRAMEWORK

Issues:

Within the ACT Government, there is no overarching policy statement covering all aspects of health and community services to Aboriginal peoples. There are no Indigenous specific policies for key service areas of high needs such as housing, out of home care and family support. Organisationally, responses are ad-hoc and principally directed towards mainstream services.

Service delivery policy and design are contrary to the well-established principles.

There is no evaluation framework to assess the effectiveness of the various Indigenous specific and mainstream programs.

Wholesale change is necessary in policy development, program design, and service delivery.

Proposals/Recommendations:

- 1. That a comprehensive Indigenous policy statement should be prepared in consultation with Aboriginal advisory and peak representative bodies.**
- 2. That a 'single point' Indigenous policy and coordination focus be established within ACT Government.**

1.2 PLANNING FOR SERVICE NEEDS

Demand for services has been increasing significantly, and at a higher rate than the mainstream services. Over the last five years, Winnunga AHCS annual client numbers have increased by 14%, reaching 4,723 clients in 2017-2018 (an increase of 5% from 2016-17 financial year). There has been an increase also in occasions of service (client contact) provided, which reached 55,747 in 2017-18 (not including groups, transport and administrative services), which is an increase of 5% from the 2016-17 financial year.

Taking into account the clients' morbidity and co-morbidities, client contact needs to increase further to address the unmet need, and to reduce preventable hospitalisations which are and will continue to exert pressures on the hospital system.

It is therefore important that sound service planning is undertaken to meet the growing needs, as well as to design services to stem the widening gaps in outcomes for Aboriginal and non-Aboriginal people. There is a priority for new infrastructure and resources across Canberra, including in Belconnen and Tuggeranong, for which Government support will be required.

This should be a priority task for the 'single point' Indigenous policy and coordination area proposed above.

Proposals/Recommendations:

3. That planning for service needs of Indigenous people should be a priority task for the 'single point' Indigenous policy and coordination area within Government.

1.3 ALCOHOL AND DRUG RESIDENTIAL REHABILITATION SERVICE

Issues:

The original service model of an Aboriginal residential drug and alcohol rehabilitation service located at the Ngunnawal Bush Healing Farm appears to have been abandoned. In the lead up to this decision, Winnunga AHCS developed a model of care and service protocols in consultation with ACT Health, with funding from the ACT Government.

The need for such a facility however remains, and indeed has become more acute. Due to the absence of culturally appropriate and safe residential drug and alcohol rehabilitation services, Aboriginal peoples are forced to be accommodated in interstate facilities, far away from family and other support networks. This often results in poor outcomes and a continuation of a cycle of alcohol and drug misuse, and interaction with the justice system.

It is important that funding is allocated for the design of an appropriately located facility for residential rehabilitation services in accordance with the original intentions.

Proposals/Recommendations:

4. That funding be allocated for the design and construction of a residential alcohol and drug rehabilitation facility for Aboriginal people in the ACT.

1.4 JUSTICE AND CORRECTIONS

Issues:

Incarceration rates for Indigenous people remain high, and in fact have increased rather than decreasing in accordance with the Government policy.

Following the tragic death in custody of Mr Steven Freeman in the Alexander Maconochie Centre (AMC), the Independent Inquiry Report prepared by Philip Moss concluded that the claim so commonly made about the AMC being human rights compliant cannot be made in

good faith³. This should be addressed as a matter of priority, and a comprehensive plan of action be prepared in consultation with Winnunga AHCS, besides the range of other stakeholders, to establish the prison in accordance with its original vision.

Specifically, the Inquiry Report recommended that Winnunga AHCS be integrated into the provision of health care at the AMC, in order to introduce its holistic model of care to Indigenous detainees⁴. Minister Rattenbury committed to this recommendation and announced Winnunga AHCS will in fact be delivering autonomous holistic health and wellbeing services in the AMC. The transitioning of this service has commenced through a staged process, initially by 2 x FTE GPs, 4 x FTE nurses and 3 x FTE Social Health Team workers. Winnunga AHCS will in addition provide in kind services (ie midwifery and allied health) as needed with agreement these services will also be funded by ACT Government in future years.

The Aboriginal Justice Centre was closed a number of years ago, with its funding transferred to the Aboriginal Legal Service. The Justice Centre has an important role, separate from legal representation, in improving the justice and correction outcomes for the Indigenous community, which by all measures is overrepresented in this system. Winnunga AHCS requests the Government to re-establish the Aboriginal Justice Centre.

The Aboriginal Legal Service is under pressure. The re-establishment of the Justice Centre should be through the allocation of additional funds, and not be through the reallocation of funding from the Legal Service.

Proposals/Recommendations:

- 5. That an action plan be prepared in consultation with Winnunga AHCS, apart from the range of other stakeholders to make the Alexander Maconochie Centre to a human right compliant in accordance with its original vision.**
- 6. That appropriate funding be allocated for Winnunga AHCS to provide holistic health and wellbeing services at the AMC as part of the implementation of Recommendation 5 of the Independent Inquiry Report by Philip Moss. This stand-alone service will be delivered through a staged process, initially by 2 x FTE GPs, 4 x FTE nurses and 3 x FTE Social Health Team workers. Winnunga AHCS will in addition provide in kind services (ie midwifery and allied health) as needed with agreement these services will also be funded by ACT Government in future years.**
- 7. That the Aboriginal Justice Centre be re-established through the allocation of additional funds in the 2019-20 Budget.**

1.5 BOOMANULLA OVAL

Issues:

³ Paragraph 12.8.19; *“So Much Sadness in our Lives”*: Independent Inquiry into the Treatment in Custody of Steven Freeman; ACT Government (2016).

⁴ *ibid*; Recommendation 5.

A single select Request For Tender (RFT) process was in the process of being negotiated between Winnunga AHCS and the Government, covering the future ownership and management of the Oval. However, this process has ended as the documentation provided by the Government did not allow for a compliant response to be submitted.

The Oval has been closed for over 4 years, is in a state of total disrepair, and is unsafe. Costs to restore the oval and facilities are estimated at \$3.5 million.

Priority is for the facility to be reopened for the Aboriginal community use as quickly as possible. Restoration should be undertaken by the Government prior to handing it to a robust day to day and longer term sustainable Aboriginal management and control.

Longer term changes will require a 99 year lease, and support to changes to land uses and a Territory Plan Variation.

Proposals/Recommendations

- 8. That Boomanulla Oval be restored for community use through the commitment of \$3.5 million in the Government's Capital Works Program for 2019-20.**
- 9. That transfer of the Oval to Aboriginal control and management on a sustainable basis be progressed as a matter of priority.**

1.6 REVIEW OF ALL ABORIGINAL FUNDING IN THE ACT (AND OTHER STATES AND TERRITORIES)

Issues:

At the 2017 NACCHO conference Winnunga AHCS called for a motion to be moved for the government to commission an external review of its working relationship with the Aboriginal community controlled sector and its whole of government approach to Aboriginal and Torres Strait Islander issues and how its decisions are impacting on the lives of Aboriginal and Torres Strait Islander people in the ACT.

This motion was moved, with the adaption it includes all state and territory governments to commission an external review of their working relationships with the Aboriginal community controlled sector, within their jurisdiction and its whole of government approach to Aboriginal and Torres Strait Islander issues and how its decisions are impacting on the lives of Aboriginal and Torres Strait Islander people within each jurisdiction.

Winnunga AHCS proposes the ACT Government conducts an external review of all Aboriginal funding in the ACT as a matter of priority.

- 10. That a review of all Aboriginal funding in the ACT be carried out as a matter of priority.**

1.7 ABORIGINAL HOUSING

Issues:

Relatively, a higher proportion of Indigenous families are in public housing. Besides, housing, these clients have service needs across a number of areas. Those needs will be best met by Aboriginal led and controlled service providers.

There is a need to develop Indigenous housing policy, which should seek to establish an Aboriginal housing provider in the Territory. This arrangement would be underpinned by a transfer of existing housing stock as well as ongoing identification of new land for additional housing supply.

In the ACT, Winnunga AHCS is best placed to provide holistic services to families in public housing whom are already likely to be its clients. To this end, Winnunga AHCS has engaged previously in discussions with Community Housing Canberra (CHC) to establish a partnership that would draw on the respective strengths of both the organisations, i.e., client services and property management. The partnership model was proposed in response to request for tender for the housing services for Aboriginal families following the closure of Inanna Inc. That tender was unsuccessful.

An Indigenous housing policy needs to be developed, as matter of priority, with input from and in consultation with the stakeholders. This should be accompanied by an action plan for implementation.

Proposals/Recommendations:

11. That a Working Group with representation from Indigenous representative bodies and service providers be established to:

- a. **develop an Indigenous housing policy; and**
- b. **develop an action plan for the implementation of the policy.**

1.8 CONTINUATION OF FUNDING FOR WINNUNGA AHCS PROGRAMS

Issues:

Winnunga AHCS has delivered the Healthy Weight Program (HWP) to over 150 participants since April 2016, through a Health Promotion Grant initiative. The HWP has been delivered in the context of a holistic and comprehensive primary health care model. The Program provides clients with group-based physical activity, dietary advice, health information, and complementary health and wellbeing supports. Significant improvements and outcomes directly associated with the Program have been observed in relation to health and lifestyle changes. The Program is currently being externally reviewed, and preliminary findings recommend the continuation of the Program.

Winnunga AHCS has delivered the Justice Reinvestment Trial (Yarrabi Bamirr), through intensive family centric case management and support to 10 families (with children) in

contact with the justice system. The intensive support able to be provided to families most at risk through this Program has resulted in enhanced positive outcomes which Winnunga AHCS has not been in a position to deliver previously due to inadequate resourcing. The Program is currently being externally reviewed, and preliminary findings recommend the continuation of the Program.

Proposals/Recommendations:

12. That the Winnunga AHCS Healthy Weight Program and the Winnunga AHCS Justice Reinvestment Trial Program receive recurrent funding through the 2019-2020 Budget.