The Service Priority Review received the following submissions from the community services sector:

- Australasian College of Road Safety
- Aboriginal Health Council of Western Australia
- Coalition for Asylum Seekers, Refugees and Detainees; ASeTTS; Riverview Church; Refugee Rights Action Network WA; Centre for Human Rights Education, Curtin University; Uniting Church in Australia WA
- Community Legal Centres Association (WA)
- Community Matters (Investing in Aboriginal Strengths)
- Linkwest
- Minderoo Foundation
- Naja Business Consulting Services
- Royal Society for the Prevention of Cruelty to Animals Western Australia
- Shelter WA
- Joe Calleja, Shelter WA
- Valuing Children Initiative
- WA Council of Social Service
- Western Australian Forest Alliance
- Western Australian Network of Alcohol and other Drug Agencies
- Yaandina Community Services
Mr Ian Rennie  
Chair  
Western Australian Public Sector Review

Via email: servicepriorityreview@dpc.wa.gov.au

17 July 2017

Dear Mr Rennie,

**WA Public Sector Review - Road Safety Policies**

As President of the Australasian College of Road Safety (ACRS), I note that you are undertaking a comprehensive services review for the Western Australian Government, and would like to take this opportunity to inform you and the review panel of the importance of the review outcomes in terms of underpinning best possible road trauma reduction outcomes across WA.

Management of road safety is an area where governments have a range of interests; the design, building, operation and maintenance of a safe road network; the licensing of road users; the setting of standards and the enforcement of user behaviour; the settings and maintenance of and standards of vehicles; and the management of much of the trauma associated with crashes. The WA Road Safety Commission is a key service coordinating this activity, as are the links with other agencies, the private sector and research institutions.

The costs of road trauma to the government are spread across many portfolios. The benefits of reduced road trauma occur across the whole economy, and as such are often not well recognised. Specific portfolios directly involved include:

- Main Roads  
- Police  
- Transport  
- Health  
- Treasury  
- Finance  
- Industry and Innovation  

Licencing in remote areas is a particular sector, and interstate heavy haulage conditions another, where inconsistencies in regulation/legislation/rules/enforcement contribute to road safety management to cause unnecessary and expensive road trauma.
ACRS recently provided a detailed 2017 Submission to Federal Parliamentarians setting out our collective concerns on the stalled progress against our National Road Safety Strategy 2011-2020 targets for death and injury reduction, the multi-portfolio impacts of road trauma across the spectrum of federal departments and portfolios, as well as comprehensive recommendations to reduce road trauma.

With the potential for the rapid introduction of autonomous and connected vehicles, Governments will be required to expedite the introduction of new rules and services which will be necessary to oversee safe operations.

ACRS, together with Austroads (the peak organisation of Australasian road transport and traffic agencies), will be hosting the 2017 Australasian Road Safety Conference in Perth in October. A Keynote Speaker will be U.S.-based Dr Mark Rosekind, previously Administrator for the U.S. National Highway Traffic Safety Administration and now Chief Safety Innovation Officer for the $2b innovative autonomous vehicle company, Zoox Inc which is based in California.

Dr Rosekind will be speaking on non-regulatory mechanisms to improve road safety through the introduction of collaborative programs with firms outside of government. Our College has continued to encourage similar programs.

We recognise that Western Australia has been at the forefront of new road safety management approaches for some time and has a new Road Safety Commission actively working to reduce unnecessary road trauma. As referenced in our recent submission, Australia’s performance in reducing road trauma has been falling behind our colleagues in the OECD. We strongly believe that collaborative programs between governments, businesses, researchers and a range of professional and community organisations will improve the scale needed for this complex problem and lead to improved results, i.e. less trauma and hence an improved economy.

I recognise that you are required to report in October but would encourage you and your fellow panellists to attend the Conference and specifically meet with Dr Rosekind as well as College representatives.

We would be happy to elaborate further and provide more specific data for what we believe is an key area where governments have a vital role not only reducing the existing level of road trauma but to ensure the community has safe road transport across Western Australia.

I would be happy to meet with you in your Perth office or another location at your convenience. Please contact the College Executive Officer, Claire Howe, on eo@acrs.org.au or (02) 6290 2509 for any further information or to progress a meeting.

Yours sincerely,

Lauchlan McIntosh AM
President
Australasian College of Road Safety
Submission Response

Response to Service Priority Review: Interim Report to the Western Australian Government

15 September 2017

INTRODUCTION

The Aboriginal Health Council of Western Australia (AHCWA) is the peak body for Aboriginal health in Western Australia, with 22 Aboriginal Community Controlled Health Services (ACCHSs) currently engaged as members.

The essence of AHCWA’s approach to service provision is based on the philosophy of empowering Aboriginal people in ‘owning’ and ‘driving’ the health and other community services that are provided to Aboriginal people in the communities in which Aboriginal people live.

As an organisation, AHCWA’s mission is to lead the development of Aboriginal health policy, to influence and monitor performance across the health sector, to advocate for and support the continued development of ACCHSs and build the workforce capacity to improve the health, social and emotional wellbeing of Aboriginal people in WA.

AHCWA also plays an important role in supporting quality governance, risk and clinical practice standards across its Member Services.

AHCWA welcomes the opportunity to provide comment on the Service Priority Review’s (the ‘Review’) Interim Report (the ‘Report’) to the Western Australian Government. The Review comes at a time when there is significant focus on achieving public sector reform in the State. It is crucial that communities and the services that support them are positioned as key leaders in these processes.
BUILDING A PUBLIC SECTOR FOCUSED ON COMMUNITY NEEDS

AHCWA largely supports the findings contained within the first direction for reform.

In particular, that: there has not been enough collaboration across the public sector to solve complex problems; there has not been enough solutions, or long-term commitment to funding solutions, to improve outcomes for remote communities; there has been insufficient recognition that all regions and communities are different and need tailored, often community-led solutions; and, there has been limited genuine co-design of services, in particular for regional and Aboriginal people.

We believe that these findings arise from an ongoing lack of genuine commitment from previous State Governments and Commonwealth Governments to provide leadership to communities in service design and delivery. We refer the Review to the findings contained in the Holman Review (2014) titled ‘A Promising Future: WA Aboriginal Health Programs’. The Holman Review found that of the Aboriginal health projects evaluated, 91.3% delivered ‘good’, ‘excellent’ or ‘outstanding’ value for money. The 91.3% of projects represented 88% of funds. Evidence that indeed, in terms of Aboriginal community-controlled programs, we are getting better outcomes and value for money. The Holman Review dispels the myth that Aboriginal organisations are often non-performers, and goes further to say that funding for such programs must be maintained for those important outcomes to be sustained. However, it has been very concerning that even such a glowing review was not enough to result in long-term funding for the relevant Aboriginal health programs in the immediate aftermath of the Holman’s Review release. Further, those investments are at serious risk even now.

AHCWA supports the proposals contained within Section 1.4 ‘Recognise community needs in designing and delivering services’. In particular, that a “metro-centric ‘one-size fits all’ approach is failing to meet the needs of regional and remote communities.” The ACCHSs’ unique service and leadership model, ensures that each service is best placed to respond to the needs of the community. More importantly, community members are empowered to design services. However, the Sector continues to experience significant barriers to implementing local solutions. These are primarily born out of a lack of commitment from funding bodies to work with communities, and a continual resistance
to provide longer contracts to services. We recommend that the Panel consult with the Aboriginal Health Planning Forums as best-practice in designing and delivering place-based services.

However within the above section, we are concerned to read that the Panel ‘strongly supports the continuation of regional services reform as both a mechanism to increase engagement and collaboration between the State Government and Aboriginal people, and as an essential journey towards overcoming Aboriginal disadvantage’. We remind the Panel that the Reform Unit was created on the back of the previous State Government’s intention to close remote communities after essential services funding withdrawal by the Commonwealth Government. The announcement caused, and continues to cause, great anxiety and uncertainty within communities. Not to mention the likely breaches of international human rights laws that it continues to raise. To this day, as far as we are aware, the Sector has not been substantially engaged by the Reform Unit. This suggests that the Aboriginal community more generally is not being engaged in this process, and therefore that it is a top-down approach to service delivery and reform.

The Sector also wishes to express concern about the Panel's proposal to ‘Deliver better services through digital transformation’. Whilst supporting innovation in the design of programs and services, it would be remiss of this Review to forget the following. First, that internet quality in rural, regional and remote communities is often not at an adequate standard to ensure effective digital service delivery. Second, that there exists limited evidence as to how digital services can be effective for Aboriginal people – most digital services are mainstream services which are currently not culturally appropriate or safe. For this recommendation to be successful, it would be necessary for Aboriginal people to be leaders in project design, and for substantial infrastructure investment to ensure equality in access to digital services.

ENABLING THE PUBLIC SECTOR TO DO ITS JOB BETTER

AHCWA largely supports the findings contained within the second direction for reform.

In particular, that too often the WA government has processes and practices that focus on narrow conceptions of accountability and compliance, and discourage effectiveness and collaboration;
internal rules, red tape and risk aversion that have the effect of stifling innovation; operating styles that give the impression of a culture of process over outcome; a cultural tendency to avoid risk, driven by internal systems and by a political environment that is unforgiving of mistakes; inconsistent collection, management and sharing of data; operating styles that give the impression of poor use of data to understand customer needs, measure outcomes, drive contemporary service design and evaluate effectiveness; and, operating styles that give the impression of being unable to respond to complexity.

As the representative for 22 ACCHSs in WA, our organisation and our Member Services know all too well the many government-created factors causing sub-optimal performance in the WA public sector. We continue to experience first-hand the persistent top-down approach to the procurement of non-government health services. We further continue to experience systemic racism in the way some government services work with communities and community-controlled organisations.

We have long been seeking to achieve better procurement processes with commissioners of Aboriginal services. However, thus far, there have been few if any changes to the approaches and processes. A key recommendation that we make with regards to this is to ensure that community-controlled organisations who have displayed success in the delivery of programs are given preferred provider status when it comes to tendering for Aboriginal-specific money. This would allow those services to improve focus on delivering innovative best practice services, rather than continually spending precious resources on re-applying for funding.

AHCWA supports the Panel’s recommendation in Section 2.3 ‘Link data and share information for better outcomes’. We agree that ‘there is a high degree of uncertainty about what is allowed to be shared, leading to risk-averse and inconsistent decisions being made and depriving the community of value.’ However, we must ensure that in improving data linkage and sharing, that improving accountability for its subsequent use becomes a priority. There must also be significant community involvement in the development of data linkage and sharing policy, to ensure clarity around data ownership and privacy can be maintained. Aboriginal communities continue to be heavily studied and analysed, however as proven in numerous reports, little ownership is taken by governments and their agencies to utilise this data to improve outcomes.
RESHAPING AND STRENGTHENING THE PUBLIC SECTOR WORKFORCE

AHCWA largely supports the findings contained within the third direction for reform.

In particular, that: central agencies have tended to take a stewardship function in relation to workforce-related policy; central agencies have tended to act as gatekeepers rather than facilitators; there has too often been an absence of systematic and long-term workforce planning, capability development and effective workforce management; there has too often been a lack of systematic and meaningful data related to workforce engagement, productivity, and performance; there is proportionately low diversity representation across the workforce; and, there is a need for better attraction and retention in regional areas and/or for specific occupational groups.

Non-government organisations often rely on the social commitment of its employees to ensure retention against increasing job insecurity due to short-term contracts and a lack of transparency in government spending priorities. The majority of our Member Services work in regional, rural and remote communities, where there are constant skills shortages across most aspects of service delivery. Short contracts (less than 3 years) do little to encourage workforce spread from metropolitan areas. It is important for workforce strategies to reflect the challenges experienced by services providers in regional, rural and remote areas. We also strongly recommend that any strategy prioritise the upskilling of local community members to address skills shortages. As such, community organisations must be key collaborative partners in this area of policy development.

STRENGTHENING LEADERSHIP ACROSS GOVERNMENT

AHCWA supports the findings contained with the fourth direction for reform.

In particular, that too often: there exists modes of operation that end up maintaining silos, with inconsistent approaches to – and insufficient incentives for – cross-sector collaboration; there is an emphasis on short-term issues management rather than on enduring stewardship responsibilities; there is a lack of cohesive narrative or culture for the sector; there is no common vision of what the sector exists to do or wants to achieve for the staff; there is a hollowing out of competitive procurement
capabilities and commercial acumen, and a lack of sophistication in approaches to partnering with community-based organisations and the private sector; there is no mechanism for leveraging capabilities across government; there is a lack of systematic engagement at high level with citizens in policy design; and, there is a perceived lack of trust and partnership between the Government of the day and its agencies.

ACCHSs are frequently hindered in determining their service priorities, as top-down approaches to policy development continue to exist at both levels of government. The current machinery of government changes, including the Sustainable Health Review, provide significant opportunities to improve this ongoing predicament. What we want to see is a cultural change within decision-makers to embed community-leadership and decision-making at the highest levels. We will not improve outcomes or see value for money if governments merely consult with communities.

WHOLE OF GOVERNMENT TARGETS

AHCWA is mostly supportive of the idea of whole of government targets as proposed by the Panel.

It does make sense that shared goals are developed between agencies to reduce silos that hinder service delivery. We agree that ‘a small number of targets could be set to address some of the complex challenges that need combined efforts from multiple agencies to effectively deliver benefit to the community.’

However, AHCWA is concerned that a whole of government approach may lead to decreased responsibility on agencies to improve outcomes. As such, it is imperative that if a whole of government approach is taken, then as provided in the Report, the State Government: establishes clear leadership, transparency and accountability for delivery against targets; establishes a dedicated implementation support unit to ensure the success of the whole of government targets framework; and, integrates and aligns a targets framework with other accountability mechanisms and support structures. These mechanisms should be further complemented by an ‘Expert Community Sector Committee’ that is given the authority to operate and provide guidance on the delivery of whole of government targets.
We suggest the Panel assess the viability of the newly created Supporting Communities Forum to perform this role.

AHCWA will provide further feedback on the development of whole of government targets as more detail becomes available, and we can adequately consult with our Member Services.

**CONCLUDING THOUGHTS**

It is evident that the Panel has approached the Review with broadly the right mindset, and its interim report provides sufficient guidance to improve the machinery of government. However, we highlight that many of these findings have long been identified by organisations working within the public sector in Western Australia. And, historically, we have seen this rhetoric before. The key ingredients to any change in the status quo will always lie with the Government’s unwavering commitment to fully implement any and all sensible recommendations; its various agencies’ commitment to changing the way they currently do business; and community being placed by both to be an informant, developer and driver of change. We look forward to working with all involved, in order to achieve this.

*The Aboriginal Health Council of Western Australia advocates on behalf of 22 Aboriginal Medical Services in Western Australia, to ensure that the health needs of the State’s communities are represented at all levels.*
Submission to Service Priority Review Team

July 2017
SUBMISSION TO SERVICE PRIORITY REVIEW TEAM

The groups providing this submission welcome the opportunity to contribute to the State Government’s Service Priority Review. As service providers and concerned community organisations offering support for asylum seekers and refugees in the Western Australian community we have identified a number of issues that a State-based service review could address.1

As the Service Priority Review seeks “independent advice on how to deliver different, better and lower cost services to regional and metropolitan populations into the future,” we have identified a number of areas that a more coordinated approach would be able to address.

Due to the variety of visa types and circumstances for asylum seekers and refugees and the range of government departments involved, a number of service gaps and unfair conditions are negatively affecting a vulnerable section of the WA community. This submission identifies a number of small, low-cost changes that would significantly improve the lives of a relatively small cohort of people and prevent future burdens on the WA community and government services.

Due to a long-standing lack of cooperation between the Federal and WA governments in regard to certain services and entitlements, some classes of refugees and asylum seekers have been substantially worse off in this state than in others. Access to income supports and services varies depending on the visa type that a refugee or asylum seeker is given. The Federal Government allows differing weekly income support, and usually, but not always, a Medicare card. Unless an individual becomes eligible for Newstart support, they do not have access to a concession card [also known as a Health Care Card] that provides a range of benefits for those on low incomes.

Most other state governments have responded to this by providing access to a range of state services and supports to this group of refugees and asylum seekers. It is submitted that the WA Government should provide similar access, and public sector agencies are urged to respond to these needs.

The sponsors of this submission are prepared to meet with the team or its representatives to elaborate on reasons the government should address a number of unmet needs we have addressed.

INTRODUCTION

This submission is made on behalf of a group of NGOs that provide services, information, advocacy and/or practical assistance to refugees and asylum seekers. This submission is particularly concerned with people who came by boat or plane to seek asylum.

People who come to Australia by boat to seek asylum are now labelled Illegal Maritime Arrivals.2 All were detained in Immigration Detention Centres for a period of time after their arrival, some for several weeks and others for months or years. After their release from detention, many have waited more than 3-4 years for their refugee claim to be processed and are only being granted a temporary protection visa once found to be a refugee. Being forced to endure prolonged detention and then spending long periods of time in the community without being granted permanent protection can adversely affect mental health. While generally not being subject to immigration detention, asylum seekers who arrive

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1 The contributors to this submission are the Coalition for Asylum Seekers, Refugees and Detainees (CARAD), ASeTTS, Riverview Church, Refugee Rights Action Network WA, Centre for Human Rights Education (Curtin University), and Uniting Church in Australia WA.

2 Prior to this [stigmatising] nomination they were referred to as Irregular Maritime Arrivals, and prior to that Unauthorised Maritime Arrivals. It should be noted that under international law an asylum seeker has the right to arrive to a country and ask for asylum.
by plane may also endure some time in the community before being granted permanent protection. There are some state services that could alleviate the distress experienced by many of the approximately 1,500 people seeking asylum in WA in this situation.

In an attempt to clarify, we have categorised the groups below according to the different visas issued.

**Category 1 – Permanent Protection Visa Holders**

Most people seeking asylum who arrived prior to August 12th 2012 have had their refugee status recognised and been accorded a permanent protection visa. Normally this would set the individual on a pathway to citizenship and family reunion. According to policy changes developed in 2013 those who arrived by boat have had their applications to bring any partners or dependent children to Australia given lowest priority. Their only option is to apply once they obtain citizenship. However, since around 2014 the Department of Immigration And Border Protection has been applying stricter criteria around identity documents for citizenship, this has led to delays in the processing of applications for several years.

Permanent visa holders are allowed/encouraged to work, but are also able to claim a range of Centrelink payments. They are also eligible to access State Government entitlements to meet their needs.

Others from this group may hold a Bridging Visa E [see below] during a period of appeal against an adverse decision.

**Category 2 – Temporary Protection Visa/Safe Haven Enterprise Visa Holders**

Asylum seekers who arrived by boat after August 12th 2012 could be assessed as equally in need of protection, but are denied permanent protection and only granted a temporary visa. This is either a Temporary Protection Visa [TPV] with the requirement that they continue to apply for recognition as a refugee every three years, or a Safe Haven Enterprise Visa [SHEV] that provides five years temporary protection with a very small prospect of applying for a permanent visa at the end of that period if the person works or studies for at least 3.5 years of that time in a designated regional area. Both groups are recognised as being in need of protection, but will have to make a further claim. This uncertainty not only causes stress and anxiety but also impedes their ability to find jobs and commit to long-term community settlement.

Although TPV and SHEV holders are allowed to work and have access to Medicare, income support, English language tuition and access to receive torture and trauma counselling and assistance with finding employment, they are not eligible for the full range of settlement support services available to other humanitarian entrants.

They particularly face barriers to engaging in higher education and training, as unlike holders of permanent protection visas, they are not eligible for Federal Government programs designed to assist students with financing tertiary study. Unlike permanent residents, refugees on TPVs or SHEVs who require income support only receive payments through Special Benefit [$235.27 week]. Recipients of Special Benefit who wish to pursue tertiary study can only continue to receive income support if they are undertaking a vocational course that is likely to enhance their employment prospects and which can be completed in 12 months or less. It should be noted, however, that employment outcomes from such short courses are generally low. Although beneficial for improving English skills, due to high numbers of qualifying participants, competition for jobs is strong and temporary visa holders struggle to be selected.

Therefore, refugees on temporary visas undertaking courses which take more than 12 months to complete are not able to receive income support during this time. Refugees and asylum seekers on
temporary visas are also required to pay international student fees to access university and TAFE courses, making access to further education very difficult.

**Category 3 – Bridging Visa E Holders**

Many asylum seekers have been released from immigration detention into the community where they continue to wait for their refugee claim to be finalised. This group experiences the largest degree of unmet needs for the purposes of this submission. While increasing numbers are now being recognised as refugees and issued one of the temporary protection visas outlined above, others continue to wait for their claims to be processed. Upon release from detention, most people are granted a Bridging Visa E (BVE). For those who arrived in Australia by boat after 12th August 2012, many were released from detention on a BVE that denied them the right to work. After some three years, most people were finally granted the right to work as they continued to wait on a BVE for their refugee claim to be processed.

In January 2015 the Federal Government drastically reduced funding for free access to legal assistance for people seeking asylum who arrived by boat. Thus they have had to rely on under-funded community legal centres and volunteers for assistance in applying for refugee status.

According to the Refugee Council of Australia, most asylum seekers now have a renewed BVE that does not bar them from working. However, the visa regularly has to be renewed, and there are difficulties in securing its timely renewal. Given all BVE holders were denied the right to work for up to three years, some now face challenges to obtaining employment. Their income, if they can’t find work, is 89% of the Newstart allowance – just $235.27 per week. There is no health care card.

People on BVEs also need to apply for refugee status by completing an application with over 100 questions in English. In January 2015 the Federal Government withdrew most of the funding for free access to legal assistance for people seeking asylum who arrived by boat. Thus many have had to rely on under-funded community legal centres and volunteers for assistance in applying for refugee status, where such assistance is available.

**Category 4 – Community Detention**

There is a small group (up to 50) of asylum seekers who live in the community in what is known as Community Detention (CD), having been released from detention because of mental health related matters or because they are families with children. Some are people who were initially sent to Nauru or Manus Island but have required medical treatment in Australia.

They are assigned a caseworker from one of the two agencies in WA funded for their care. Rent, essential services and furniture etc. are provided, as is access to health care. However, they do not have work rights and a single person gets $100 a week. They live in flats or shared houses but because of personal circumstances are especially vulnerable and isolated with restrictions on the conditions of detention.

**Category 5 – Air Arrivals**

Another group of asylum seekers are those who arrive by air with a valid visa [e.g. a tourist, business person or student] who then lodge a protection claim. They will also be provided with a Bridging Visa but sometimes with different conditions from those outlined above. It is not unusual for people within this category to have school-aged children with them.

Within all categories, but especially 2-5, poverty is an issue. ACOSS [2016] defines the ‘poverty line’ as below 50% of median household income setting it within international parameters at less than $400 per
week for a single male—most of the refugees and asylum seekers are. [ACOSS calculates that 13.3% of all Australians live below the poverty line].

STATE SERVICE AREAS REQUIRING ACCESS FOR REFUGEES & ASYLUM SEEKERS

1 Transport concessions

This is considered to need urgent resolution in order to reduce isolation and enhance individual agency and decision making, particularly for people in CD and those on BVEs who are yet to find employment.

A concession card would entitle individuals with Centrelink income to lower fares on public transport across the 8 zones encircling Perth. In a search for affordable rental-housing, families and single people opt to live in outer metropolitan Perth, often in Zone 3 or 4. A fare to Perth is $6.60 from zone 4 and $5.60 from zone 3; unless their business is concluded within 2 hours then the same amount is needed for a return ticket. A sum of $13.20 or $11.20 comprises a substantial proportion of the weekly income, which the person might otherwise use to buy food or pay a bill. Even a return for zone 1 amounts to $6.20 which for someone in CD on an income of $100 is a large proportion of that money.

The consequence is that travel is foregone and this further isolates the person from social events or English classes arranged by different agencies. It also makes attendance at medical or immigration appointments a costly exercise.

Free travel for those without income would be ideal, but a concession one-way fare for zone 4 is $2.70, for zone 3 is $2.30 and for 1 zone is $1.30. Loading a smart rider card reduces the fare further. It would further decrease the likelihood of a decision to evade a fare and the consequences.

It should be noted that concessions are provided to asylum seekers in all other states except for Queensland and the NT. In addition, those who would benefit from concessions are a diminishing number of asylum seekers in WA as increasing numbers are accessing employment, or leaving Perth to find employment.

Recommendation

That transport concessions be provided for all those who are not working and who hold a BVE or are in CD. Whether free public transport could be provided also needs consideration.

2 All of WA as SHEV designated area

The SHEV is a temporary protection visa available for five years. At the end of this period, the SHEV holder may have a very small prospect of applying for a permanent visa if they work or study for at least 3.5 years of that time in a designated regional area.

The areas defined as ‘regional Australia’ under the SHEV arrangements are those nominated by the Premier of the relevant state or territory. These areas currently include all postcodes in the ACT, SA and Tasmania, including the capital cities. In WA, Perth and the metropolitan area, and the mining regions of Pilbara and Eastern Goldfields, were excluded by the last government.

Many of the SHEV applicants lived in the metropolitan area while they held a BVE. They have housing, work and importantly social and friendship networks in the city and are valued employees. Although they can work or study in a SHEV area and live in Perth, the costs of travel can be prohibitive and the
requirements are complex. If Perth remains excluded from a regional designation, then those men and women and families may have to resettle elsewhere to find work.

We argue that it is unlikely that most SHEV holders in WA will be able to satisfy the requirements of the conditions because services are sparse out of Perth. Regional jobs are scarce and service supports that they may require are also often unavailable outside of Perth. Because the ACT, Tasmania and South Australia have included their capital cities as part of the ‘region’ we claim that there is a case for WA to make and include Perth and the metropolitan area for these arrangements. There is also no cost to the WA Government for this to be implemented.

Recommendation

That all of WA including Perth be designated as a SHEV region.

3a Higher education access

At the moment, temporary visa holders who wish to study certificate IV and diploma VET courses are subject to international student fees. There are a number of entry-level (cert II and III) courses available with reduced fees, but for specific occupation related courses, the fees are prohibitive.

NSW, Victoria and SA now provide access to fee concessions to VET education and training at TAFEs to the few asylum seekers who qualify.

The wasted potential should provide the impetus for WA to enable suitable individuals to access TAFE at affordable rates. This is best illustrated through the cases of two young men.

A current case

A man who came to Australia as an asylum seeker is qualified as a high school teacher. He originally arrived with a student visa and now holds a BVE. He gained a Masters Degree in IT security from a WA university but has been unable to find work in this field. If he could access an Education Assistant course [fee about $3,000], it is likely he could be working as an education assistant with multiple languages and IT expertise.

However, the colleges that offer reduced fee courses for asylum seekers and temporary visa holders do not have this course in their scope.

A resolved case

Another man living in Perth on a BVE had worked in his country as a dental technician for over 5 years and has translated copies of his qualifications. This occupation was in the current Department of Immigration Skilled Occupations List and many vacancies were currently advertised for this trade. He needed to complete the Diploma in Dental Technology to be able to work in his trade (making dentures, crowns, bridges etc. in a dental laboratory). He first completed Cert III in dental assisting and in English – both with reduced fees by a benevolent private college. But these did not qualify him to work in his trade. In 2016 he was offered a place in the one-year Diploma of Dental Technology by the WA Institute of Further Studies in Joondalup. Overall the course cost around $9,000.

A loan of $3,000 was needed for the up-front enrolment fee, materials, uniform and tuition fees. Fortunately, a Perth philanthropist lent him the funds. He was then able to self-fund his study for the remainder of the year as an Uber Driver. The man is now qualified and ready to work and is keen to repay the loan as soon as he is able. Without the aid of the philanthropist the
man would still be unemployed and wasting his skills. It is worth noting that he has since moved to Adelaide, despite wishing to remain in Perth, given that Adelaide is recognised as a regional area for SHEV purposes whereas Perth is not.

**Recommendation**

Access to TAFE and similar training colleges should be facilitated for the small number of suitably qualified BVE and TPV/SHEV holders through offering fee concessions.

**3b State school access**

From time to time it emerges that the children of asylum seekers in category 5 are denied access to Government schools unless an overseas student fee is paid. In secondary school this amounts to >$16,000 per annum.

Minister Ellery has given her assurance that from the school year 2018 these children from K-12 will be provided with access to schools as of right. In the meantime both agencies that advocate for children and parents in these circumstances will continue to provide examples to the Minister’s office.

**4 Legal eligibility**

The plight of asylum seekers who are invited to make a claim for protection is outlined above. The Federal Government drastically reduced funding for most legal assistance and WA claimants have been assisted through a combination of pro bono work by lawyers and migration agents, volunteers and community fund raising to support this legal assistance. In this climate the Federal Minister has announced that all claims must be made by October 1st 2017. This impacts category 3 BVE holders. The plight of asylum seekers who are invited to make a claim for protection is outlined above.

The Victorian Government recently provided funding for Justice Connect, Victoria Legal Aid and Refugee Legal to provide legal assistance to over 10,000 asylum seekers living in the community.

**Recommendation**

That, as a matter of urgency, the Attorney General provides similar assistance proportionate to that of the grant in Victoria so that BVE holders are provided with legal advice and assistance to make their claims by October 1st 2017.

**5 Hospital/health care**

Medical, pharmacy, hospital and dental bill payments have to be negotiated when an individual with no access to Medicare needs treatment for illness, injury etc. Often an agency can find a health care provider willing to reduce or waive their usual fee, but often the fees are met by a donor. This has been a long lasting problem.

It should be said that the longer a person has been detained and the longer it is before the outcome of the claim is known, the greater at risk of anxiety and depression the person is. Although there is access for TPV/SHEV holders to a limited number of sessions for torture and trauma counselling, there are large unmet needs for specialist mental health services among the whole refugee community and among asylum seekers who hold a BVE.
Recommendation

Negotiations between this sector and the Department of Health should develop and implement policy to ensure that all BVE holders [categories 3&5] have access free of charge to public sector health care services and that access to mental health services is available on the same terms.

6 Disability services

There is a small but important cohort of individuals who cannot access disability services in WA as they are not permanent residents [TPV/SHEV category 2 and BVE 3 & 5]

Recommendation

Negotiations between this sector and the Disabilities Commission should develop and implement policy to ensure that all TPV/SHEV [category 2] and BVE holders [categories 3&5] have access free of charge to services provided through the Commission.

7 Translation and interpreting services

From time to time WA governments have introduced policy and practices to meet the obligation for use of interpreting and translating services by qualified practitioners. This is an essential service that needs not only provider training in using interpreters and using telephone services if required, but also provider willingness. Some parts of the public sector are better than others in this provision [e.g. courts]. Interpreting and translation services are vital and education interviews and places of health care for example should not be dependent on a family member to interpret.

Recommendation

An education campaign with guidelines for the use of interpreters in the provision of all public sector services be implemented.

8 Discrimination and religious vilification

Some of the refugee and asylum seeker community (and other migrant groups) who have settled in WA identify as followers of Islam, and women in particular, may be identifiable by their clothing. Staff and volunteers who work in this sector know of men, women and children who have experienced discrimination both directly (such as by assault, taunts or bullying) and indirectly (when individuals think that their name, skin colour or dress has been the unspoken reason they have not got a job or have needed to give way to another person in a queue). Racism and religious prejudice is a common experience in the street, school and workplace.

The 2016 Report of the Scanlon Foundation\(^3\) established to support the ‘advances of Australia as a welcoming, prosperous and cohesive nation’ shows the highest increase yet in reported discrimination against skin colour, ethnicity and religious background. From 15% reporting discrimination in 2015, 20% have experienced it in 2016. Younger people aged between 18 and 35 report discrimination at 25%; some of them once or twice in the last year while 14.2% experience it ‘most weeks’. Multiple kinds of discrimination were recorded with 8% having been physically attacked and 52.5% were ‘made to feel I did not belong’.

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\(^3\) Markus A. Mapping Social Cohesion. The Scanlon Foundation. 2016
An increasingly well-documented form of discrimination/vilification is Islamophobia. The Islamophobia Register of Australia was established in 2014 and the 2014-15 findings have just been released. The report is based on 243 cases of verified Islamophobic incidents collected over 14 months in 2014-15. Its findings highlight that women, especially those with Islamic head covering (79.6% of the female victims), have been the main targets of Islamophobia. This includes verbal threats and abuse and physical harassment. One-in-three female victims had their children with them at the time of the reported incident.

Of the perpetrators, 98% were identified by those who reported it as ethnically Anglo-Celtic. Perpetrators were three times more likely to be male. Lone males were more likely to be the perpetrator and lone Muslim women tended to be the victims.

Further, no bystanders intervened in 75% of the reported incidents.

If incidences of Islamophobia are not addressed, then victims and potential victims, as well as the perpetrators, must assume that such behaviours have the sanction of the state.

Recommendations

[i] That the State Government commits to an education and public relations campaign to value diversity and reduce discrimination against difference.

[ii] That the State Government review the need for legislation to strengthen provisions in the Criminal Code for racial vilification and to canvas the need to add religious vilification to those provisions.

CONCLUSION

The submission addresses the unmet needs of some 1,500 refugees and asylum seekers in WA. These people want to settle in WA and are prepared to learn and work to establish their future. State government services could greatly assist them in doing so.

The sponsors of this submission are prepared to meet with the team or its representatives to elaborate on reasons the government should address the needs we have outlined.

Summary of recommendations

1. That transport concessions be provided for all those who are not working and who hold a BVE or are in CD. Whether free public transport could be provided also needs consideration.

2. That all of WA including Perth and the metropolitan area be designated as a SHEV region.

3. Access to TAFE and similar training colleges should be facilitated for the small number of suitably qualified BVE and TPV/SHEV holders through offering fee concessions.

4. That, as a matter of priority, the Attorney General provides similar assistance proportionate to that of the grant in Victoria so that BVE holders are provided with legal advice and assistance to make their claims by October 1st 2017.

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5. Negotiations between this sector and the Department of Health should develop and implement policy to ensure that all BVE holders [categories 3&5] have access free of charge to public sector health care services and that access to mental health services is available on the same terms.

6. Negotiations between this sector and the Disabilities Commission should develop and implement policy to ensure that all TPV/SHEV [category 2] and BVE holders [categories 3&5] have access free of charge to services provided through the Commission.

7. An education campaign with guidelines for the use of interpreters in the provision of all public sector services be implemented.

8. [i] That the state Government commits to an education and public relations campaign to value diversity and reduce discrimination against difference.

   [ii] That the state Government review the need for legislation to strengthen provisions in the Criminal Code for racial vilification and to canvas the need to add religious vilification to those provisions.
SERVICE PRIORITY REVIEW

INTERIM REPORT TO THE WESTERN AUSTRALIAN GOVERNMENT

SOME COMMENTS FROM

COMMUNITY LEGAL CENTRES ASSOCIATION (WA)

The Community Legal Centres Association (WA) is the peak organisation representing and supporting 28 Community Legal Centres (CLCs) operating in Western Australia. Located throughout the state, CLCs are independent, non-profit organisations which provide legal services to disadvantaged and vulnerable people or those on low incomes who are ineligible for legal aid.

The community legal sector supports Western Australians to access legal services in a number of areas in which unresolved legal problems commonly arise. Some CLC’s provide general community legal services for people living in a geographic area. Others provide specialist services for clients in a certain interest area (e.g. mental health, family law, and tenancy). They develop partnerships with private law firms and other community groups to provide quality community legal services and advocate for a fair and just legal system.

Community Legal Centres in Western Australia receive significant funding from the State Government, both from its own resources - principally through Legal Aid WA and distributing federal funding under the terms of the National Partnership Agreement on Legal Assistance Services. The Association welcomes the opportunity to comment on the Interim Report in relation to a rethink of the public sector’s design, practices and service delivery to achieve better outcomes for the community, and in particular for those vulnerable and disadvantaged Western Australians who our member centres principally assist. Our comments provide examples reinforcing the directions of the Interim Report in certain areas.

Further information can be obtained from Helen Creed, Executive Director (email: executivedirector@communitylaw.net or phone: 0400175874).
COMMENTS FROM THE CLCA (WA)
In response to the Interim Report, the CLCA (WA) would like to provide some examples from our experience working with the WA public sector which support the directions the Review Panel is pursuing. Five specific areas are addressed, namely:

1. Definition of the public sector
2. Value for money – a collective responsibility of the public sector
3. Designing and implementing good quality regulation
4. Get better value from procurement
5. Link data and share information for better outcomes

Definition of the public sector
The CLCA (WA) welcomes the broad definition of the public sector.

As part of the previous Government’s Delivering Community Services in Partnership Policy (DSCP), top-up funding was provided for community services, which was rolled out in two stages. Component One provided a 15% increase to all eligible services on the 2010-11 annual funding level in 2011-12. Component Two was rolled out progressively over the following year, an average of 10% but taking into account greater variability in regional costs and historical shortfall levels, the level of increase varied for each organisation.

Community Legal Centres and the CLCA (WA) were deemed to be eligible services, as non-profit organisations providing vital services to the WA community. As such we received funding increases through both Components One and Two. This eligibility was determined by the Department of the Attorney General at the time.

However, when the time came to renew their funding contracts with Legal Aid, CLCs were advised that they were not subject to the DCSP policy, as Legal Aid is not a Public Authority and therefore not required to comply with the policy. This has caused great levels of confusion and frustration in the community legal sector, and more broadly across the whole social service sector. The decision of Legal Aid not to apply the DCSP, citing a statutory mechanism that provided a loophole to allow themselves to exempt themselves from the policy, undermined the stated intent of the DCSP to drive greater certainty and consistency of funding mechanisms used by the State Government. In contrast, other sectors jointly funded by Partnership Agreements with the Commonwealth, such as the homelessness sector and disabilities, were brought under the DCSP.

While it may have been the case that Legal Aid was not bound by the DCSP, the CLCA (WA) was disappointed that Legal Aid did not choose to apply the policy, for the benefit of the sector. That decision meant that CLCs did not share in the benefits of the policy, providing greater certainty of price setting in contracts, moving towards clearer outcome based reporting, ensuring any surplus funds are not clawed back and significantly, reducing the unnecessarily administrative burden of regulation in funding contracts. This impact was clearly identified in an email to the CLCA (WA) from Stephen Hill, Assistant Director of Funding and Contracting Services, Government Procurement in the Department of Finance in October, 2015, which explained:
The policies and practices associated with the Delivering Community Services in Partnership Policy will not apply to Legal Aid unless it chooses to ‘opt in’ to compliance with the policies. This includes the initiatives regarding stakeholder engagement and reducing the administrative burden which are undertaken within the remit of the Policy and with oversight from the Partnership Forum.

Value for money – a collective responsibility of the public sector

An example which CLCA (WA) would like to provide to emphasise this view is drawn from the tenancy area. The network of tenant advocates is funded by the Department of Commerce, from the interest on bonds held by the Bond Administrator. Tenancy WA is funded as the specialist community legal centre for tenants, and the central resource unit for the network of tenant advocates across Western Australia with 15 tenant advocates also funded; 14 of whom are located in community legal centres. In January 2017 the Department of Commerce reduced funding to the Tenancy Network by approximately 25%, and this has substantially reduced access to representation services in particular. Faced with fronting court on their own, tenants often don’t attend court and termination orders are routinely made in their absence without due consideration of the tenant’s circumstances.

The Magistrates Court also receives funding from this source to run the residential tenancy lists. The sharp increase in the number and complexity of cases litigated by the Housing Authority under the years of ‘three strikes’, has meant that the Court seeks higher levels of funding from the account. This in turn reduces the pool of funds available for the tenant advocate services.

This high cost of litigation can be radically reduced with the introduction of practical approaches within the Housing Authority to work to sustain tenancies rather than seek eviction so readily. For example, it has not been uncommon for the Housing Authority to disregard the advice of the then Department for Child Protection and Family Support (DCPFS) where they are also working with the family, and continue to seek evictions despite DCPFS advice that the current housing is important for achieving child protection outcomes. TenancyWA have run cases in the Magistrates Court where they have called DCPFS officers and/or School Principals or other staff to give evidence of the family circumstances to oppose the termination application from the Housing Authority. Resolution of these cases through lengthy litigation involving several government departments is a considerable waste of public resources, which would best be directed to seeking practical collaborative resolutions to sustain the tenancy and prevent homelessness.

Similarly, many Housing Authority termination applications have been dismissed, as the Authority has failed to demonstrate that the termination is justified (in accordance with the tests under s75A or s71 of the Residential Tenancies Act). Rather than using a termination application as a last resort, it appears that the Housing Authority frequently uses termination applications as a mechanism to seek compliance from a tenant – for example to seek rectification of property standards issues. In our view, termination applications should only be used as a last resort, after referral to support services, attempts at collaborative work with community services, and an analysis of ‘whole of government cost’ demonstrates that the eviction is in the public interest. Such an analysis requires some consideration of the likely impact on the community of the tenant and family being evicted from public housing.
Designing and implementing good quality regulation

Reducing the regulatory burden on community legal centres will save time and resources both within government and across the sector; resources that can instead be used to help support Western Australians in need.

A major source of funding for community legal centres in WA is the Community Legal Services Program (CLSP). Although there have previously been separate funding streams from the Commonwealth and State governments within this program, funding agreements are issued by the State Government.

22 of the state’s 28 CLCs as well as the CLCA (WA) are currently funded through the CLSP. Amounts of funding vary from under $100,000 to over $800,000 per annum. The reporting requirements predate the previous National Partnership Agreement, when the Commonwealth Government had agreements with individual centres. By way of example of the current regulatory requirements, the CLCA (WA) received advice on 10 June, 2016 that it would receive a 12 month extension to our current Agreement and receive funding of $168,120. The majority of this has been paid in 4 quarterly instalments ($32,084 per quarter) with the remainder ($39,784) paid as different amounts at different times during the course of the year. CLCA (WA) had 10 different reporting requirements due on 4 different dates, for the purpose of accounting for a one year funding grant extension; a similar situation exists for 2017-18.

Community legal centres currently comply with a range of accountability and quality control systems which do not normally exist elsewhere in the community sector. For example, all Full Members of the CLCA (WA) are accredited. The National Accreditation Scheme (NAS) has been developed to provide a sector led accreditation and certification process for CLCs to recognise and give support to achieving good practice in the delivery of community legal services throughout Australia. The National Association (NACLC) owns the certification trademark. The NAS Standards incorporate the previous Community Legal Services Program Service Standards, the requirements of the NACLC Risk Management Guide and new accessibility requirements developed during consultations in 2015.

Furthermore, a CLC’s participation in NACLC’s professional indemnity insurance scheme is dependent on the centre complying with mandatory minimum risk management standards which are set out in the Risk Management Guide. The Guide also recommends additional best practice standards, guidelines and procedures. Participation in NACLC’s PII scheme also requires a centre to take part in an annual audit of its policies, procedures and files. This is a mandatory peer review procedure that occurs annually to monitor each centre’s compliance with the mandatory components of the Guide.

CLCA (WA) has recommended on a number of occasions that the WA Government should consider the extent to which the outcomes sought are already available through mechanisms such as those identified above, prior to expending money on additional regulatory processes, but there has not been a willingness to even consider such an approach. By contrast, in Queensland, for example, accredited CLCs are regarded as complying with the Human Services Quality Framework which is specifically designed to reduce red tape by allowing state funded non-government organisations to conform with only one set of quality standards. The NAS Standards have been specifically mapped against the HSQF.
Get better value from procurement
Issues around the funding of community legal centres were a cornerstone of the Association’s 2016 Pre Budget Submission. (available on our website)

Not only has there been a failure to comply with the process for allocating the Commonwealth and State money, which was spelt out in the National Partnership Agreement project plan agreed between the State and the Commonwealth, the CLCA (WA) has also expressed concerns about the range of funding streams which CLCs are accessing. Such streams include the Public Purposes Trust, the Legal Contributions Trust and Proceeds of crime, which provide funding for “projects” – however the reality is that much of the funding granted to CLCs is primarily being used for core services which community legal centres deliver. In the absence of published criteria and guidelines, it is unclear the extent to which factors such as identified legal need are being taken into account in the allocation of this funding.

We have recommended that the extent to which funding from all these sources can be consolidated into one funding stream is worthy of further consideration; a request that to date has fallen on deaf ears.

Link data and share information for better outcomes
Community legal centres use a database that had previously been funded by the Commonwealth Attorney General’s Department. In 2016, the AGD indicated its intention to decommission the existing database, CLSIS, and provided the National Association of Community Legal Centres (NACLC) with one-off funding to develop a replacement system. Following a comprehensive scoping process, informed by CLSIS users and State Government CLC Program Managers, NACLC adopted a system (known as CLASS) that will much more effectively support both the legal practices and reporting requirements of CLCs. CLASS uses the National Legal Assistance Data Standards.

However, as NACLC has no budget for, or capacity to meet, the ongoing cost for system maintenance and support, NACLC sought a commitment of funding for the ongoing provision of a national database for community legal centres from state and territory jurisdictions.

While contributing to this national project has ensured far greater cost effectiveness than would be achieved through a separate jurisdictional approach, both NACLC and CLCA (WA) have raised with Legal Aid WA the interest that the WA Government has in data across the community sector and requested discussions about potential opportunities and connections with this project. To date, this has not occurred although informal discussions between CLCA (WA) and other agencies have indicated that there is interest among other government agencies in doing so.
INVESTING IN ABORIGINAL STRENGTHS

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1. INTRODUCTION

Investing in Aboriginal Strengths (IASStrengths) is about shifting resources from the current reactive spending on the symptoms of disadvantage to investing in strategic Aboriginal developmental initiatives that deliver measurable returns.

It does this by enabling a vulnerable community to take greater control and contribute more directly to achieving the hopes and aspirations of its people.

The key concepts involved are:

□ **Return on Investment**
  - Mobilising underutilised Aboriginal strengths, applying social science evidence and focusing key stakeholder interests using a collaborative innovation hub to create shorter term financial savings;
  - using the savings to invest in the quality assured initiatives most likely to deliver measurable and sustained social and financial returns.

□ **Strengths Based Approach**
  Creating efficiencies by using strengths and assets within the Aboriginal community including extended family commitment, knowledge of local networks, capacity to organise, leadership skills, not for profit Aboriginal organisations and the framework of native title. Reducing the tendency to identify only deficits and react using external intervention.

□ **Applying Evidence**
  Improving returns by applying international, national and local experience of what constitutes effective practice in community development and cross cultural social policy. Developing quality assurance standards and using research and evidence to guide planning and practice.

□ **Cooperative Innovation**
  Bringing together stakeholders from government, Aboriginal controlled organisations, the financial sector, those with social investment expertise and academia in a collaborative approach to developing, funding, implementing and evaluating innovative solutions.

□ **Cash Flow**
  Focusing early implementation initiatives on delivering significant, timely savings. The initial aim is to build sufficient cash flow to fund reinvestment.

□ **The First Steps**
  Engaging key Aboriginal controlled organisations, gaining the support of relevant Ministers and establishing a Collaborative Innovation Hub to develop the first business plan.

IASStrengths addresses key issues being examined by the WA Government’s Priority Service Review. It describes how to achieve, in the area of Aboriginal affairs:

- a more efficient, collaborative, adaptable and outcomes-based public sector; and
- the delivery of different, better and more affordable services.

It is of particular relevance to two of the Review’s Interim Report’s directions for reform:

- ‘Building a public sector focused on community needs’; and
- ‘Enabling the public sector to do its job better’.
2. BACKGROUND

WA Budget
WA faces a huge budgetary challenge. The State’s operating deficit for 2016 - 17 is expected to be $3.9 billion with total debt now expected to exceed $44 billion by 2020. For the foreseeable future efforts to close the gap between Aboriginal and non-Aboriginal well-being in WA will need to depend on reform and innovation rather than additional funds.

WA Public Sector Restructure
The WA State Government has reorganised its public sector. The policy function within the disbanded Department of Aboriginal Affairs has been moved into the Department of the Premier and Cabinet (DPC). The Department for Child Protection and Family Support, the Disability Services Commission, the Communities functions within the Department of Local Government and Communities and the Department of Housing have been brought together within an overarching agency called the Department of Community Services (DCS).

These changes provide policy, structural and budgetary levers to drive Aboriginal service reform.

Within the WA Government Ministry the key stakeholders are the Hon Ben Wyatt, Minister for Aboriginal Affairs and Treasurer, the Hon Simone McGurk, Minister for Child Protection, Women’s Interests, Prevention of Family and Domestic Violence and Community Services and the Hon Peter Tinley, Minister for Housing and Youth.

3. RETURN ON INVESTMENT
Perhaps the most common criticism of government efforts in Aboriginal affairs from both Aboriginal and non-Aboriginal perspectives is the continuing poor outcomes given the level of resources provided.

There is growing evidence that properly researched and well implemented social initiatives can deliver meaningful social returns on investment (SROI). The characteristics of initiatives delivering greater SROI are being more clearly delineated and reliable methods for measuring SROI are emerging.

The New Zealand Government has invested heavily in promoting the concept of social investment. It has established a central Social Investment Unit1 and the New Zealand Treasury has published guidelines for undertaking cost benefit analysis for social services.2 The Australian Treasury has also show considerable interest.3

There are a number of examples of the application of SROI analysis in Australian Aboriginal affairs. Social Ventures Australia (SVA) used equity investment principles to determine the SROI from the Girringun Indigenous Protected Area and associated Indigenous rangers program in Northern Queensland. They found the programs provided a social return of 2.21. That is, returns of $2.2 were achieved for every $1 invested.4

1 See siu.govt.nz/about-us/the-social-investment-unit
3 Australian Treasury, Social Impact Investing Discussion Paper, January 2017,
4 SVA Consulting, Dept of the Prime Minister and Cabinet Social Return on Investment analysis of the Girringun Indigenous Protected Area and associated Indigenous ranger programme February 2016
SVA also undertook a SROI analysis of the Kanyirninpa Jukurrpa on country programs of the Martu people in WA’s East Pilbara.\(^5\) The program provided employment for Martu people through ranger and heritage work on their lands.

*Kanyirninpa Jukurrpa aims to preserve Martu culture, to build a viable, sustainable economy in Martu communities and to build realistic pathways for young Martu to a healthy and prosperous future. KJ’s On-Country programs include teams of ranger employees, Kalyuku Ninti (Return to Country) trips and Puntura-Ya Ninti (Culture and Heritage) programs.*\(^6\)

SVA found that for the financial years 2010 – 14 the input costs were $19.9m and the SROI was $55.3m - a ratio of 2.8:1.

The NOUS group\(^7\), evaluated the SROI of the Tangentyre Council’s Central Areas Youth Link-Up Service (CAYLUS) in the Utopia, Hermannsburg (Ntaria) and Yuendumu communities. They found that CAYLUS delivered SROIs of $3.48 in Utopia, $4.08 in Hermannsburg and $4.56 in Yuendumu\(^8\) for every $1 invested.

The National Australia Bank (NAB) undertook an SROI analysis\(^9\) of the projected returns of their Indigenous Money Mentoring (IMM) programs\(^10\) in Alice Springs, Kununurra and Western Sydney. The analysis indicated that the programs were projected to deliver a social return of between $3.40 and $5.00.

Social Reinvestment WA (SRWA), a coalition of 17 of the State’s not for profit organisations, is a leading proponent of social investment in Aboriginal affairs reform, particularly in the justice system. They point to the high costs of Aboriginal incarceration and make the case that investment in, and reform of, preventative and rehabilitative programs could have a significant impact on reducing this burden on the WA budget.

*The cost of our current prison system is enormous. In Western Australia in 2013–2014 it cost $334 per day to imprison an adult and $814 per day to detain a child.*

*The total net cost of the adult prison system in 2013–2014 was $608 million.*\(^11\)

They make the case that reducing the current reimprisonment rate for Aboriginal offenders of 75% within 2 years, would create large savings for the WA Government.\(^12\)

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\(^{6}\) SVA, 2014, pg4.

\(^{7}\) A large management consulting company operating in Australia and the UK

\(^{8}\) NOUS Group / CAYLUS, *Investing in the Future - The impact of youth programs in remote central Australia: a Social Return on Investment (SROI) analysis*

\(^{9}\) NAB, *Social Return on Investment forecast of the Indigenous Money Mentor Program*, October 2013

\(^{10}\) An initiative aimed at building the financial capacity of Indigenous people, by providing face to face practical financial support and options to people on low incomes and facilitating access to microfinance products where appropriate

\(^{11}\) Social Reinvestment WA, *Campaign Overview*, 2017
The NOUS Group / CAYLUS report provides the following description of the SROI process:

**Six Stages of SROI**

**Stage 1: Scope the project**
- Define the project scope including boundaries, timing for analysis, stakeholders and defining investment for the program

**Stage 2: Understand the change**
- Engage with stakeholders to understand outcomes that are forecast to be generated through the program

**Stage 3: Measure the change**
- Identify and measure the outcomes that are forecast to be experienced by stakeholders through the program

**Stage 4: Value the change**
- Identify relevant indicators and financial proxies to value the outcomes
- Determine those aspects of change that would have happened anyway or result from other factors

**Stage 5: Calculate the SROI**
- Calculate the outcomes and compare the investment of the program

**Stage 6: Report, use and Embed results**
- Synthesise and present key findings

The SVA, Kanyirninpa Jukurrpa report sets out the process for attributing values to each outcome by taking into account:

- **Quantity**: the number of stakeholders that will experience an outcome
- **Financial proxy**: value of the outcome
- **SROI filters**: accounting for whether the outcome would have happened anyway (deadweight), who else will contribute to the change (attribution), whether the outcome will displace other activities or outcomes (displacement) and the how long the outcome will last for (duration and drop off)

The formula used by SVA for calculating outcome values for the Kanyirninpa Jukurrpa project are as follows:

\[
8,306 \times 29.15 \times (1 - 25\%) \times (1 - 0\%) = 181,593
\]

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13 Adapted from NAB 2013, pg. 6
14 SVA 2014, pg 43
Social Impact Investing
Part of the SROI discussion includes the use of profit oriented financial arrangements designed to engage private capital in driving innovation.

The Australian Treasury in early 2017 defined ‘social impact investing’ as:

*investments made with the intention of generating measurable social and/or environmental outcomes in addition to a financial return.*\(^{15}\) (bold added)

Of particular relevance here is Treasury’s description of social impact investing as:

*an innovative method of financing interventions to address intractable social or environmental problems.*\(^{16}\)

In a reference to Indigenous affairs it stated:

*Social impact investing provides an opportunity to address problems where existing policy interventions and service delivery are not achieving the desired outcomes.*\(^{17}\)

It sees the approach as providing:

*the potential to complement (but not replace) the Australian Government’s existing role and responsibilities across many portfolios.*\(^{18}\)

The three main forms of social impact investing identified in Treasury’s discussion paper include:

- **social enterprises**: businesses which aim to achieve both financial and social or environmental outcomes through their work, for example STREAT in Melbourne, which employs disadvantaged young people to work in a café and coffee roasting business or the Hepburn Community Wind Park Co-operative in Victoria;
- **social impact bonds**: contracts between the government, investors and service providers to trial innovative interventions — a form of payment-by-results contracts, wherein service providers are paid on the results they achieve;
- **social impact investment funds**: larger-scale funds which pool funds from investors to invest in several social or environmental impact investments.\(^{19}\)

This type of investment involves the government working through external entities using contracts which define and require specific outcomes but substantially leave methodology and implementation up to the contractors. This potentially removes the ‘dead hand of bureaucracy’ enabling Aboriginal entities in cooperation with profit or not for profit agencies to plan and undertake innovative initiatives.

Social impact bonds are already used around the world to address a wide range of social issues including recidivism, out of home care, homelessness and unemployment.\(^{20}\)

In Australia:

\(^{16}\) ibid
\(^{17}\) ibid
\(^{18}\) ibid pg9
\(^{19}\) ibid pg.10
\(^{20}\) Palumbo, J. and Learmonth, I *Social Impact Bonds: reducing reoffending in Western Australia*. Report on the applicability of using the social impact bond model for reducing reoffending in Western Australia, Social Ventures Australia, September 2014
SVA has established and operated a number of social impact bond offerings.

The NSW Government has established a specialist Office of Social Impact Investment\textsuperscript{21}.

The South Australian Government, with SVA, sold a $9m housing bond in 2016\textsuperscript{22}.

In June 2017 the Victorian Government asked Anglicare and Sacred Heart Mission to explore the possibility of using social impact bonds to finance innovative solutions to difficult social problems.\textsuperscript{23}

The WA Department of Corrective Services in 2014 commissioned SVA to undertake an assessment of the applicability of social impact bonds to reducing reoffending in WA.\textsuperscript{24} The report found that there was potential for the use of the bonds in the WA justice setting and recommended the Department further progress the approach.

**Valuing Social Return on Investment**

The SROI report on the Girringun Indigenous Protected Area states:

*Financial proxies are used to value an outcome. This is particularly important in SROI as it relates to the principle of valuing what matters. This means that there is a need to value outcomes even if there isn’t an existing market value.*

*There are a number of techniques used to identify financial proxies and value outcomes. Importantly, within an SROI, the financial proxy reflects the value that the stakeholder experiencing the change places on the outcome.*\textsuperscript{25}

In SROI methodology therefore the link between stakeholder outcome and financial return to governments may be indirect rather than direct. The NAB report on Indigenous Money Mentoring programs provided the following diagram to illustrate their distribution of value:

*Distribution of social value across the five identified outcome domains*\textsuperscript{26}

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\textsuperscript{21} See at \url{http://osii.nsw.gov.au/}


\textsuperscript{23} Media Release Hon Tim Pallas, Treasurer Government of Victoria June 2017

\textsuperscript{24} ibid

\textsuperscript{25} SVA 2016, pg.11

\textsuperscript{26} NAB 2013 pg. 5
Financial Savings for Governments
Governments facing large deficits are more likely to support reforms if they deliver direct financial savings in the shorter rather than longer term. They may then support the savings being reinvested in further innovation.

There are evaluations that assess the budgetary savings to governments from Aboriginal programs.

Deloitte Access Economics undertook a cost benefit analysis of a collaboration between Fairbridge and the WA Department of Corrective Services known as the Fairbridge Bindjareb Project. The project trains Aboriginal prisoners and provides them with guaranteed jobs in resources and associated industries.

The benefits of the project were $2.4 for every $1 invested. For a total cost of $14m the project would deliver $33.6m. The Commonwealth Government would receive 16% of the benefit ($5.232m) through increased tax receipts and the State Government would receive nearly 50% of the benefit ($15.858m) through reduced incarceration. The participants would receive 34% of the benefit through wages ($10.941m).

SVA’s analysis of the Martu peoples’ Kanyirninpa Jukurrpa project in the East Pilbara identified a number of direct savings to governments:

State Government - $12.362m
- Heritage – the WA Aboriginal Affairs Department saved money and improved its knowledge protection of heritage sites which are costly to visit. ($4.369m)
- Justice – the engagement of people in on country programs reduced alcohol related crime and time in prison. ($7.957m)

Commonwealth Government – $758,000
- Employment – the reduced dependency on income support payments and increase in employment.

Health benefits flowing from reduced alcohol consumption, improved child care and better bush diet were not included in the outcomes. The direct value to governments would undoubtedly be considerably higher these had been included.

These studies demonstrate that:
- investing in Aboriginal initiatives can deliver significant financial savings for governments; and
- the financial return to governments can be quantified.

28 SVA 2014
4. STRENGTHS BASED APPROACH

At the end of the last century an approach to community development emerged in America based on mapping and building on the assets in the local area. Often referred to as Asset Based Community Development (ABCD), the community development methodology was developed and championed by John McKnight and Jody Kretzmann from the Institute for Policy Research (IPR) at Northwestern University. It is based on extensive analysis of the factors that made for successful community initiatives across the USA.

As an approach to community-based development, ABCD rests on the principle that a recognition of strengths and assets is more likely to inspire positive action for change in a community than is an exclusive focus on needs and problems.

The Glasgow Centre for Population Health provides the following description of asset (or strength) based approaches:

- **Assets can be described as the collective resources which individuals and communities have at their disposal, which protect against negative health outcomes and promote health status. Although health assets are a part of every person, they are not necessarily used purposefully or mindfully.**
- **An asset based approach makes visible and values the skills, knowledge, connections and potential in a community. It promotes capacity, connectedness and social capital.**
- **Asset based approaches emphasise the need to redress the balance between meeting needs and nurturing the strengths and resources of people and communities.**
- **Asset based approaches are concerned with identifying the protective factors that support health and wellbeing. They offer the potential to enhance both the quality and longevity of life through focusing on the resources that promote the self-esteem and coping abilities of individuals and communities.**
- **Asset based approaches are not a replacement for investing in service improvement or attempting to address the structural causes of health inequalities.**

This general shift to mapping assets and strengths rather than identifying deficits as the first step in dealing with development issues has been applied in Australian programs.

Strong in the City, an Indigenous program in Ipswich, Brisbane and Logan funded by Health Promotion Queensland in the early 2000’s: chose to emphasis a strength based approach in an effort to help provide a more balanced approach to understanding Indigenous communities which are often only characterized in terms of weaknesses.

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31 Glasgow Centre for Population Health Putting asset based approaches into practice: identification, mobilisation and measurement of assets – available at [http://www.gcpht.co.uk/assets/0000/3433/GCPHC510forweb](http://www.gcpht.co.uk/assets/0000/3433/GCPHC510forweb)
The Strong in the City report notes that:

*many needs assessments have been and will be conducted in Indigenous Australia, but few (if any) audits of assets.*

It summarises the difference in perspective as follows:33

<table>
<thead>
<tr>
<th>Needs Assessment Foci</th>
<th>Assets Foci</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unhealthy behaviours</td>
<td>Cultural Identity</td>
</tr>
<tr>
<td>Poor Nutrition</td>
<td>Sense of Community</td>
</tr>
<tr>
<td>Lack of Exercise</td>
<td>Knowledge and Skills</td>
</tr>
<tr>
<td>Alcohol and substance use</td>
<td>Political Activism</td>
</tr>
<tr>
<td>Loss of culture</td>
<td>Extended Family</td>
</tr>
<tr>
<td>Crime and incarceration</td>
<td>Organisational Involvement</td>
</tr>
<tr>
<td>Educational disadvantage</td>
<td>Volunteerism</td>
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<tr>
<td>Poverty</td>
<td>Community Network</td>
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<tr>
<td>Unemployment</td>
<td></td>
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<tr>
<td>Poor Housing</td>
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</tbody>
</table>

A key finding of the evaluation report was:

*Rather than a passive community ‘waiting’ for top-down public health interventions, we found a community already working hard toward health improvement goals. Often though we found people working with limited resources in unsupported roles. As we have outlined, the resourcing issues here are not simply financial, they are also about connections and commitments made by mainstream structures to support the efforts of Indigenous communities to create their own mix of strategies and solutions.*34

Mission Australia in their submission to the Senate Select Committee on Rural and Remote Indigenous Communities35 stated:

*The steps involved in asset based community development are well documented and there are a number of organisations, particularly those in the international aid area as well as local NGOs who have been working with communities over many years, with experience in implementing this.*

They describe the key steps in their approach as:

- Building engagement, relationships and trust within the community and with key organisation(s), including about the process – this is a critical and time consuming task, without which the subsequent steps will fail
- Reviewing and mapping the assets of the community (economic, social, cultural, environmental etc)
- Mobilising the community’s assets and creating a community vision and plan which integrates social, economic, environmental and cultural priorities and initiatives and builds on what is currently being done in the community.
- Establishing the ongoing governance and funding structure(s) to carry the plan forward
- Implementing, monitoring and reviewing plan and outcomes achieved.36

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33 ibid
34 ibid
35 Mission Australia. Submission to the Senate Select Committee on Regional and Remote Indigenous communities. February 2009
A review of ‘what works’ in public nutritional health for The Southern Queensland Centre for Excellence in Indigenous Primary Health Care states: A strengths-based approach offers a different language with which to address nutrition inequalities. It can contribute to empowering Indigenous individuals and communities towards healthier nutrition.  

The review found that a number of successful nutritional health programs in Australia conducted with Indigenous people have been based on working with and developing the strengths within communities.

One of the key principles of Indigenous Communities Volunteers is that it takes an ‘asset’ rather than ‘deficit’ based approach. We work with communities to help recognise and develop their existing skills, resources and knowledge.  

The practice manual of the Queensland Department of Communities, Disabilities and Child Safety states: A strengths-based approach operates on the assumption that all people, even if they are experiencing problems, have some strengths and resources from which they can draw on to make positive change. A deficit-based approach, which focuses on what is wrong, can overlook valuable skills and experiences a family has.

A strengths based approach has even been adapted to undertaking a nursing assessment of families.

The strengths-based perspective is a recent development in applied health research and clinical practice. Strengths-based research identifies what individuals, families and communities are doing well and what they can do to enhance resilience. All families have strengths that nurses can draw on through primary healthcare and health promotion activities. There is a growing trend in nursing to understand clinical practice from a family-strengths framework. The strengths framework is a positive approach looking at how families and individuals succeed and promote resilience.

Practical Aboriginal Strengths

The Strong in the City Report listed the key Aboriginal community strengths identified from their asset mapping as:

☐ Extended Family;
☐ Commitment to Community;
☐ Neighbourhood Networks;
☐ Community Organisations; and
☐ Community Events.

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36 Ibid, pg 5
38 Available at http://icv.com.au/our-approach
39 Queensland Department of Communities, Disabilities and Child Safety, Engaging with Families, Practice Manual, July 2013, pg.6
Anyone with an in-depth knowledge of Aboriginal community life will recognise these attributes. They are practical, useful and found in almost all Aboriginal remote, regional or urban communities but seldom utilised by government agencies.

SVA’s SOIR revue of the Kanyirninpa Jukurrpa on Country Program highlights the difference between deficit centred or strength centred perspectives. One view sees the lack of employment, the rapid decrease in mining opportunities and the dysfunctional Community Development Employment Program in what is to European eyes a barren desert landscape.

The SVA review however points out: 

*The desert communities offer Martu the opportunity to live close to their traditional lands in a society which is still predominantly Martu, thereby enabling them to begin to fulfil their deep cultural obligations to look after their country within an environment they can shape.*

*Martu remain incredibly resilient. Strengths of Martu society include high engagement with, and commitment to, community, country and culture; young Martu have enormous and distinctive knowledge within their world; and there are strong structures within Martu society, both kinship and age based, that ground a teaching/mentoring framework across generations for broad dissemination and regeneration of knowledge and skills.*

Harnessing these strengths and assets in a way controlled by Martu has resulted in a successful program that delivers high SORI and significant direct savings to both Commonwealth and State Governments.

A recent analysis of effective practice for improving mental health and well-being in Aboriginal communities\(^{41}\) notes:

*Members of these communities will have various responsibilities and obligations that confirm and reinforce their membership. These responsibilities may include:*

- being seen to be involved and active within the community;
- supporting community activities;
- obligations to family;
- a sense of responsibility or commitment to use one’s skills for the benefit of the community; z
- affiliations to family, and broader kin relations (families become connected through marriage);
- affiliations to factions/sectors within the community (family, work, language group, country of origin, politics); and
- affiliations to particular organisations. Often, members of the community associate the employee with a particular organisation and this may become part of the individual’s identity and even carry over to social situations.

Working with a culture that has as one of its key elements a strong obligation to help family and community is an opportunity seldom utilised by government. Tapping this great cultural strength more effectively has the potential to provide dividends to Aboriginal people and governments alike.

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\(^{41}\) *Communicating and Engaging with Diverse Communities*, Dudgeon P. and Ugle K. in Working Together: Dudgeon P., Milroy H. and Walker R. Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice. Commonwealth of Australia 2014
Aboriginal Controlled Organisations

Perth’s Derbarl Yerrigan Health Service (DYHS) has over 7,000 Aboriginal regular clients in the Metropolitan area. It delivers primary health care to over 15% of WA’s total Aboriginal population. DYHS has four clinics across Perth and outreach services operated largely by Aboriginal nurses and health care workers. Its dozens of Aboriginal front line staff have regular contact with, and a deep understanding of, local families, family networks and leadership. There is a ready made opportunity to make significant savings and improvements in effectiveness in areas such as preventive health, child protection, family violence and public housing by undertaking family and location centred initiatives in cooperation with DYHS.

While there are examples of sporadic and limited interaction with the WA public sector, the vast asset represented by DYHS, its local knowledge and established links with Aboriginal families and local communities goes largely unutilised.

Building on Native Title

The need to implement the 1993 Native Title Act and the processes involved in determining and managing native title claims across WA has led to:
- extensive anthropological work reconstructing ancestral links;
- reconfirming links between families, country and culture;
- strengthening the role and importance of elders and family structures;
- establishing Aboriginal corporations;
- community based decision making processes being established;
- in some instances, a significant income stream.

The South West Aboriginal Land and Sea Council (SWALSC) is the native title body established to pursue and manage the Nyoongar people’s native title interests. They received $6.2m in funding from the Commonwealth Government and had other income and grants of over $1.3m. It has processes in place for engaging family leaders across the metropolitan area. Its aims include improving the economic and other outcomes for Nyoongar people. Its commitments include working in partnership with others to achieve these ends. A major part of its effort over recent years has been in establishing family links and family based consultation and voting systems.

The potential for government to work in association (if not partnership) with Aboriginal native title groups remains unutilised. SWALSC’s potential as a partner with governments to improve the SROI of government resources remains untapped.
5. APPLYING EVIDENCE

A contributing factor to the low return on investment achieved by governments delivering Aboriginal services in Australia is the extent to which they repeatedly ignore good social science practice, international and national research on ‘what works’ and fail to implement quality assurance standards.

The ‘Northern Territory Intervention’ introduced by the Commonwealth Government in 2007 is perhaps the most striking example of expending enormous resources doing what doesn’t work. There tends to be a cacophony of one off unintegrated solutions large and small delivered without consultation sapping up an ever expanding budget.

There is a major social and financial dividend to harvest by applying evidence

Geo Spatial Data and Participatory Mapping

The use of geo spatial maps to assist communities is now a widespread practice. Participatory mapping describes the process of engaging communities in developing, interpreting, and contributing to decisions using geo spatial data. They have been used in land use planning, health initiatives and flood mitigation campaigns.

DYHS in 2016 commissioned mapping of Aboriginal population distribution across the metropolitan area. See Attachment 1. The population distribution was then related to the location of DYHS’s four clinics and the extent to which Aboriginal people in postcodes used DYHS services. The maps enabled DYHS management to see patterns of high and low engagement with their service across the city suburb by suburb.

The maps were discussed with the DYHS Aboriginal board and Aboriginal staff. Their participation brought the maps alive. Aboriginal input to the geo spatial data enabled:

- the concentrations of Aboriginal people in particular suburbs to be discussed
- an historical perspective on the settlement patterns (including the impact of Department of Housing policies) over the last 60 years;
- identification of areas on the margins of the city were people had been pushed away from access to employment and services;
- an analysis of the extended family groups living in particular suburbs and discussion of the networks and relationships between the extended families;
- analysis of why suburbs had higher or lower engagement with DYHS;
- social asset mapping including:
  - the location of Aboriginal community organisations with potential to contribute to health promotion;
  - the location of non-Aboriginal services providing culturally secure services and therefore used by Aboriginal people;
  - individuals who were community leaders in various locations.

Government services are now delivered with little insight into settlement patterns, the socio-political context of areas, the cultural and community strengths in an area or the specific enabling or inhibiting factors in a particular location. To a large extent current government service delivery is ‘blind’ and, not surprisingly, less effective or efficient.
Participatory mapping at both the regional and local levels using ABS data and input from local Aboriginal people would make available to government decision makers at the executive, middle management and front line level a deeper understanding of the real ‘Aboriginal Perth’.

Quality Assurance Framework
A quality assurance framework or practice code based on qualities known to lead to successful programs improve results and avoid the costly repetition of past failures.

The Australian Council for International Development (ACFID) is the representative body for private sector organisations tendering for and undertaking international aid projects on behalf of agencies such as the International Monetary Fund and World Bank. They established an Aboriginal and Torres Strait Islander Working Group to develop a quality assurance framework for Indigenous projects. Though ignored by the Australian public sector it provides a starting point for developing a practice code. The following points are adapted from the ACFID’s code for working with ATSI communities.

1. Partnerships and productive relationships
Supporting joint development of program goals and of practice methodologies backed up by a genuine collaborative approach.

2. Participation
Ensure local participation in and identification of needs, priorities and accountabilities, sustaining engagement, ensuring a program that is culturally sensitive and utilising and enhancing local governance structures for decision-making.

3. Cultural Competency
Put simply, cultural competency can refer to the ability to apply a sound level of knowledge, understanding, sensitivity and appreciation of culture in a practical and appropriate manner

4. Place-based
- Identify and work with community brokers.
- Spend time learning about and understanding the history, lived experience, contemporary social dynamics and the diversity of A&TSI communities.
- Spend time getting to know local people and understand the complexities of community decision making.

5. Long-term engagement
Development situations are usually complex and often require engagement that goes beyond short-term project and program cycles.

6. Do no harm
Effective Indigenous development practice needs to be strategic, measured and committed to ensuring it does not leave people feeling more disempowered than before the process began.

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43 Effective Development Practice with Aboriginal and Torres Strait Islander Communities February 2014
7. **Flexibility**
   Inbuilt adaptability in project design and openness to innovation is important as the answers to issues facing A&TSI communities are not always clear at the beginning of a project.

8. **Strength-based**
   Indigenous development practice is most effective when it focuses on the social/capital strengths and assets found in many A&TSI communities rather than on weaknesses and deficits.

9. **Rights-based approach**
   - Have an awareness of, and support, human rights when working with A&TSI communities.
   - Commit to the UN Declaration on the Rights of Indigenous Peoples

10. **Cross-cutting issues**
    - Work with partner organisations to develop and commit to gender, disability, and child protection policies where these do not already exist.
    - Ensure gender, disability and child protection form part of project design and monitoring plans.

11. **Governance Structures**
    - Support capacity building of relevant governance structures. Ensure there is adequate time and resources put aside for this purpose.
    - Become aware of, understand and use existing governance structures.

13. **Intellectual property**
    Respect, preserve and acknowledge the intellectual and cultural property rights of Aboriginal and Torres Strait Islander people

**Using Local Research and Academic Talent**
Perth is home to leading research centres for Aboriginal policies and programs. The Telethon Kids Institute which has Aboriginal child health as one of its Research Focus Areas. The Institute, working with the Kulunga Research Network and Curtin University through the Centre for Developmental Health, undertook The Western Australian Aboriginal Child Health Survey an extensive and definitive study into Aboriginal child health and well-being and family functioning in WA. This work provides both clinical data, causal understanding and useful information for designing responses. Dr Fiona Stanley is the Patron of Pindi Pindi Ltd, Centre for Research Excellence in Aboriginal Wellbeing

The University of Western Australia has the School of Indigenous Studies. Curtin University has the Centre of Aboriginal Studies (CAS). CAS is currently working on establishing a Collaborative Research Centre Wardiny Karnany (in search of truth) Translational Research Network in Aboriginal Knowledges and Innovation.

There are many Aboriginal people with sound academic backgrounds, knowledge from researching and implementing programs and their lived experience as Aboriginal people. There are many non-Aboriginal Western Australians with extensive social policy, community development and service delivery expertise. Harnessing this local talent by building networks providing expert advice has the potential to improve the social and budgetary return on the investment of public funds.
6. COOPERATIVE INNOVATION

Aboriginal development is a complex, multifactorial, issue. It requires the skills, experience, resources and cooperation of a wide range of stakeholders. At present in WA there is no effective focal point bringing together the many parties needed to untie the Aboriginal advancement Gordian Knot.

Cooperative Research Centres (CRC) have made a major contribution to Australian industry, technology and research. The model is based on four key program objectives – research, collaboration, education and application of outcomes. These are all important elements of the reform needed in Aboriginal affairs. While a formal CRC may not be necessary, the functions required are similar

☐ **Research priorities** include:
  - assessing Perth’s Aboriginal settlement pattern and its effects;
  - developing a methodology for identifying and mapping urban Aboriginal strengths;
  - developing criteria to identify initiatives with the greatest potential to create savings;
  - building evaluation methodology for measuring SROI and financial savings;
  - assessing social impact investing in WA Aboriginal affairs.

☐ **Collaboration** required includes:
  - **Government**: Treasury - public finance perspective, Dept. of the Premier and Cabinet - policy; the Dept. of Community Services - policy and service delivery.
  - **Aboriginal controlled organisations**: DYHC - its large number of Aboriginal front line staff and scale of engagement with Aboriginal people in Perth. SWALSC - its community consultation and engagement. Koya Aboriginal Corporation that services the greater City of Swan and City of Kwinana regions, Langford Aboriginal Association and other location based organisations.
  - **Academia.** Curtin Centre for Aboriginal Studies. Wardiny Karnany Translational Research Network for Aboriginal Knowledges Kulunga Research Network; Pindi Pindi Ltd.
  - **Private Sector.** Social Ventures Australia – SROI expertise, financial institutions with social impact investment experience.

☐ **Education areas** include:
  - contemporary community development practice and social policy;
  - research on working effectively with Aboriginal societies;
  - techniques for identifying and mobilising human and social assets
  - applying business and equity investment principles to social policy;

☐ **Application of outcomes**
  Cooperatively implementing and evaluating reforms.

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7. CASH FLOW
The first challenge is, necessarily, creating cash flow by achieving savings from within current reactive spending. It requires identifying initiatives likely to deliver the largest savings in the shortest time. Factors relevant to applying this approach include:

- **Fixed v variable costs**
  Although the daily cost of incarcerating Aboriginal people in Western Australia divided by the number of Aboriginal prisoner days gives a figure of $334 it cannot be assumed that preventing the detention of one prisoner saves that amount. Fixed costs, e.g. capital and maintenance of buildings, staff costs, electricity etc. will remain almost totally unchanged by the reduction of one, or even five prisoners. The variable costs, (i.e. those that vary per prisoner) amount to slightly less food and other consumables. Savings will be marginal until there is a sufficient reduction in numbers to close one wing of a prison, reduce staff numbers or in some other way reduce fixed costs (overheads).

  Costs can be reduced immediately and directly in relation to the extent of public sector housing maintenance. Reducing public sector time involved in reacting to child protection or policing issues is another highly variable cost.

- **Identifying and mobilising assets**
  Identifying problematic individuals, families and local areas with more assets and greater strengths and targeting these will achieve more timely savings. Engaging local Aboriginal people’s knowledge is critical in determining accurately the strengths available.

- **High cost to government issues**
  The greater the financial cost to government the more the opportunity to make savings. Particular characteristics such as damage to capital assets, the use of overtime, the seriousness of medical intervention, and the staff numbers involved in problems increases the opportunity to make larger savings.

- **Scale & Focus**
  Where fixed costs are high, scale is important. As indicated with the example of prisons, reducing prisoner numbers by one saves little. Reducing prisoner numbers by 50 in a smaller regional facility may achieve a major reduction in costs.

  Rather than making small but insignificant changes across the whole State, focusing on one particular location and making a more significant change within a smaller area has the potential to increase savings. Reducing overall hours of public sector time is useful, but removing the need for one Full Time Equivalent (i.e. one employee) in an area office greatly increases savings by eliminating ‘on costs’ – i.e costs associated with employing each staff member.

  Social issues are usually the result of many contributing factors. A focus on changing the range of factors that operate within a location or a family therefore tends to be more effective if it deals with the many issues that may lead to a multi-factorial problem such as juvenile offending. A location based initiative working with families dealing with the underlying interrelated issues may potentially reduce housing maintenance, Child Protection staffing costs and overtime at the local police station at the same time.
8. THE FIRST STEPS

☐ Develop a coalition of interest between Curtin Centre for Aboriginal Studies Wardiny Karnany Translational Research Network for Aboriginal Knowledges and Innovation, DYHC, SWALSC and other Aboriginal controlled organisations.

☐ Hold discussions with staff from the relevant Minister’s offices and DPC to gain political interest and mandate.

☐ Start the Innovative Collaboration Hub

☐ Develop first business plan.
ATTACHMENT 1
Aboriginal population distribution in Perth
(Proof of concept only – based on 2011 Census data)
Service Priority Review Panel
Department of Premier and Cabinet

15 September 2017

To the panel of the Service Priority Review

Re: Submission from Linkwest

Following the release of the interim report Linkwest welcomes the opportunity to submit information to the panel.

Linkwest is the peak body for what we call Neighbourhood Centres and Community Resource Centres. These are grass root, community run, local place based organisations that have a unique model of community building. The WA network of 150 organisations is part of a national network of 1000 Centres which in term is part of an international movement.

50 of the WA organisations are funded through the WA Department of Communities. Funding amounts between $65,000 and $200,000 per annum and the total program cost the government $6.5m per year. Most are metro or large town based. There are a small number in regional communities.

The second set of organisations are funded through the WA Department of Primary Industries and Regional Development. All these Centres are funded in the region of $100,000 per year and the total program cost is $13m per year. There are 106 of these organisations called Community Resource Centres and all are based in regional and remote WA.

Each program has different outcomes and reporting requirements. However, both groups have a number of key commonalities.

- **community building** – which includes providing a hub for other groups such as playgroups, self help and support groups, the local men’s shed, community gardens, special interest groups etc..

- **provision of information, advice and referral** for government services and utilities but also NFP services such as No Interest Loan Schemes, Women’s Health and Family Services, Parenting advice and workshops, Domestic violence, gambling.

- **Local leadership** development. As the majority have volunteer committees and boards. Many of these organisations leadership have resulted in local issues being addressed at a local level by the community. An example would be a Centre running an event after a poor harvest where community leaders offer advice and support about the impact of poor harvests and what is possible should farmers decide to walk off the land.
Opportunities for lifelong learning – many offer software skill training, regional centres partner with registered training organisations to deliver certified training for fork lift truck driving, The CRCS are funded to provide government access and support to the local regional communities, as well as business and economic development activities and community building events and activities. CRCs also provide a vital link into regional communities through a video conferencing platform. This is used by a small number of government agencies such as corrective services for witness’s statements to courts. Not for profit services are increasingly working in partnership with Linkwest and its network to deliver vital services to regional WA. These agencies include Womens Health and Family Services, Ngala and Anglicare for parenting skills, Advocare for information on Elder Abuse, Foodbank for healthy eating workshops. The purpose for this submission is that Linkwest believes this network is a valuable and untapped resource for the WA state government in terms of cost effective delivery of services to 150 communities across WA. In NSW the Department of Premier and Cabinet see the neighbourhood centre network as a vital link into local communities and source of local community knowledge. At the peak bodies’ conference this year the NSW DPC will have staff available to have conversations with Centre representatives in how they can engage better with their communities. They are particularly interested in countering violent extremism and promoting the Premiers fund for social cohesion. In both NSW and Victoria the state governments are working with the neighbourhood centres around disaster relief and recovery. These state governments recognise that community and neighbourhood centres are front line responders to natural disasters. The Department of Fire and Emergency Services in WA have just recently contracted a consultancy (Risk Frontiers) to conduct post flood community research in Southern WA. The consultant knew about neighbourhood centres because of the work he had done in Victoria. The Victorian Commissioner for Emergency Management said “What Neighbourhood Houses do every day is build community resilience and that is why they are a trusted network with the Emergency Management Sector… We need to value and promote local knowledge building and strengthen what already exists in communities…. While we need to support and link communities with agencies and government, we also need to ensure that communities are the drivers of resilience.” Working in partnership with our trusted network as community partners would create a more effective and lower cost public sector that does actually meet the local community needs. Our members are not services they are connectors into community for multiple agencies. More effective use of technology in particular video conferencing and a whole of government approach to this technology would significantly improve communications and services to regional WA. At the moment it seems federal government and nfps realise the potential this technology provides for better service delivery in WA. Each state government department uses a different technology or does not even consider Video conferencing as a solution. Not only would it reduce the costs of travel and accommodation it could also improve the quality of services delivered to regional WA. Each time a government agency wants to connect via VC they try a different platform.
which wastes time in set up and makes the experience very frustrating for everyone. Currently, the CRC video conferencing platform is very underused by government.

Working with our network would also help to reduce the silos of government at a local community level. Every government department in effect has an interest or stake in what happens in our member Centres. Their outcomes cross mental health (through the reduction of social isolation and provision of information and referral services), health, transport, education and training (a great missed potential here with the delivery of learning to disengaged learners and migrants), Office of multicultural interests (many centres bring multiple cultural groups together), communities, regional development, and agriculture.

Unfortunately, at a time when other state departments see neighbourhood centres are an invaluable resource our member centres are under serious risk. In the state budget last week the government announced that funding to CRCs would be cut from $13m per year to $8m per year form 2019/20 onwards. This represents a loss of 50 of these organisations across regional WA.

This is without any consideration of the risk to these regional communities and most definitely will result in worse outcomes for regional WA communities.

Case Study – Demonstrating a focus on process and risk aversion not better outcomes for community.

Attached to this paper is a case study of a recent procurement process that took place in June 2017. Fortunately, due to very strong advocacy by Linkwest and its members the process was halted. However, it demonstrates that whilst the intent of the DCSP policy was good it could not be enforced and that it was possible for an agency to comply in principle if not in spirit. If this had gone through it would have resulted in significantly worse outcomes for the WA community.

We believe the intention of the failed process was to reduce the number of contracts, to reduce a perceived risk of contracting with smaller community managed NFPs and a complete lack of understanding of the potential these organisations provide to state government. There were no outcomes identified, and neither the peak body nor the services were consulted but most alarmingly neither were the communities that would have been impacted. No research or business case was presented to justify the new model or any rational.

Finally, whilst the process was stopped and a new consultation process in taking place which will consult more widely and now has community building at the heart of the process, the final program will all go out to competitive tender. Again, we would question if this process is in the best interests of the WA community. These are not services, there has been no risk assessment of putting funding for place based community building services out to tender. In fact there is significant evidence worldwide that it does a lot of damage to the social capital and flourishing partnerships build up over many years. Again, process and probity over outcomes for community.

The NSW government commissioned KPMG to review a procurement process because of the significant damage done by the process. Please find the link here http://www.housing.nsw.gov.au/__data/assets/pdf_file/0008/340559/GHSHPostImplementationReviewKPMG.pdf
Community Work Ireland also conducted some research on the impact of competitive tendering and procurement on social cohesion and community development. That paper can be found here http://communityworkireland.ie/in-whose-interests/

Thank you for the opportunity to submit to your review. Linkwest Board and I would be more than happy to meet to discuss the potential our network offers the WA State Government.

Yours sincerely,

Jane Chilcott  
CEO  
Linkwest
Case Study    -    Supporting Communities Program Changes and Consultation with the Neighbourhood Centre Sector

Context:
Linkwest is the Peak Body for Neighbourhood Centres and Community Resource Centres. Fifty four of the Neighbourhood and Family Centres (and one Community Resource Centre) received funding from the Department of Local Government and Communities under the Community and Neighbourhood Development Services and the Individual and Family Services.

This funding was due to cease on 30 June 2018. In May, 2017 the Department of Local Government and Communities foreshadowed an open tender process for Centres to reapply for their funding. Previously, centres had Preferred Service Provider status and this process was considerably easier and there was no centre-against-centre competition. The rationale for competitive tendering was that the market has not been tested and that there were new geographical areas where new centres may be needed.

Issues:
Linkwest had concerns surrounding:

• The development of the new program, and
• The ensuing “consultation” processes.

Development of a New Program
The Draft Supporting Communities Program document (attached) was presented, unchanged through the consultation process, however the dialogue indicated a varying array of non-negotiables and a number of different items that we up for negotiation at each session of the consultation. When questioned, the DLGC could provide no evidence of policy, research or rationale for the make-up of the document, except for the fact that an open tender would be the method to “test the market”. While this procurement method is outlined in the Delivering Community Services in Partnerships Policy (DCSP), there are other methods to determine other interested parties for the funding. There was no rationale for selecting this procurement method in the light of this policy.

The nature of the funded services, which have received on average $80,000 per annum, have limited resources to prepare an Open Tender in a competitive market. There was also a requirement for partnerships and collaborations, which was perceived as a means to cut the numbers of contracts, rather than being in the best interests of the sector.

Repeated requests for the research that the Department had conducted was not forthcoming, despite many requests, the last in an email on 12 July from Linkwest, just as the Tenders WA feedback was to close.

On the 13 July we received this reply from the DLGC Assistant Director General.

“We have taken note of the sentiment at the June consultations that there is a preference for the State to provide data that will help services in both the next stage of consultation and in the ultimate preparation of tenders. Information is currently being compiled for this purpose.”

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Consultation processes

1. The Department of Local Government and Communities ran an initial briefing on 22 May for Linkwest board and staff members. The Draft Supporting Communities Program was distributed before morning tea. We were told that the document was to remain with the Department. This was also attended by DLGC staff and facilitated by an external facilitator.

2. Two half day “consultations” were held in a large forum format at a conference venue. The first of these, held on 2 June 2017, was broadcast by video conferencing. These sessions were attended by peak bodies, currently funded services and interested others. The sessions featured a briefing by DLGC staff, FaCS staff, and then a range of key questions that focussed group discussion. The Department made every effort to include all stakeholders and are commended on providing travel for some regional participants.

3. This was placed on Tenders WA on Friday 30 June for public comment. A week later a range of outcomes form the workshop, the PowerPoint presentation and a summary of the outcomes was posted on Tenders WA. Feedback was due by 4pm on Friday 14 July.

Consultation during school holidays

A consultation period that opens on the first day of school holidays and closes on the last day, a fortnight later has hampered many organisations in their response. Neighbourhood and family centre Management Boards are populated with community based people who have taken the opportunity to spend time with their families. Governance structures will limit many prospective tenderer organisations from commenting on this without a properly convened board meeting.

Linkwest has fielded a number of phone calls and emails to this effect. We estimate that over 25 Neighbourhood Centres have been hamstrung by the timing of this consultation. Linkwest is dismayed that the DLGC limited the consultation time to the school holiday period.

A process in isolation

Linkwest is concerned with the bowdlerizing of material generated in the two consultation sessions and believes that the consultation process did not allow any valuing or weighting of comments. Much of the information gathered on the Stronger Communities discussions on the 13 June is missing from the Aha Consulting’s summary.

While the Department has worked hard to include stakeholders from all over the state, consultation planning and processes have been unwieldy and lacking in transparency. Our members were left wondering if their contributions would be reflected in a new document and processes.

Draft Program

Throughout the consultation the immutable elements changed and shifted, leaving participants who attended a couple of centres bewildered.

In summary

Linkwest believes that this consultation process was ill-conceived and the draft document lacked a sound grounding of policy, research and was largely indefensible. Meanwhile the uncertainty, damage and distress that it caused our member centres was unnecessary and distracted Centres from their core business of strengthening their community.
11 July 2017

Mr Iain Rennie
Chair
Service Priority Review
Dumas House, 2 Havelock Street
West Perth WA 6005

By email: servicepriorityreview@dpc.wa.gov.au

Dear Mr Rennie,

The Minderoo Foundation was established in 2001 based on the mandate to give a hand up not a hand out. Since this time, Minderoo has supported over 250 initiatives across Australia and internationally under this philosophy.

We consider it a privilege to support our fellow Western Australians experiencing hardship, injustice and vulnerability. We will continue to support the community in whatever way we can, and our shared vision is to achieve a just, vibrant Western Australia where every person reaches their full potential.

We are committed to supporting the Western Australian Government to achieve mutually beneficial goals that will enhance the lives of all Western Australians. We know that by working collaboratively, across sectors and jurisdictions, we can achieve much more than we can alone, and we know the Government shares our view.

To this end, we are pleased to provide a submission to the Service Priority Review. Should you or your team have any questions, don’t hesitate to contact me at the below details.

We look forward to the outcomes of the Review.

Yours sincerely,
MINDEROO FOUNDATION

HAYLEY PANETTA
E: hpanetta@minderoo.com.au
T: 08 6460 4949
<table>
<thead>
<tr>
<th>Terms of Reference</th>
<th>Minderoo Submission</th>
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<tbody>
<tr>
<td>1. Achieving cultural change within the public sector (e.g. promoting risk based decision making, promoting innovation and radical efficiency, improving accountability, and identifying incentives and disincentives to improved performance).</td>
<td>While we recognise that cultural change is largely an internal issue, we feel that as stakeholders in Government processes and policies we can contribute a perspective that will help to drive change that references the external environment. Minderoo recommends the Review considers the following practical actions to support cultural change:</td>
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<td>1. Long term, shared targets and strategies</td>
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<td>• It is unrealistic to expect a turnaround in complex social outcomes (such as indigenous disadvantage and child neglect) without commitment to long term, measurable targets that go beyond typical government terms or political cycles. Minderoo recommends the mandating of 10 year targets accompanied by longer term partnerships / contracts on critical social issues facing the state.</td>
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<td></td>
<td>• Departments and agencies should be encouraged to adopt and work towards shared targets to reduce duplication of effort and poor accountability for the effectiveness of the service system.</td>
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<td></td>
<td>• Agencies should also be encouraged to develop shared strategies and work plans to achieve these targets, further reducing duplication and siloed service provision and policy making.</td>
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<td></td>
<td>Socio-economic issues of particular importance could include:</td>
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<td>• Indigenous disadvantage</td>
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<td>• Poor child development outcomes</td>
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<td>• Youth suicide</td>
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<td>• Homelessness</td>
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<td>• Drug addiction.</td>
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<tr>
<td>2. Promoting a culture of collaboration in the achievement of outcomes for the community.</td>
<td>Minderoo’s model is based on collaboration, and we are seeing the positive results of this focus in areas including health, arts, culture and early childhood development. There is undoubtedly a clear need for increased collaboration within the public sector and by the public sector with non-government stakeholders. As such, Minderoo recommends the Review considers the following practical actions:</td>
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<td>1. Data sharing and linkage</td>
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In its submission to the National Education Evidence Base review\(^1\), the Telethon Kids Institute (TKI) highlighted the world leading data history and linkage capacity WA possesses through the Western Australian Data Linkage System (WADLS). WADLS was established in 1995 and has over 40 years’ worth of integrated data making it a powerful policy planning tool. Alongside this is the Developmental Pathways in WA Children Project (DPP). DPP maintains the linkage between non-health administrative data collections to the WADLS. As detailed in the TKI submission, there a number of opportunities for WA to enhance the use of this data and potentially make more effective policy decisions. Of particular importance is the relevance of this data to issues such as child development and service planning to better target services to those most in need. Specific impediments noted by TKI include:

- 3 – 5 year delay in data delivery due to capacity issues within the Data Linkage Branch. This can lead to waste of research funds, less useful data and valuable existing research simply not used.
- A complex application process that should instead be streamlined under one centralised approval process. A single cross-agency ethics approval should also be considered.
- A highly risk averse government position to the release and use of data resulting in research limitations. As highlighted in the TKI submission, in 35 years of data linkage in WA there has not be a single breach of privacy. It is time to shift government culture around data sharing and linkage.
- No privacy legislation applicable to WA State Government agencies. A Data Linkage Act / Privacy Act that interfaces with Commonwealth legislation of others states and territories would be more efficient.
- Need for improved knowledge management within agencies to ensure accurate and complete data sets\(^2\).

2. **Sunset Heritage Precinct**

- The Minderoo Foundation has invested over $1.5m to date in the renovation of a number of buildings within the Precinct since 2011. These spaces house the Minderoo Foundation along with other not-for-profit entities.
- During this time the Foundation has also conducted consultations and developed plans for the site’s possible activation (at its own cost). These have been presented to the State Government and Minderoo has attempted to engage constructively to help bring other partners to the site.
- In 2014, the Foundation made a $20m offer to the State Government following an open tender process for a portion of the site. The offer was rejected.
- Over the course of it tenure, the Foundation has been offered two-year lease extensions, making it difficult to justify further investment in the site.
- Following some site work funded by the successful offer and public re-opening in 2016, the Sunset Heritage Precinct has continued to languish with no plan articulated for its activation. The Precinct remains under the control of the Department of Finance which is of course not equipped to drive a project of this scope and type.

\(^1\) Telethon Kids Institute submission to the Productivity Commission’s *National Education Evidence Base* review, 12 May 2016.

\(^2\) See also pages 9 – 15 of the Telethon Kids Institute submission to the Productivity Commission’s *National Education Evidence Base* review, 12 May 2016.
Minderoo recommends expedited action by the State Government to shift management of the Precinct into a more appropriate body and pursue constructive engagement outside of government to enable the site's activation.

3. Health
- Minderoo recently announced the Eliminate Cancer Initiative (ECI), a global collaboration with the vision to make cancer non-lethal for the next generation.
- In Australia, the ECI will work with Federal and state governments, and leading cancer specialists, institutions and researchers to ensure collaboration occurs at the domestic level.
- In Year One of the ECI, two Australian pilot programmes will be rolled out with the view to accelerating the prevention, treatment and care models for cancer.
- Minderoo will be seeking cross-portfolio engagement of the WA Government to support this work and requests expedited cooperation across agencies to enable this.

3. Promoting public service innovation that delivers transformative public policy and service delivery that is different, better and lower cost.

We regard innovative, transformative policy and service delivery as central to the future success of Western Australia. Minderoo recommends two key avenues of action.

1. Impact Investing and Social Impact Bonds
- Impact investments are investments made with the intention of generating measurable social outcomes, alongside a financial return (Impact Investing Australia). Within this field are Social Impact Bonds (SIBs), an innovative approach to financing social service programs that combines outcome-based payments and market discipline. SIBs are designed to raise private capital for intensive support and preventative programs which address areas of pressing social need (Social Ventures Australia).
- In NSW, the State Government has partnered with the not-for-profit and private sector to successfully develop the Newpin Social Benefit Bond\(^3\). The purpose of the Newpin program is to restore children in out-of-home care to the care of their families by creating and supporting safe family environments, and to prevent children at risk of significant harm from entering out-of-home care in the first place. Results to date have demonstrated strong results both in terms of public expenditure and the social outcomes achieved.
- Western Australia is behind other states in its engagement with such approaches. We understand that currently no SIB trials are underway in Western Australia. Minderoo has been involved in a recent attempt to establish a SIB in partnership with the previous State Government, however it did not progress\(^4\).
- It is recommended that current WA Government service reform efforts consider the use of SIB models to more effectively target existing resources and drive greater accountability for social outcomes.


\(^4\) See also page 5 of submission by the Community Business Partnership (of which Nicola Forrest is a member) to the Commonwealth Government’s *Financial Systems Inquiry and Discussion Paper on Social Impact Investing*, 27 February 2017.
2. **Location Based Innovation Sites**
   - A State Government review of Aboriginal services in the Roebourne area found there were more than 200 services delivered by 63 providers to 1,410 people at a cost of $58 million a year. Despite this significant expenditure and effort, the life outcomes of the community have showed little improvement. It is highly unlikely that the Roebourne study is an isolated case. As research by the Centre of Independent Studies (CIS) showed last year, $5.9 billion is spent in Australia every year to improve the outcomes of Indigenous Australians. Tangible outcomes however are unclear.
   - The Minderoo Foundation recommends that bold new approaches are taken by the State Government to stop the waste and poor outcomes.
   - An effective approach could be to develop Location Based Innovation Sites through legislation or public sector policy instruments, to enable the reshaping of service delivery and the potential for public-private partnerships. Communities experiencing high levels of vulnerability should be prioritised to enable an intensive focus.
   - The Minderoo Foundation is prepared to allocate significant philanthropic resources to such an effort if the State Government implemented such an approach. Minderoo has written to the Premier seeking an opportunity to discuss such a partnership as a matter of urgency.

### 4. Identifying opportunities to further consolidate public sector entities into departments or other entities aligned with Government’s strategic imperatives (or other means to better align and coordinate roles and responsibilities across public sector entities).

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<td>Minderoo believes there are some key opportunities in relation to early childhood development that would result in the more efficient and effective delivery of services and programs:</td>
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<td>1. <strong>Early childhood development</strong></td>
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<td>- Establish a Ministerial position responsible for children’s wellbeing from pregnancy to age five with authority to review, direct and coordinate the related early childhood services of health, education, and childcare and child focused community development.</td>
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<td>- Review existing services and infrastructure to identify the effectiveness, costs of delivery and any overlap of services.</td>
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<td>- Develop a non-partisan 10-year multi-sector strategy to improve the well-being of Western Australia’s children, and to better coordinate early childhood health, education and childcare and community services.</td>
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<tr>
<td>- Commit to a target, with annual reporting for the reduction of childhood vulnerability across Western Australia.</td>
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Western Australia is lagging in the streamlining of charitable regulations alongside the Australian Charities and Not-for-Profits Commission (ACNC) in comparison to other states. For example, in 2016, Tasmania was the first state to pass legislation exempting charitable associations registered with the ACNC from financial reporting. Charities still have other obligations at a state level, including keeping their contact details up to date. South Australia has also passed legislation to exempt ACNC registered charities from associations reporting, fundraising reporting, and fundraising licensing. The Victorian Government

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5 ‘Reform to improve lives of Aboriginal people’, 7 May 2015, [media release](#).
6 *Mapping the Indigenous program and funding maze*, Research Report 18, Sarah Hudson, Centre of Independent Studies, August 2016.
passed the Consumer Acts Amendment Act in May 2017 that will allow the Minister to exempt certain ACNC charities from reporting directly to Consumer Affairs Victoria. The ACT Government has passed the Red Tape Reduction Legislation Amendment which exempts charities from duplicate reporting obligations for incorporated associations.

1. **Minderoo recommends the following to bring WA into line with other reform activities:**
   - Work closely with the ACNC to align WA state regulatory requirements, including fundraising approval, with the ACNC.
   - Streamline reporting arrangements for Western Australian charities with the ACNC.

---

| 5. **Identifying opportunities to deliver Government services, programs, projects and other initiatives more efficiently or effectively, including through a whole of Government digital strategy, or to no longer be delivered.** | Minderoo believes there are some key opportunities in relation to indigenous disadvantage and early childhood development that would result in the more efficient and effective delivery of services and programs:

<table>
<thead>
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<tr>
<td>Fully support a roll out of the Commonwealth Government’s Cashless Debit Card to other vulnerable communities across WA to replicate the positive results seen in the East Kimberley and Ceduna.</td>
</tr>
<tr>
<td>Identify appropriate regions/sites that the Commonwealth Government can use to trial the ‘No School, No Pay’ (payment of Family Tax Benefit linked to school attendance) concept and commit to sharing relevant school attendance data.</td>
</tr>
<tr>
<td>Assist in establishing a Vocational, Training and Employment Centre (VTEC) across the WA Corrections Services system commencing with youth in incarceration at Banksia Hill Juvenile Corrections Centre.</td>
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<tr>
<td>Adopt an Aboriginal Procurement Policy that guarantees at least four per cent of all State Government contracts (either directly, or through subcontractors) are awarded to Aboriginal-owned businesses (with a minimum of 25% Aboriginal ownership).</td>
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Land Tenure Framework

POLICY POSITION STATEMENT

JANUARY 2017

PREPARED FOR: KIMBERLEY REGIONAL GROUP
This publication has been complied by NAJA Business Consulting Service on behalf of the Kimberley Regional Group.

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1. Introduction

This Land Tenure Framework Policy Position Paper has been commissioned by the Kimberley Regional Group, comprised of the Shire of Broome, Shire of Derby/West Kimberley, Shire of Halls Creek and Shire of Wyndham/East Kimberley. This commissioning was initiated in response to their understanding of the frustrations experienced by pastoralists seeking to diversify their operations along with the challenges faced by the Shires themselves and experienced by developers and Aboriginal groups seeking to engage in other developments and infrastructure works. Land tenure changes required for normal local government operations, such as roads, housing, land development and the provision of infrastructure and services are often thwarted due, in part, to the complexities of the current land tenure framework and in particular, native title processes.

It is important for the Kimberley Regional Group that opportunities for economic development and diversification are supported in the region through effective policy that is sustainable, workable and takes consideration the needs and priorities of all key stakeholders.

If the Western Australian government is committed to developing the Kimberley region, a land tenure reform program that is focused on unlocking the economic potential that exists on pastoral leases and Unallocated Crown Land, in particular facilitating quicker and easier access to strategic land and water assets is paramount. At its core, this approach should focus on developing opportunities to increase revenue and economic returns to the State, as well as addressing Aboriginal disadvantage. The current situation is not sustainable and, put simply, what is needed is solid, confident leadership which is prepared to take a facilitative approach and adopt a far less risk averse position, as technically the legislation, in the most part, is not the restrictive factor.

This Position Paper has been prepared by NAJA Business Consulting Services (NAJA), following extensive consultation with stakeholders, research into current policy and practices, analysis of case studies and best practice and the formulation of potential policy positions. This document is intended to provide the basis for the initiation of robust conversations with relevant key political and government decision makers and the State Opposition to develop a contemporary tenure approval system by making policy change and driving refinements to the current processes to improve economic outcomes for the Kimberley region, and the State of Western Australia more broadly.

1.1. Development and investment in the Kimberley context

There has been significant interest in supporting development and investment in the Kimberley, with the Western Australian government initiating a range of programs and policies designed to facilitate growth in the region. This growth potential is multi-sectored, covering areas such as agriculture, mining, infrastructure, services, transport, tourism and energy. Additionally, the Northern Australia White Paper, developed by the Commonwealth, has seen a growth in strategic development in this region.
1.1.1. Seizing the Opportunity Agriculture

Traditionally pastoral leases have been restricted to grazing stock on natural vegetation, and whilst it is possible to diversify once a permit has been obtained, crop species must be used for pastoral purposes. Seizing the Opportunity Agriculture is a $300 million initiative supported by the Royalties for Regions program. The initiative is enabling the agricultural sector to seize the opportunities presented from rising global food demand. This program aims to strengthen the capacity of regional communities where agriculture is a major economic driver.

Seizing the Opportunity Agriculture focuses on promoting local products and attracting new investment in agriculture, along with building business skills, research and developing and creating efficient supply chains.

The Water for Food program is a four-year, $40 million Royalties for Regions program which is funded as part of the Seizing the Opportunity Agriculture initiative. This program seeks to accelerate water investigations and optimise the use of pastoral land tenure across the State. This program seeks to build the potential for new irrigation precincts and the expansion of agricultural and pastoral opportunities in existing districts across the state.

The Water for Food program underpins Western Australia’s strategic approach to increase productivity in agriculture, building export supply chains and encouraging capital investment in regional industries. The program supports public and private sector investment in new, large-scale irrigated agriculture and the expansion of existing areas by identifying where water is available, along with its quality and quantity.

The Water for Food program has five lynchpin aims:

- Regional economic growth: increased certainty offered by sustainable water supplies will provide new opportunities for business development and boost the State’s regional communities.
- Employment growth: act as a catalyst for increased agricultural and pastoral activity with a flow on benefit of increased capacity for local employment.
- Growing diversification: build confidence in the pastoral and agricultural industries to diversify and increase the scale and range of crops through irrigation by providing water certainty.
- Growing markets: facilitate industry to meet the demands of the global market through the provision of high quality food.
- Aboriginal Engagement: development of Aboriginal business partnerships is a key component of the increase of food production, particularly in the north.

“Water for Food will seek to unlock the potential for intensive agriculture by identifying the most appropriate forms of land tenure to promote agricultural investment in Western Australia’s rangelands.

The objective is to potentially provide existing pastoral lease holders with priority access to secure an alternative land tenure that attracts capital into higher-value activities, such as irrigation.”

Hon Terry Redman MLA, Minister for Regional Development, Water for Food Department of Water publication, July 2015
As part of the Water for Food initiative, there has been particular consideration given to West Kimberley projects and alternative land tenure options. In October 2014 Stage One projects in Mowanjum, Knowsley and Fitzroy Valley were initiated with an investment of $15.5 million. These projects shared a common aim of supporting the establishment of irrigation on suitable land with proximity to common-user infrastructure (all-weather roads, ports, air services and airport facilities). These projects also sought to include an Aboriginal benefit element, with the potential to develop sustainable job and training opportunities.

A specific element of this part of the Water for Food initiative saw resources devoted to the development of a policy framework which was intended to assist pastoralists to change parts of their leases to facilitate a more flexible, investor-friendly land use tenure. As part of the Stage One announcement in October 2014, it was proposed that the new policy framework would aim to provide:

- Pastoralists with better security of tenure and opportunity to attract investment and diversify into irrigated agriculture.
- Information packages about options for appropriate tenure for project activities.
- Tools to obtain government approvals and licenses with guides to negotiate native title, Aboriginal heritage and associated considerations.

This transition to a more flexible approach has been addressed, in the first instance, through the Land Tenure Pathway for Irrigated Agriculture. The Land Tenure Pathways for Irrigated Agriculture, administered by Department of Lands, is explored in greater detail in 2.1 Impact of current land tenure framework. In broad terms, the intent of the Land Tenure Pathways for Irrigated Agriculture was to provide information and guidance to proponents for a pathway to convert a portion of a pastoral lease or other Crown land to a high and more secure tenure such as a long-term lease.

Despite substantial government investment in projects connected to diversification of agriculture in the Kimberley, and a large body of work around the development of the Land Tenure Pathways for Irrigated Agriculture framework, there is significant stakeholder dissatisfaction and a perception that navigation to land tenure is prolonged and not achievable. There is the perception that the bureaucratic barriers in place are significant and that negotiation of them require an unsustainable level of investment, effort and expertise by project proponents.

1.1.2. Northern Australia White Paper

The Northern Australia White Paper – Our North, Our Future, lays out a vision for the development of Northern Australia, with consideration of the intersection of the interests and priorities of the Commonwealth, Western Australia, Northern Territory and Queensland.

The vision laid out in this paper highlights the importance of government and business each focusing on where they work to highest effect. Specifically, the paper emphasises...
the importance of government facilitating successful business environments, rather than engaging in actual business development. The establishment of the pre-conditions for growth including the development of prudent economic policies, critical infrastructure to support development, regulation which minimises cost to businesses, a skilled workforce and high level, strategic research that supports businesses identify opportunities in the north.

The Northern Australia White Paper explores a range of complex factors impacting on development in the north. Of particular note to this Policy Position Paper is the discussion related to land tenure. The White Paper proposes that the north will never reach its potential if significant work is not undertaken to address the issues thrown up by land tenure, with the current challenges in accessing secure, tradeable titles to land and water. Further impacting the development in the north is the complex land tenure systems across this area of the country which are not easily understood, nor navigated, by potential investors or financial institutions.

The White Paper notes the impact of pastoral leases on the ability of pastoralists to diversify beyond their current activity of grazing, with the challenges for obtaining authority to diversify obstructing their ability to pursue other developments such as horticulture or tourism. Additionally, the nature of the leases precludes them from having the same security as those with freehold, thus impacting on their ability to secure investment.

Native title is also highlighted as an area where outcomes could be strengthened, with both indigenous and non-indigenous stakeholders highlighting challenges around procedural complexity, timelines and uncertainty. The White Paper positions native title as an indigenous economic opportunity, with potential to secure development that can enhance the quality of life of indigenous Australians.

The White Paper suggests that a role for Government could be to provide support to improve the capabilities of native title bodies to more efficiently negotiate with business.

A further improvement to investment conditions in the north would include a greater depth of information on land tenure, water availability and soils, which currently is of a poor standard. More detailed information, combined with a commitment from government to accelerate investment in water infrastructure, will further enhance the investment environment.

Red tape is highlighted as another major negative factor impacting on investors. Connected with a risk adverse approach by government and bureaucratic processes that hamper business investment through unnecessary regulation. The White Paper proposes resetting the risk profile adopted by Government, moving from the risk averse approach to a risk neutral stance in relation to the development of the north.

Investment by government is also identified as critical, with traditional investment coming predominately from business – either through direct investment, public/private partnerships or via by user pays systems for government-funded infrastructure. Where it is difficult to pass the cost on to users or there is wider social benefit, there are
advantages in government directly funding the infrastructure development (for example, in road networks). There is a challenge for government in balancing its investment with the social benefits, with cost-benefit analysis being complex and the potential for end users to overstate benefits when they are not directly paying for the infrastructure. As such, further work on establishing the cost-benefit of potential infrastructure investments is critical.

Workforce development is a further significant consideration in the north, with a need to develop a more flexible labour market as well as deepening the skills base of the existing and potential workforce. Without access to a suitably skilled and experienced workforce, the north will not be able to realise its development potential and government intervention to incentivise workforce participation as well as improved skills development opportunities is critical.

Finally, the White Paper identifies improved governance as an essential element for positive outcomes, proposing a strategic alliance between Commonwealth and States to drive realisation of commitments. Governments are encouraged to adopt a facilitator approach, with less focus on regulation, as well as testing policies to assess their applicability in the north. It is also considered that further investment by business in the north will have a natural flow on effect of strengthen governance with the influence of the high standards of accountability and governance necessitated by the nature of corporate entities.

1.2. A new paradigm and model

The current system and processes are long-winded, inefficient and unsustainable. The existing systems are characterised by duplication, onerous legal processes along with significant effort in developing propositions, business cases and project plans.

The current system is proponent driven and given the complexity of the approvals processes is significantly flawed. Government needs to intervene to drive action on projects, such was the case with the Ord, Mowanjum and Gogo developments.

The existing processes need to be modified on a number of fronts, with options including:

- Decision making referral timeframes reduced;
- Delegations to local governments (with standard legally developed conditions); and
- Winding back of government decision-making based on the viability of projects, instead placing the onus on the proponent to evaluate probable viability and government taking a view that a proponent being prepared to invest in a well-researched business proposition should be sufficient to demonstrate the probability of viability.

An example of this approach in practice is with the ‘first come, first served’

“The time taken to settle native title claims (including the backlog of claims) is a serious impediment to some developments. Importantly many Indigenous claimants are frustrated and disappointed by delays as we risk a whole generation never realising the benefit of their entitlements.”

Northern Australia Advisory Group, 2015
approach used in the water allocation policy introduced as a consequence of the government’s failed attempts (which were successfully challenged) to ‘pick winners’ in terms of business prospects.

As explored in Section 2.2.1 Case Study 1 – Nita Downs Station, the practice of government involving itself in determining viability was questioned by independent legal advice sought by the proponent, which suggested that there no part of the Land Administration Act 1997 that requires that a new station should be viable without a permit, and consequently this practice is based on policy and not on any legislative requirement.

There is also significant scope to provide greater clarity around the intent of a number of pieces of legislation and tighten alignment between different Acts. These include provision of clarity around:

- The term ‘pastoral purposes’ in Section 93 of the Land Administration Act 1997, potentially mirroring the definition of the ‘primary production’ definition in the Commonwealth Native Title Amendment Act 1998 – given s24GA and s24GB of that Act allows a broad range of primary production activities. This would potentially not require a tenure change and, as a consequence, not require an ILUA.

- Whether on Division 5 of the Land Administration Act 1997 diversification permits are necessary for ‘agricultural, horticultural or other supplementary uses of land inseparable from, essential to, or normally carried out in conjunction with the grazing of authorised stock, including the production of stock feed; and activities ancillary’ – particularly given that the need for permits for activities that form part of accepted pastoral practices which would seem to align with the intent of the lease agreement;

- Inconsistencies between definition of pastoral purposes in S93 and s51(c) of the Environmental Protection Act 1986 (which requires authorisation for the clearing of native vegetation) and the current approach of requiring diversification permits for agricultural uses of pastoral land (such as S120 of the Land Administration Act 1997); and

- Terminology such as ‘enclosed and improved’, and ‘unenclosed and unimproved’ within the Land Administration Act 1997.

With regards to native title, adjustments to the current approach to improve outcomes for all stakeholders include:

- Innovative native title compensation models developed to allow proponents to negotiate a compensation, with the government to fund up-front and the proponent to repay through staged payments linked to approvals timeframes and milestones and/or lease installments;

- The reinstatement of the Native Title Office;

- Templates and tools for proponents to support ILUA (ILUA) negotiation and formation of agreements; and

- Establishment of a procedural remedy for unresolved native title disputes or failures to establish agreements.
1.3. Cross sector applicability

The proposed framework has been developed with the intention of supporting the diversification of pastoral and agricultural sectors. The framework has the potential to be applied to other sectors such as mining, tourism, energy and transport.
2. Western Australia’s current land tenure framework

The Western Australian’s government has devoted significant resources towards developing a land tenure pathway framework that will facilitate the growth and diversification of pastoral industries in the north of Western Australia. It is apparent that, despite these measures, good intent and considerable investment in the sector, there are still a number of issues with the current Land Tenure Pathways for Irrigated Agriculture framework that are impeding the realisation of the potential of the pastoral and agricultural regions, particularly in the Kimberley.

To understand the proposed approach, it is useful to understand the current context. The following overview of the impact of the current land tenure framework, along with case studies of the experiences of two pastoral companies in working within the framework, serve to highlight the current situation. An additional case study highlighting the West Arnhem Land Fire Abatement Project explores opportunities for industry and aboriginal land holders to collaborate to develop a mutually beneficial solution to land issues is also discussed.

If Western Australia is to truly ‘seize the opportunity’ presented by pastoral and agricultural diversification in the north, it is critical that pastoralists and investors alike are able to secure appropriate land tenure via a transparent, consistent and easily navigable process. It is also imperative that this process be relatively quick to allow a responsive sector that can implement projects in response to emerging market needs and availability of investors. The current eight years to achieve freehold tenure is both unacceptable and unsustainable.

2.1. Impact of current land tenure framework

Feedback relating to the existing land tenure framework suggests that it is problematic in a number of areas and reforms proposed to date (Rangeland Reforms Package) are in essence only administrative in nature and do not appear to focus on increased revenue and economic returns to the State, rather seek to tightly manage access to Crown land assets.

In the context of the current situation with land tenure in Western Australia, it is important to consider whether it is reasonable that:

- The primary agricultural activity on pastoral leases in Western Australia is effectively the same as it was when leases were first granted in the 1850s – grazing stock on native vegetation;
- The State leases 34% of Crown land (87 million hectares) for a total value of production of only around $300-million per annum – constituting only three percent of the State’s $10-billion of agricultural production each year;

“...to realise the potential of Northern Australia we need a regulatory approval framework that embraces agility and entrepreneurship, provides certainty and predictability for people wanting to do business and is not ridiculously expensive.”

Warren Mundine, Chair Prime Minister’s Indigenous Advisory Council 2014
• It costs more to administer pastoral leases than the State receives in rent for those leases; and

• Investors and lessees trying to expand and develop relatively small areas (500 to 15,000 hectares) of pastoral leases for high value horticulture and irrigated fodder production are tied up in red tape and complex negotiations for years.¹

If a project proponent wishes to diversify a pastoral lease, there are two possible avenues – either a Diversification Permit or through the negotiation of long term leasehold changes or freehold title.

The Department of Lands acknowledges that, whilst Diversification Permits may offer an appropriate solution for many projects on Pastoral Leases, they have limited applications. These permits can only be used for small-scale activity used to support pastoral operations and can only be used for activities related to pastoral use. Additionally, they can only be held by the pastoral lessee, are not transferable and are not registerable (which impacts on the potential to secure finance through loans or third party partnerships).

The alternative option is to change purpose through tenure change, either leasehold or freehold. This is a complex process and proponents attempting to achieve this who were contacted as part of the development of this Position Paper had experienced, in some cases, the process taking in excess of ten years without resolution.

The Department of Lands developed the Land Tenure Pathway for Irrigated Agriculture (referred to as LTPIA) as part of the Water for Food initiative. The project aims to reduce the regulatory burden in Western Australia through the articulation of a clear pathway to develop land for irrigated agriculture.

Department of Lands proposes, in its publication Land Tenure Pathway for Irrigated Agriculture – Application Guidelines, that this project will assist project proponents obtain more secure land tenure to allow for the attraction of investment and facilitate diversification into high-value intensive irrigated agriculture. The project proposes that it will make the process clearer and to streamline the available information. There is no suggestion that the current processes will be or have been modified in any way. Rather the Land Tenure Pathways for Irrigated Agriculture project is focused on better articulating the current processes to enable project proponents to have access to a more transparent explanation of the pathway.

The Land Tenure Pathway for Irrigated Agriculture involves a four-stage process and is describe in a high-level way in the Application Guidelines (Introduction, page 3) as involving the following process (timelines sourced from Appendix A of the document):

¹ Rangeland Reforms Discussion Paper – Mark Lewis MLC Mining & Pastoral Region, 2016
<table>
<thead>
<tr>
<th>Stage</th>
<th>Description</th>
<th>Estimated Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Stage 1:</td>
<td>Proponent develops idea, submission of Crown Land Enquiry Form to Department of Lands for initial land tenure investigation and assessment.</td>
<td>Applicant completion of Crown Land Enquiry form + 2 months</td>
</tr>
<tr>
<td>Application Stage 2:</td>
<td>Proponent seeks preliminary advice and in-principle support, develops Project Proposal. Project Proposal is submitted to Department of Lands for assessment and to undertake statutory referrals. Department of Lands then refers the application to the Minister for Lands and Cabinet for approval.</td>
<td>7 months + unspecified timelines for Ministerial and Cabinet consideration</td>
</tr>
<tr>
<td>Option Agreement Stage</td>
<td>If Project Proposal is approved, proponent is offered a three-year Option, providing the opportunity to determine project feasibility. There are a range of conditions that must be met during this Stage.</td>
<td>3 years</td>
</tr>
<tr>
<td>Tenure Stage</td>
<td>If all conditions of the Option are met, a four-year lease is issued. The land must then be developed in this final stage. Once all the conditions of the development lease are met, a long-term lease or freehold, as approved, will be granted.</td>
<td>4 years</td>
</tr>
</tbody>
</table>

To support the development of the proponents understanding of the process, Department of Lands has included an Appendix in the form of a detailed flow chart. This document, in printed form, constitutes a flow chart font approximately size nine, and the overall document spans roughly equivalent to four A4 landscape orientation pages.

Whilst on the surface it may appear that this Appendix (and the associated volume of Application Guidelines) has the potential to provide clarity to the process, in reality it provides an intimidating impression to project proponents with the extensive flow-charting arrows drawing the eye through a series of potentially infinite loops, dependent on the proponent successfully navigating bureaucracy or negotiating agreement with stakeholders. As later described in this paper by a key stakeholder, it has strong resemblance to a game of snakes and ladders, rather than instilling confidence in a potential project proponent that there is a likelihood they will to achieve success with their project.

In addition to the bureaucratised process, there is no procedural remedy if a project stalls due to challenges negotiating an ILUA and this further compounds the difficulties in achieving tenure. Stakeholders have shared that this is a considerable challenge for project proponents.
ABOUT NATIVE TITLE AGREEMENTS\textsuperscript{2} & FUTURE ACTS\textsuperscript{3,4}

A range of agreements involving land use and access to land can be made under the Native Title Act 1993 (NTA) (Cwlth) for example agreements under the NTA right to negotiate or indigenous land use agreements.

Agreements under the Right to Negotiate
The majority of land use agreements in Western Australia are made under the right to negotiate (the RTN). Where the RTN applies, registered native title applicants can negotiate over proposed future acts, such as the granting of a mining lease or the compulsory acquisition of native title rights and interest. Agreements reached under the RTN usually include access and heritage protection as well as compensation for the loss or impairment of the native title rights and interests. An RTN agreement is contractually binding for all parties involved in the negotiation.

Indigenous Land Use Agreements
An Indigenous Land Use Agreement (ILUA) is a voluntary agreement between Aboriginal groups and others about the use and management of land and waters. An ILUA is much more flexible than an RTN agreement and may include a broader range of interests. This type of agreement can address past and intermediate acts as well as future acts. It may also replace the future act process entirely. An ILUA may address issues of access, compensation, extinguishment and coexistence. The agreement may be made separately from the formal native title process, form a part of that process or pave the way for a native title determination. An ILUA does not extinguish native title but may, by agreement, allow for the surrender of native title. In WA over fifty ILUA’s have been registered.

What is a future act?
A future act is a proposal to deal with land in a way that affects native title rights and interests. Examples of future acts include the grant of a mining tenement or the compulsory acquisition of land. A future act will be invalid to the extent it affects native title unless it complies with the procedures set out in the Native Title Act 1993 (Cth). These procedures vary depending on the nature of the future act.

The Future Act Process
The future act process provides native title holders and registered native title applicants with specified rights from the time a claim is registered, until it is determined. These rights vary from the right to be consulted, to the right to negotiate over some future acts, or activities on the land.

The State must notify native title holders or native title applicants registered under the Native Title Act (NTA) of the intention to carry out a future act. In most cases, native title holders and registered native title applicants instruct their representatives (usually one of the native title representative bodies) to represent them in ongoing proceedings or negotiations regarding the future act.

Native Title Parties, as well as members of the public, are notified of proposed future acts in WA (to which the Right to Negotiate applies) under Section 29 of the NTA.

The Right to Negotiate
Registered native title claimants and native title holders (Native Title Parties) have the right to negotiate (RTN) about some proposed activities and development, such as mining, insofar as the proposal may affect their native title rights and interests.

If the government considers that the future act will have minimal impact on native title (eg. some exploration and prospecting licences), the Section 29 notice will include a statement to the effect

\textsuperscript{2} Department of Premier & Cabinet, https://www.dpc.wa.gov.au/lantu/Agreements/
\textsuperscript{3} National Native Title Tribunal http://www.nntt.gov.au/futureacts
that the act attracts the 'expedited procedure'. This means that the government considers that the act should be 'fast-tracked'. If the expedited procedure is used, the future act can be done without negotiating with the Native Title Parties.

If no native title parties come forward after four months from the date given in the Section 29 notice, the act can be done without further reference to the NTA. If, however, there are objections at the end of the four-month period, the government, the developer and the Native Title Party must negotiate 'in good faith' for at least six months about the effect of the proposed development on the registered native title rights and interests. The parties can ask the National Native Title Tribunal to mediate during the negotiations. If the negotiations do not result in an agreement, after the parties have negotiated for at least six months, the parties can ask the National Native Title Tribunal to decide whether or not the future act should go ahead, or on what conditions it should go ahead.

The Expedited Procedure
Native Title Parties can object to an application being fast-tracked. Lodging an objection means that the Native Title Party is objecting to the grant being made without reference to the RTN procedures. Native Title Parties have four months from the date given in the Section 29 notice to lodge an objection. If the National Native Title Tribunal receives an objection, it will set up a preliminary conference with the Native Title Party, the developer, and the government party, to facilitate discussions between the parties.

The preliminary conference is usually scheduled within 28 days from the date the Tribunal receives the objection. An agreement may be reached on the basis of, for example, site clearance surveys, heritage protection agreements or other matters. If a negotiated agreement cannot be reached, the Tribunal will conduct a formal inquiry to determine whether the expedited procedure should apply or not.

If the Tribunal determines that the expedited procedure applies, the development can then go ahead without a negotiation process. If, however, the Tribunal determines that the expedited procedure does not apply, the proposed future act is moved into the RTN stream. All parties then enter into formal negotiations in good faith.

Other Procedural Rights
In some situations, the RTN does not apply. In these circumstances, Native Title Parties may have the right to be notified, to be consulted, to object and to be heard by an independent umpire.

Why do we have future act processes?
Future act processes are based on the principle that in general, acts affecting native title will only be valid if they can also be done on freehold land. These processes gives effect to the principle that in appropriate cases, these acts should only be done after every reasonable effort has been made to secure the agreement of the native title holders. They also provide certainty by ensuring that future dealings with land are enforceable, notwithstanding the existence of native title.

2.2. Case Studies

The following Case Studies have been provided to highlight the experiences of a number of pastoralists who are seeking to diversify their businesses. The information presented has been sourced from the pastoralists and represents their interpretation on the process they experienced. Additional Case Studies highlighting the progress of a State Significant project, along with commentary in the media around land tenure in the Kimberley have been provided to deliver further insights.

In developing these Case Studies, as well as in conversations with other stakeholders, it is apparent that whilst the project proponents may have a strong understanding of the pastoral industry and business propositions which appear viable, their frustrations in
getting traction on the projects appear to be caused by a combination of a complex bureaucracy, lack of understanding of how to effectively navigate government processes and a need for capacity building in terms of the development of business propositions. Additionally, there is likely a gap in the capacity of both project proponents and native title holders to engage in considered negotiation leading to agreement on positive outcomes for both parties.

Essentially, the system is designed with an assumption that the parties involved have a high degree of expertise in both working within government processes, as well as being able to engage and negotiate with stakeholders. Although pastoralists are likely extremely capable at operating their businesses and, in instances where diversification is considered, in developing innovative and sustainable business propositions, there may be a skills gap in terms of their ability to navigate bureaucratic processes as well as undertake complex negotiations.

Without expert support or changes to the current system (or possibly both) it is very probable that small scale project proponents, such as those highlighted in the Case Studies and media examples, will continue to fail to get traction, which is at odds with the intent proposed by the State and Federal governments in their drive to develop the north of the state.

### 2.2.1. Case Study 1: Nita Downs Station

In 2006 the Foreshaw Pastoral Company (FPC) identified an opportunity to establish a cattle fodder production and backgrounding operation on 3,000 hectares of land within the Nita Downs pastoral lease.

The FPC followed with interest the developments such as La Grange Agriculture Opportunities project recently completed, the Northern Beef Futures and Water for Food programs. The proposal for this project was developed based, in part, on FPC’s understanding that State Government was supportive of projects of this nature with significant investments and undertakings to expand irrigated agriculture production and improve the productivity of the beef cattle industry in the north (such as the Seizing the Opportunity initiatives).

Despite FPC’s perception that projects like they were proposing were priorities for the State Government, the FPC has been thwarted in attempts to secure approvals to proceed and has been frustrated in attempts to realise the project. A significant challenge to success has been negotiating approvals through Department of Lands.

The proposed FPC development centres on a 3,000ha parcel encompassing land identified in the La Grange project as optimal for irrigated agriculture with preferred soils and depth to groundwater of 19 metres. This project represents the opportunity to bring strong outcomes for both FPC and the regional economy, further demonstrating the worth of the significant investment of time and resources into the La Grange project, Water for Food, Northern Beef Futures and the Seizing the Opportunity Agriculture projects.

In order to secure the capital investment to enable the project to happen, FPC is seeking Department of Lands approval under section 134(1) of the Land Administration Act 1997 to transfer its interest in part (3,000 ha) of the Nita Downs pastoral lease to a new entity. FPC received advice from Department of Lands in May 2015 that the transfer
process under section 134 is the appropriate process for subdivision under the Land Administration Act 1997. The main purpose of this subdivision being to secure third party investment so Department of Lands can have security in the land and the FPC main pastoral enterprise is kept separate.

In order for the Pastoral Lands Unit (PLU) to approve the transfer of this land, the PLU must be satisfied that each part of the lease will be capable, when fully development, of carrying sufficient stock to enable it to be worked as an economically viable and ecologically sustainable pastoral business unit.

The full development of the 3,000 ha as FPC proposes will include an irrigated fodder production area of 800 ha and fencing of most of the remaining area into backgrounding paddocks. This operation is anticipated to be capable of supporting at least 10,000 head with a potential (but not limited to) 20,000 based on this model.

The FPC have been advised by Department of Lands that the new station should be viable without a permit. The FPC have received their own independent legal advice that disagrees with this position. In the first instance, the FPC’s legal advice puts forwards that there is no part of the Land Administration Act 1997 that requires that, when looking at the viability of a pastoral lease, there needs to be a consideration of whether activities require a permit. “Fully developed” infers that consideration should be given to the potential of the land, rather than solely its current state. When this area is fully developed as per the FPC proposition, it will be viable.

Further advice from the FPC’s legal advisor proposes that there is also no part in the Land Administration Act 1997 that suggests that, when considering the viability of a pastoral lease, whether any “third party consent” is necessary or must be obtained is a relevant consideration. As noted above, it must be presumed that the land would be “fully developed”. The FPC’s advisor suggests that a reasonable, common sense and contemporary interpretation of section 134(4)(a) must prevail. Most land parcels in the state could not be ‘fully developed’ without some type of approval or permit. For example, a building permit, as well as development approval in some cases, is required to build a house on a residential lot (i.e. to fully develop that lot for residential purposes) regardless that the lot may be zoned for that residential purpose.

A further complexity in the Nita Downs proposal is the development and implementation of an ILUA. Despite ongoing negotiations, when an ILUA proposal was negotiated after 5 years of discussion, the Traditional Owners did not endorse it as it was considered that, on reflection, they were entitled to more economic benefits.

The proposed FPC development is capable of securing relevant approvals given the type of development that it is and where it is – a cattle fodder production and fattening enterprise on a pastoral lease. The land parcel, when fully developed as FPC proposes, is capable of carrying sufficient stock to enable it to be worked as an economically viable and ecologically sustainable pastoral business unit. This proposed subdivision will allow FPC to start immediately with outside investment while there is genuine interest. There is the potential once this initial stage is complete for FPC to explore opportunities via the Water for Food pathway and look at alternative land tenure options such as a General lease with an ILUA. The new development will allow FPC to continue their current joint project with their native title holders and the Karajarri rangers to relocate cattle away from the Munro Springs area and over to the irrigation area. As the springs are of
cultural and environmental significance, the traditional owners are supportive of FPC’s plans to protect this area.

At the time of writing, this process had been going on for approximately a decade and was still unresolved.

2.2.2. Case Study 2: Country Downs Station

When Country Downs Station (CDS) embarked on the process to secure land for a development project, they were cognisant of the traditionally long time frames to achieve land tenure. The last land tenure transition undertaken with CDS took twelve years to finalise.

The project proposed by CDS would see the station access more land for grazing purposes to improve the viability of cattle production on CDS. They identified a parcel of land to access under license for the purpose of grazing, and this parcel of land is adjacent to the existing pastoral lease (in fact, it had been part of the original lease but had been split off in a land swap initiated by the previous lessee and was used for pastoral purposes) as well a portion of the current Country Downs lease.

CDS is keen to bring this project to fruition as a grazing licence would significantly enhance the productivity of the business by increasing the scale of their grazing to meet their operational and production targets which have been identified to achieve a sustainable business model.

The need for increased scale is also validated by the Country Downs Ecologically Sustainable Rangelands Management Plan which has demonstrated the appropriate stocking levels for CDS land systems. The CDS proposal would enable them to increase the scale of their operation by approximately 30%. The proposal will contribute to achieving the aim of the Northern Beef Futures project which is to double the value of northern beef production.

The subject land also has strategic fire mitigation significance to CDS with it being immediately adjacent to their current operation. It has been a significant liability for CDS in terms of bushfire risk since the land swap occurred. If CDS take responsibility for this area, they will be providing ecosystem services including wet season mosaic burning and early dry season preventative burning programs in liaison with the Department of Fires and Emergency Services and Kimberley Land Council ranger groups. CDS believes that this will significantly improve the fire regime in the area to the benefit of the environment and community safety.

CDS are seeking a Section 91 licence with a duration of at least 20 years with the option to renew the licence at the end of the term. CDS considers that this is a reasonable and appropriate duration to offset the significant investment of time and resources required.
to bring the land up to optimal condition for grazing. Additionally, CDS views this as an opportunity to demonstrate to the broader pastoral industry a workable tenure solution that allows for low intensity crown land usage without compromising native title interests.

CDS submitted their application for a Section 91 licence to Department of Lands in July 2016. CDS were concerned that the process had the potential to be drawn out, based on communications with Department of Lands. The initial concerns of CDS were:

- Inability for Department of Lands to provide any form of timeframe to complete the approvals process;
- An emphasis from Department of Lands staff that work will be addressed in order of priority, without clarity around what this constitutes; and
- Suggestion that approvals process could be delayed by inaction of other agencies who are required to input into the approvals process.

These concerns became moot in August 2016 when Department of Lands advised that they were unable to progress the application as a Section 91 licence had not been deemed the most appropriate form of tenure because of the size (approximately 70 500 hectares) and term (20 years) of the lease. Department of Lands proposed that a more suitable form of tenure would be a pastoral lease granted over the subject portion of Unallocated Crown Land, either as a new standalone pastoral lease or the amalgamation of the Unallocated Crown Land into CDS’ adjoining pastoral lease. Furthermore, Department of Lands noted that the granting of this was not guaranteed and also required:

- Approval of the PLB;
- Due diligence investigations by Department of Lands; and
- Resolution of a native title future act process.

CDS have received independent advice that contradicts Department of Lands’ advice suggesting that Section 91 licenses do not constitute tenure. The range of opinions around the interpretation of the Land Administration Act 1997 has led to considerable frustration and investment of resources without resolution. It is CDS’ concern that pursuing a standalone pastoral lease will see them tied up in bureaucracy for many years. Whilst their ultimate intention is to establish a pastoral lease over the land, a Section 91 licence would provide them with the opportunity to commence developing the project and improve the sustainability of their business and contribute to their local economy.

CDS then proceeded to supply the information requested by Department of Lands to facilitate the development of a pastoral lease, as proposed by Department of Lands as being more appropriate for the context. In December, Department of Lands then advised CDS that the department had progressed and finalised, in principle, its policy and business process for the granting of Pastoral Lease tenure. With this policy applied, the Department found that the grant of a Licence for grazing activities prior to the nomination or selection of a preferred proponent for the grant of a supporting Pastoral Lease is no longer appropriate.
The Department of Lands advised that this was due to the uncertainty of a licensee not actually eventuating to be the determined Pastoral Lessee. The Department noted that the Minister for Lands is to consult with the Pastoral Lands Board, under the Land Administration Act 1997, to advertise the method of release of land for a Pastoral Lease (i.e. tender, direct offer, auction etc.). That confirmation and advertisement of the release method is unable to occur until after the Department completes its due diligence, the Minister for Lands and Pastoral Lands Board consider all responses and make a determination on the grant proceeding, and if so under what terms and conditions. Department of Lands advised that this decision is made at a point much later in the Pastoral Lease investigation process and that a key consideration in shaping the aforementioned process is the potential of infrastructure being installed/developed on site (with or without authorisation) and the subsequent difficulty in seeking licensee/infrastructure owners in vacating and removing the infrastructure from the land upon expiration or other termination method of the Licence.

The Department advised that it is unable to accept providing one party interim access to land to utilise for pastoral related activities without a determination being in place that the party is the preferred proponent for a Pastoral Lease over the land and where Native Title processes also allow a licence grant.

The Department was able to consider granting a s91 Land Administration Act 1997/s24LA Native Title Act 1993 Licence to CDS to undertake the proposed mosaic burning activities on the land, subject to completion of relevant due diligence process. However, it should be noted that in the event that Native Title rights and interests were determined over the subject lands (or portion thereof) the Licence would terminate and the activities would need to cease immediately. The Department advised that for the s91 Licence grant that the contemplated purpose would be consistent with environmental related burning activities and the term would be 1 year. The Licence would be subject to termination on determination of Native Title rights and interests. Consideration could be given to any subsequent applications for regrant of Licence closer to expiry, and after Department of Lands had given due consideration – taking into account assessment of timing for Native Title determinations. The Department advises that the s24LA Licence could be considered to be granted to support the environmental related burning activities, but as advised and for reasons explained above not the pastoral activities. Department of Lands noted CDS comments around the historical use of the land for pastoral related activities but the Department maintained its position regarding the application of licences as detailed.

The Department of Lands recommended that CDS make contact with the National Native Title Tribunal to seek confirmation of the consultation process involved for determination of Native Title, to progress stakeholder notification/consultation as appropriate. The Department was not able to provide advice on the negotiation of separate ILUAs but was seeking confirmation from its Native Title Unit on the most appropriate process to address Native Title rights and interests for the purpose of a Pastoral Lease grant over this area and indicated it would provide an update to CDS on this once confirmation of appropriate process and requirements is received.

At the time of writing, CDS were determining the best way forward, given the seeming difficulties in obtaining authority to use the land for pastoral purposes and the project had not been progressed.
2.2.3. Case Study: Ord East Kimberley Expansion Project

The Ord East Kimberley Expansion Project is an example of a State Significant Project – as such, receiving significant government support to plan for and negotiate the approvals and land tenure process. This project is clearly of a far more significant scale than that explored in Case Study 2.2.1 and 2.2.2, however the process for navigation was the same, except that the proponents have less capacity and access to resources, along with limited support from government in terms of negotiation.

The East Kimberley Development Package saw the establishment of the federally funded $195m National Partnership Agreement with the Commonwealth Government to match the State Governments $330m commitment to the infrastructure to enable irrigation expansion, encompassing 27 projects for the construction of agricultural infrastructure, supporting social community and transport projects. All of these projects were completed prior to end 2013.

With regards to the Irrigation Expansion Project, significant progress was made within a tight timeframe. In 2009, the project scoping and design was completed, along with securing relevant approvals, Request for Proposals and tenders developed. 2010 saw Phase 1 construction commence and EPBC approval secured. Concurrently, Phase 2 design and costing was commenced. Phase 1 was completed in 2011, with Environmental Protection Biodiversity and Conservation (EPBC) approval gained and land released in preparation for Phase 2. Phase 2 commenced in 2012, with completion in 2013.

This fast-tracked project saw significant achievements in a complex context with the navigation of environmental and water allocation challenges, along with involved construction process and the need for local skills building. Additionally, a priority for the project was to build in regional and community benefits that were contextually appropriate and sustainable.

Despite this complex environment, Phase 1 (2010-2011) saw the completion of 19kms of irrigation channel, 13kms of road, development of hillside drains and syphon structures, the Moonamang Joint Venture, along with capacity building in the MG Corporation (representing the Miriuwung and Garerrong people). Phase 2 (2012-2013) saw further rapid development, with 3 million cubic metres of dirt moved, the development of 28kms of irrigation channel, 22 farm supply points, 10 major culverts, 40kms of flood levy at a height of 5m, 8 flow structures, 36kms sealed roads, 70kms of drains – representing 360 000 man hours. Additionally, the Phase saw the establishment of the Leighton Contractors and Wanna Work Joint Venture and development of MG Services within MG Corporation.

“Native title is only the starting point for our people in reclaiming land…the next step is being able to freely exercise our rights to promote economic development and build housing to the advantage of our communities…it’s about understanding what are those barriers, what are those extra layers of regulation that hinder people using their assets and participating in economic development.”

Mick Gooda, Aboriginal and Torres Strait Islander Social Justice Commissioner, 2015)
This project saw significant flow on benefits to the region, including:

- $50m construction increase in the housing sector;
- $100m+ per annum new farming system;
- $195m EKDP partnership;
- 16 000ha CPC freehold land;
- $70m direct spend in regional businesses;
- 300-400 permanent jobs created;
- Approximately 21% aboriginal employment on the project;
- Pre-investment made in future expansions;
- Development of the processing sector; and
- Leveraging of on shore gas and mineral developments.

The achievements over the five years are impressive, however it is likely that these were only achieved due to the devotion of significant government resources to facilitating the progression of this project. A highly facilitative approach was adopted, and whilst the project was driven by industry, government resources were pivotal in ensuring that the project was not impeded by a lack of capacity to navigate the complex approvals and native title processes.
2.2.4. Case Study: West Arnhem Land Fire Abatement

The West Arnhem Land Fire Abatement Project (WALFA) is an innovative carbon offset program with a multitude of environmental and social benefits. During summer, Australia experiences some of the worst wildfires on the planet due to its arid savanna landscapes. The low moisture content in the air, combined with the leafless native shrubbery and feral introduced grasses, positions areas such as the Northern Territory as prime locations for disastrous wildfires. Throughout history, wildfires in the Northern Territory area have destroyed lives, homes, and native habitats.

![Photo Credit 3](http://energy-pubs.com.au/oil-gas-australia/conocophillips-fire-management-success/)

The WALFA project investigated Indigenous Australian history to find a different perspective on fire management; particularly using controlled burns during the early-dry season. Since 2006, the project has successfully offset over 1 million tonnes of CO2e and employed over 200 indigenous Australians to impart their knowledge and assist in the preservation of the land. Additionally, the project has been able to conserve indigenous rock art sites and wild animal habitats.

WALFA employs Indigenous rangers who use their traditional knowledge in combination with modern technology. Supplementary to using early-dry (March-April) season burning, late-dry (November-December) season fires are fought with helicopters to reach fires in challenging terrain, and rangers suppress fires using back-burning and rake-hoes.

WALFA is a positive example of industry and Indigenous Australians working together to create mutually beneficial solutions to land issues. The WALFA project is made possible through the collaboration of several organisations, including the Northern Land Council, North Australian Indigenous Land and Sea Management Alliance, Charles Darwin University, the Northern Territory Government, and a $1.2 million deal with Conoco Philips. Furthermore, WALFA relies on the work of five ranger groups: Warddeken, Adjumarllal, Djelk, Mimal and Jawoyn.
The project delivers benefits to all parties; Conoco Philips claim the emission reductions as an eligible offset program under the Federal Government’s Carbon Farming Initiative, while locals receive employment and fire management training for over 200 Traditional Owners and rangers each year. The project brings new livelihood opportunities for indigenous communities where mainstream economies are typically limited.

Before the implementation of WALFA’s early-dry season burns, uncontrolled wildfires could tear through tens of thousands of square kilometres of land, damaging trees, habitats for small marsupials, and putting local lives in danger. The estimated emissions from one of these uncontrolled burns is over 350,000 tonnes CO2e, as well as making a significant contribution to the nation’s methane and nitrous oxide gas emissions. According to research conducted by CSIRO, most savannas burn once every 2-4 years in the late-dry season, producing 3-4 percent of Australia’s total accountable greenhouse emissions.

With the help and knowledge of the indigenous ranger teams, WALFA were able to use early-dry season burns to control late season wildfires and restrict their ability to spread and cause damage. This innovative technique to reduce the frequency and intensity if the fires increases the amount of carbon stored in the landscape, resulting in a decrease in carbon emissions of over 35%, from 350,000 tonnes down to 210,000 tonnes. This gives a CO2e abatement of 140,000 tonnes, a tradeable, saleable commodity in the form of carbon credits bringing huge opportunities for the local communities.

In early 2012 the Savanna Burning Methodology was approved by the Federal Government under the Carbon Farming Initiative (CFI). As a result, the local indigenous ranger groups were able to bring in a new economy to their communities, selling and trading carbon credits by managing their land using controlled burning techniques.

The development of a Regional Agreement such as seen in the WALFA project has the potential to realise significant benefits for stakeholders, as outlined in the table below.
This approach has the potential to dramatically improve the social and economic benefits to traditional owners, while offering positive outcomes for industry, pastoralists and environmentalists. An approach that prioritises these multi-dimensional benefits and sustainable social and economic outcomes for regional communities is extremely desirable and should be strongly considered by project proponents and stakeholders when exploring options for a development proposal.

### Regional Agreement Model Benefits

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<thead>
<tr>
<th>INDUSTRY</th>
<th>PASTORALISTS</th>
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<tbody>
<tr>
<td>• Development certainty</td>
<td>• Business sustainability</td>
</tr>
<tr>
<td>• Approvals streamlined</td>
<td>• Environmental sustainability</td>
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<tr>
<td>• Environmental offsets achieved</td>
<td>• Diversification opportunities</td>
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<tr>
<td>• Agreed time frames</td>
<td>• Improved fire management</td>
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<tr>
<td>• Bankable/financial guarantees</td>
<td>• Feral pest/weed control</td>
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<tr>
<th>TRADITIONAL OWNERS</th>
<th>ENVIRONMENTALISTS</th>
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<tr>
<td>• Land access</td>
<td>• Protection of key assets</td>
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<tr>
<td>• Native title entitlements</td>
<td>• Reduction in carbon emissions</td>
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<tr>
<td>• Job opportunities</td>
<td>• Environmentally sensitive development</td>
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<tr>
<td>• Protection of cultural heritage</td>
<td></td>
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<tr>
<td>• Sustainable social &amp; economic outcomes</td>
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### 2.3. Media Coverage Seizing the Opportunity Agriculture

Since the establishment of the Seizing the Opportunity Agriculture program and its associated initiatives, there has been many positive news articles shared about the potential they offer, along with celebration of the initial success of trials and pilot programs. Now just over two years on from the establishment of the program, frustration is setting in and commentary around concerns with the land tenure and approvals process associated with pursuing the development projects mooted by Seizing the Opportunity Agriculture are rising – both in the traditional media as well as on the social media platform Twitter.
2.3.1. Ceres Farm

Matt and Melanie Grey own Ceres Farm where they grow crops including melons, corn, chia and pumpkins. In 2014 the Western Australian Government announced that the Greys were the preferred developers of a 360-hectare parcel of land adjacent to their existing property in the Ord Valley. The experiences of the Grey’s in attempting to unlock this land was highlighted in the recent media article “Red tape strangling young family’s dream of developing new farm in the Ord Irrigation Scheme”.

The ABC reports that the family had anticipated a relatively quick transition from the initial announcement of their status as preferred developer through to actually commencing the development. In reality they have been caught up in bureaucratic processes. Mr Grey describes their experience of being “hand-balled” between government departments, with significant time and resources devoted to achieving little progress.

The Grey’s began the process to get approval for development in 2014, but a lease was not forthcoming until August 2016 and, at the time of the article in December 2016, they were still negotiating the lease as they felt that the lease created by Department of Lands did not represent an understanding of what the project involved. Furthermore, they were still waiting on a clearing permit, but given the low rate of clearing permits being issued in the Kimberley at this time they are not confident this approval will be issued.

The Grey’s have taken on two additional employees in anticipation of this project but they now consider it unlikely to see the activation of this opportunity. Mr Grey said “If I had my time again, I would think twice before I wasted my time on the application process…the politicians are on board, but there is a massive breakdown at the bureaucratic level and we have been fighting it for over two years now.”

Matt Grey, Ceres Farm, ABC.net.au, December 2016

process...the politicians are on board, but there is a massive breakdown at the bureaucratic level and we have been fighting it for over two years now.”

2.3.2. Mowanjum Station

The Western Australian Government and Mowanjum Aboriginal Corporation (MAC) partnered in 2014 with the investment in $3.6 million irrigation trial to grow fodder crops for cattle, as part of the Water for Food project.

This project has seen the first centre pivot on Mowanjum Station commissioned in 2015 with over 200 tonnes of hay and silage cut in March. The Government heralded the project as “a demonstration model for other Aboriginal pastoral stations”. Furthermore, the project was awarded the Premier’s Award for Improving Aboriginal Outcomes.

Despite these successes and positioning of this development as a flagship program for the Kimberley and in particular, Aboriginal communities, the project featured in the media when a bureaucratic roadblock placed a halt to expansion. ABC News, along with other outlets, featured the story, highlighting the inconsistencies between the government’s messaging around development in the Kimberley and the realities of dealing with the bureaucracy to activate the projects.

When the MAC sought to expand the trial (with political support), the Department of Environmental Regulation blocked their clearing application for the staged expansion of up to 223 hectares of irrigation.

ABC News reported MAC CEO Steve Austin, and the community he represents, as being frustrated and confused by the rejection of the application.

"There doesn't seem to be any reasonable explanation on why we can't expand, and it all comes back to the environmental regulation department which keeps putting these head bulls up against us...the community can’t understand why you've got government on one hand supporting you, but government on the other hand putting all of these restrictions on you and stopping you from moving ahead.”

Steve Austin, Mowanjum Aboriginal Corporation, ABC.net.au, November 2016

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department which keeps putting these head bulls up against us,” he said.

“The community can’t understand why you’ve got government on one hand supporting you, but government on the other hand putting all of these restrictions on you and stopping you from moving ahead.”

ABC News reported that Mr Austin understood that the application had been rejected on two occasions by the Department of Environmental regulation on the grounds of flora and fauna concerns such as bilbies.

“We’ve submitted extensive flora and fauna surveys which shows there’s nothing to be concerned about, but they’re saying there’s bilbies, honeybee eaters and quolls, even though there’s no evidence of them living on our property at all,” he said.

“The Indigenous people know this country better than anyone, but that’s what comes back every time we put in a clearing application.”

Mr Austin advised that since then they had been asked to undertake a hydrological assessment before the Department would be in a position to consider the application again. This seemed unviable to Mr Austin who questioned why they would spend $100 000 on an assessment which may still not lead to the approval of a clearing permit.

The Department of Environmental Regulation was reported in the same article as indicating that the original 2014 clearing permit was appealed by a third party and when the appeal was dismissed it was noted that future expansion to clearing may require further information such as flora and fauna surveys.

The Department shared that the applicant’s flora and fauna surveys were broad scale (conducted of 208 000 hectares) and not adequate for the assessment of potential environmental impacts from the clearing proposal. The applicant was requested to provided targeted fauna and flora surveys to inform the assessment but declined and as such the application was assessed and refused.

The frustrations of the MAC are compounded when these findings are contrasted with Ministerial comment such as Lands Minister Terry Redman saying the Mowanjum community “could now proceed with plans to develop an irrigation precinct, feedlot and related infrastructure with the option for freehold tenure” following the Western Australian Government’s approval of the project in March 2016.
3. Land tenure framework stakeholders

As a pre-cursor to the development of this policy position paper, significant engagement with key stakeholders has been undertaken. In addition to the leaseholders and project proponents interviewed for the case studies shared in this paper, meetings were conducted with all sides of State politics, Directors General of relevant State Government agencies and representatives of relevant peak bodies. These perspectives have informed the shaping of this policy document, with a high-level overview of the insights and views of each stakeholder being provided in this section.

3.1. National Native Title Tribunal

Deputy Registrar of the National Native Title Tribunal, Dr Debbie Fletcher discussed federal perspectives on the native title issues raised as part of this engagement process. The challenges thrown up by a lack of a procedural remedy for small-scale, non-mining projects was discussed at length. With no mechanism to move forward stalled projects, small-scale development projects, such as those in agriculture, tourism and road development, are unable to be resolved and as a result, no benefits can be realised for any of the parties involved.

Dr Fletcher proposed the development of a suite of negotiation tools and the provision of template ILUAs, rather than legislative changes. She also suggested that a best practice approach would be to secure agreement at the start of the process to utilise arbitration in the ILUA process, allowing for the facilitation of an agreement in a structured manner not unlike the existing provisions under Subdivision P, Section 26 of the Native Title Act 1993 which incorporates a clear dispute resolution process. There is the potential to develop an administrative policy manual using Subdivision P, Section 26 as a model.

3.2. Department of Aboriginal Affairs

The Director General of the Department of Aboriginal Affairs, Cliff Weeks, discussed the Department of Aboriginal Affairs’ position in relation to land tenure matters in the Kimberley during a consultation meeting with NAJA.

Based on the experiences of Department of Aboriginal Affairs’ around the Heritage Approvals process, Mr Weeks proposed that there is the opportunity for Department of Lands to review the approvals processes in relation to land tenure, particularly in relation to timeframes allocated to statutory approvals with the potential for these to be significantly shortened. There is the potential to develop standard conditions development in conjunction with the State Solicitor’s Office to expedite approvals and to be used in delegation models. Mr Weeks highlighted at the Aboriginal Heritage Act 1972 has a turnaround of just 45 days for approvals and suggests that a similar approach would be appropriate for other agencies. Additionally, the Act has clear structures to allow for dispute resolution. Concerns around whether this is sufficient time seem unfounded from his perspective, with recent findings of the Chief Justice Martin’s enquiry into the Roe 8 project suggesting that the timeframes for these processes were reasonable.
Mr Weeks also highlighted the opportunity to delegate some responsibilities related to land tenure approvals to local governments.

The need for a procedural remedy where agreement with traditional owners could not be reached is also supported by Department of Aboriginal Affairs. Mr Weeks described the current process as looking like ‘a snakes and ladders process’ with the potential to be very close to finalising the project, only to fail at a late juncture and essentially be brought back right to the beginning of the process.

3.3. Department of Lands

The Department of Lands were consulted regarding land tenure in the Kimberley during a meeting between NAJA and the Director General, Colin Slattery and Executive Director Regional Operations, Matt Darcy.

The Department of Lands position is that whilst it is keen to facilitate the achievement of bankable land tenure for projects in the Kimberley, it is essentially the responsibility of the project proponent to drive the actioning of each process stage and that the role of Department of Lands is to review, facilitate and action any applications. They highlighted the availability of the Land Tenure Pathways for Irrigated Agriculture publication designed to guide proponents through the land tenure process.

The Department of Lands was of the opinion that many issues surrounding land tenure in the region could have been resolved through the proposed Rangeland Reforms but due to a range of issues, in particular push back from pastoral stakeholders because of the recommendation to abolish the Pastoral Lands Board, these changes have not been possible to implement.

A key challenge, acknowledged by Department of Lands, is the issue of the resolution of native title. They highlighted that part of the problem lies with the Western Australian Government Native Title Compensation Policy which did not facilitate a straightforward native title compensation process. Their perspective was that the State is not willing to pay for the direct compensation for acquiring land other than for key assets.

Further to this, Department of Lands acknowledged the lack of a procedural remedy for non-major projects in the event of stalled negotiations around an ILUA left project proponents and Traditional Owners without an avenue to pursue a resolution acceptable to all parties.

Whilst adjustments to the current process are possible, and likely needed, Department of Lands was conscious that significant changes to current Acts (for example, the redefining of ‘Pastoral Purposes’ within the Land Administration Act 1997) could invoke a future act.

3.4. Kimberley Land Council

NAJA engaged with Nolan Hunter, the Chief Executive Officer of the Kimberley Lands Council to explore the Kimberley Lands Council’s perspectives on land tenure in the Kimberley. The Kimberley Lands Council was primarily concerned around the impact on Traditional Owners and native title issues.
The Kimberley Lands Council considers that significant issues are created in this space due to the nature of the native title legislation, viewing it as legislation developed in an ad hoc manner and that the whole system needed revision. To quote Mr Hunter directly, “Native title is a shitty law.” With this as a base point, the Kimberley Lands Council are frustrated that the native title process can be drawn out to fourteen to eighteen years to secure agreement from all parties. Additionally, it is a concern of the Kimberley Lands Council that some pastoralists and other developers may seek to circumvent the native title process and subsequently excluded Traditional Owners from the economic benefits flowing from their traditional lands.

The Kimberley Lands Council is supportive of development opportunities, seeing that it is important to build economic opportunities for Traditional Owners, but is concerned to avoid a ‘development at any cost’ approach. It is important for the Kimberley Lands Council that development opportunities provide fair benefits to Traditional Owners via a sustainable business model.

Mr Hunter was open to improving the current situation and was also supportive, in principal, of many of the improvements being developed as part of this policy review and position development.

3.5. Kimberley Pilbara Cattleman’s Association

Kimberley Pilbara Cattleman’s Association’s Executive Officer, Catherine Marriott discussed with NAJA the Association’s perspectives on land tenure in the Kimberley. The major concern of the Kimberley Pilbara Cattleman’s Association centres on the process of achieving land tenure, rather than issues with the Land Administration Act 1997 itself. They consider that land tenure reform needs to be implemented to facilitate pastoralists working on their core business, not being consumed with navigating bureaucracy. Clarity around the definition of pastoralism would, in the opinion of the Association, potentially resolve many of the issues around achieving land tenure.

The referral notice timeframes are not palatable to the Association, their position being that much shorter timeframes would be appropriate. It is also perceived that the Department of Lands use the referral agencies as a means to slow down the process when it suits the Department. The seeming lack of collaboration between government agencies is also a frustration, leading to stakeholder impressions that the public service is slow moving and negatively impacting on the commercial viability of projects that are time sensitive.

Further compounding the issue, from the Kimberley Pilbara Cattleman’s Association’s view, is the legalistic nature of the process, as well as the way that the Department of Lands approach is viewed by stakeholders (typically as bureaucratic and over complicated).

The Association considers that in terms of Rangeland Reform, the Pastoral Lands Board or similar is essential to provide some distance between the Department of Lands and pastoralists. There is considered a need for 99-year leases or, ideally, freehold. The Association was also supportive of foreign investment and ownership opportunities, given proper accountability mechanisms in terms of land management and chemical application.
In terms of working to achieve resolution of native title matters, the Kimberley Pilbara Cattlemen’s Association considers that the system is essentially broken. There is seen that there is no mechanism to bring negotiations to an end and that there is an imbalance of power, with native title holders being in a position to refuse to negotiate or require payment to attend meetings which may yield no real outcomes for either party.

The Association considered that all parties were being failed by the current process as the failure to activate projects meant that no significant benefits could flow through to any party. It is considered important by the Association that there is greater emphasis on development of opportunities for aboriginal economic benefits in projects and a more holistic approach be adopted. The idea of a Regional Native Title Agreement is palatable to the Association, with them being interested in the idea of an agreement that brought together the interests of pastoralists, industry, aboriginal groups and environmental groups.

3.6. Pastoralists and Graziers Association of WA

The Pastoralists and Graziers Association of WA’s President, Tony Seabrook and Chair of the Pastoral Committee, Lachie McTaggart met with NAJA to share the perspectives of the Pastoralists and Graziers Association in relation to land tenure in the Kimberley.

The Pastoralists and Graziers Association’s primary focus is to support pastoralists in the undertaking of pastoralism in the most efficient and effective manner, with the Pastoralists and Graziers Association targeting its efforts towards focusing on issues that form a barrier to this and advocating for solutions. The Pastoralists and Graziers Association considers that it is important that as an industry consideration is given to the development of viable and sustainable businesses, along with the continuation of a strong Pastoral Lands Board.

Although the Pastoralists and Graziers Association is broadly supportive of the Rangelands Reform package of initiatives, the recommendation for the abolition of the Pastoral Lands Board was of significant concern to them and as such they opposed the Reform package, primarily on this one issue. The Pastoralists and Graziers Association is, however, supportive of many other elements of the initiatives of the Reform package.

On the issue of Tenure reform, the Pastoralists and Graziers Association did not perceive a widespread, strong desire from their broader membership for freehold opportunities, nor was there significant interest in diversification. However, the Pastoralists and Graziers Association is keen to see a streamlining of processes to achieve freeholding and bankable tenure for those members who were keen to pursue these opportunities and the Pastoralists and Graziers Association is very supportive of the development of a regional policy position on the matter.

The Pastoralists and Graziers Association is of the view that the land tenure processes are not appropriate and the drawn out process of eight and a half years to achieve tenure is too long. The critical issue created by these long timelines is the impact on the ability of the developer to effectively move their project forward, potentially being impacted upon by changing market conditions and being unable to provide certainty of the projects viability to potential investors. They consider that the 45-day referral times in the current framework are excessive and could well be shortened.
The Pastoralists and Graziers Association is also supportive of the implementation of a procedural remedy for non-major projects that have reached an impasse with negotiations of native title. The concept of an independent body to adjudicate when ‘best endeavours’ had been undertaken to resolve stalled native title negotiations on sustainable development proposals which were in the State’s interest and that presented a reasonable package of benefits from an ILUA was an approach that the Pastoralists and Graziers Association would consider supporting.

The Pastoralists and Graziers Association considers that the current legislation is broadly appropriate, with the proper application. It has the perception that the current process are too legislative and that there may not be strong political or Departmental will for change.

3.7. **Mark Lewis (Liberal)**

Hon. Mark Lewis MLC Mining and Pastoral Region and Minister for Agriculture and Food is very interested in the issues surrounding development in the Kimberley and the impact of land tenure matters and the ability of proponents to realise projects. He is concerned that viable projects were failing to succeed in achieving land tenure, and that potential development in the Kimberley was stifled by convoluted and difficult to navigate government processes.

His perspective was that many of the issues experienced by project proponents in terms of achieving tenure came down to the interpretation and currency of the *Land Administration Act 1997* with a need for the Act to be brought up-to-date with the current context. In particular, he highlighted the interpretation of Part 7, section 93 where *pastoral purposes* are defined as:

(a) the commercial grazing of authorised stock; and
(b) agricultural, horticultural or other supplementary uses of land inseparable from, essential to, or normally carried out in conjunction with the grazing of authorised stock, including the production of stock feed; and
(c) activities ancillary to the activities mentioned in paragraphs (a) and (b).

He suggested that updating the *Land Administration Act 1997* to mirror the definition of *primary production* as defined in the *Native Title Act 1993*, Section 24GA:

(a) cultivating land;
(b) maintaining, breeding or agisting animals;
(c) taking or catching fish or shellfish;
(d) forest operations (defined in section 253);
(e) horticultural activities (see section 253 for the definition of horticulture);
(f) aquacultural activities;
(g) leaving fallow or de-stocking any land in connection with the doing of any thing

“If the State thinks it is appropriate that it takes 6-8 years to excise 650ha from a 250 000ha pastoral lease and still fail, then I’m very uncomfortable.”

Mark Lewis, 12 September 2016, interview with Paul Rosair, NAJA Business Consulting Services
that is a primary production activity.

He considered that improving the alignment between these Acts would be useful in terms of consistency but also that many of the issues around obtaining of permits currently experienced when pastoralists sought to diversify would be eliminated with this broader interpretation of use of the land.

Mr Lewis observed that the *Land Administration Act 1997* already has an embedded legislative mandate with regards to these matters, with the second reading speech stating, “Where major non-pastoral projects are proposed on pastoral lease land, that portion of that pastoral lease affected by that project will be excised from the pastoral lease. A new lease for that non-pastoral project will be granted, subject to native title and other considerations.”

In terms of compensation paid to Traditional Owners under the Western Australian Government Native Title Compensation Policy, Mr Lewis identified a possible approach which better supported fledgling projects could involve the government making the payment with this recovered via the collection of rent from the lease or for the proponent or developer to pay back this once their project was operational.

### 3.8. Brendon Grylls (The Nationals)

Hon. Brendon Grylls MLA Leader of the National Party of Australia (WA) is supportive of a new approach to a pathway to land tenure in the Kimberley. He considered that the current risk appetite on the part of government potentially impeded an innovative approach to land tenure pathways and there is a need to establish a new risk profile that is more conducive to development and diversification in the region.

Mr Grylls’ perspective on the processes currently underpinning land tenure pathways is that they are too legalistic and that proponents and Department of Lands tend to be overwhelmed by documentation and bureaucracy, resulting in projects losing traction. He considered a transition to a less risk adverse approach whilst fostering an enabling culture on the part of Departments involved in the land tenure pathway processes was important for development in the Kimberley.

Mr Grylls indicated that he was interested in exploring the opportunities for further streamlining of the processes around land tenure, developing a procedural remedy for stalled negotiations, reducing referral timeframes and exploring delegations to local governments to reduce the workload on government officers. He was of the opinion that development of a regional agreement may well be beneficial in streamlining the ILUA process.

Mr Grylls discussed how the complex nature of the current processes meant that proponent led projects were only likely to be successful when both the proponent and the NT holder had significant capacity to negotiate and implement projects. Where proponents are small-scale operators, it seemed to Mr Grylls that the current model would be unlikely to see the project successfully implemented, irrespective of whether the project was viable and had sound economic prospects.
3.9. Terry Redman (The Nationals)

Hon. Terry Redman MLA Minister for Regional Development; Lands; Minister Assisting the Minister for State Development, provided access to his Chief of Staff, Jamie Henderson and Policy Officer, Josh Caccetta to provide insights from his office’s perspective.

Mr Henderson and Mr Caccetta agreed, that while Department of Lands had undertaken significant work in developing the Land Tenure Pathways for Irrigated Agriculture, it did essentially describe the current processes without necessarily endeavouring to simplify them in any real way and that the processes were still quite onerous for a project proponent. They also conceded that the process requires significant capacity from all parties, particularly the developer and the native title parties.

Case studies were discussed, such as Gogo and Mowanjum, which have required significant government support. There was agreement that this approach is unsustainable for the hundreds of routine developments which will flow from the region if the streamlining of the process was not to occur.

There was agreement that there was an opportunity to for Department of Lands to review its practices to identify improvements in the bureaucratic processes around land tenure.

It was also noted that the risk appetite of the government of the day would impact on potential changes. The development of a case that can assist government to understand the impact of current process will increase the likelihood they will understand and accept the risk to implement change.

Some discussion was had around the use of Notice Of Intention To Take process that has been utilised to-date in limited circumstances. The Minister’s representatives indicated that they have an understanding that that NT holders view the Notice Of Intention To Take as an impost on their rights.

3.10. Dave Grills (The Nationals)

Hon. Dave Grills, MLC Mining and Pastoral Region for The Nationals considered that the key issue related to land tenure in the Kimberley centres around the successful negotiation of ILUAs, with difficulties in reaching agreement as well as overcoming the challenges of bringing together the relevant parties for meaningful conversations about a way forward.

Mr Grills was supportive of the possibility of a regional agreement, a procedural remember and with the negotiation of economic benefits for traditional owners.

3.11. Ben Wyatt (ALP)

Mr Ben Wyatt, MLA was engaged with in his roles as Shadow Minister for the portfolios of Aboriginal Affairs, Native Title and at that time, Kimberley. Mr Wyatt is comfortable with, and supportive of, the idea of streamlining the process for achieving land tenure in the Kimberley. He is in agreement that the current model is both unsustainable and unworkable.
Mr Wyatt considers it important to take into account the context of the Remote Communities strategy and that there is also the opportunity to emulate the approach taken by the Northern Territory that saw the development of partnerships between Traditional Owners, pastoralists and industry in economically beneficial projects.

If agreement can be reached between Kimberley local governments in terms of a unified approach, he is happy to be approached to act as an intermediary in communicating the intent with aboriginal groups.

3.12. Peter Tinley (ALP)

Mr Peter Tinley, MLA was consulted twice in his capacity as Shadow Minister for Lands. From the ALP’s perspective, the Kimberley was under developed however was also at risk of ‘uncontrolled development’. It is considered that there is poor planning in terms of state strategy for the Kimberley and that a more visionary, strategic approach is warranted. Mr Tinley proposed this strategic approach would see stronger statutory controls over investment with a holistic approach, rather than the current project-by-project basis that is currently applied and is, in his opinion, risky.

The ALP seeks a more cohesive approach from government, with more interagency collaboration to streamline and strengthen project approval processes, combined targeted investment including prudent encouragement of foreign investment. The development of policy positions in relation to navigating land tenure in a more straightforward manner and for converting arable land to freehold, along with the development of a Cabinet approved process and information product to assist investors understand land tenure requirements.

Mr Tinley agreed that a procedural remedy to respond to impasses between project proponents and traditional owners would be beneficial. He considered that using existing systems, such as a State Arbitration Tribunal might be part of the solution. Mr Tinley also suggested the ALP is less concerned about native title rights and more concerned about securing positive outcomes for Traditional Owners. He is supportive of the development of a Regional Agreement for the Kimberley.

3.13. Josephine Farrer (ALP) & Stephen Dawson (ALP)

Ms Josephine Farrer, MLA Member for the Kimberley and Mr Stephen Dawson, MLC Mining and Pastoral Region, both representing the ALP met to discuss land tenure matters. Ms Farrer led the conversation, with agreement on her position from Mr Dawson. She considers that the process around land tenure and native title have seen a lack of consultation and engagement with Aboriginal stakeholders. She has a sense that somewhere through the process, it has been forgotten that Aboriginal stakeholders are the major group which should be being meaningfully engaged with.

Ms Farrer is of the view that many pastoralists felt they owned their property and that this created a difficult and confrontational atmosphere when negotiating with Aboriginal people. She considers that a better process is essential to improve the engagement with Aboriginal stakeholders and for them to achieve positive outcomes as a result of development projects.
When discussing possible options, Ms Farrer is supportive of the idea of developing a process that focused on sustainable development designed with proper consultation and engagement, seeking to identify opportunities to develop solutions that proactively engaged Aboriginal people in meaningful ways. The development of real employment opportunities that are integral to the overall project was viewed as an important element of an agreement.

3.14. Michael Murray (ALP)

Mr Michael Murray, MLA was engaged in consultation in his capacity a Shadow Minister for Agriculture and Food. He considered that the current process for diversifying in agriculture is not appropriate or adequate to facilitate the effective pursuit of agricultural opportunities. Mr Murray was in agreement that improvements to the process were particularly important for small-scale project proponents who typically lack the resources and capacity to tackle the process effectively.

Mr Murray was of the view that the development of a procedural remedy to address stalled negotiations with relation to native title would be a useful strategy to assist with some of the challenges in this space. He also considered that the upfront payment of compensation of behalf of the proponent could well be considered by government, with the proponent repaying the funds once the project was operational with a cash flow to facilitate this.

3.15. Robin Chapple (Greens)

Mr Robin Chapple, MLC Mining and Pastoral Region for the Greens, discussed the Greens’ position in relation to land tenure in the Kimberley. A key focus of the conversation was on native title, with Mr Chapple considering that this has, in the main, been a disaster in terms of outcomes for aboriginal people.

The Greens would be keen to see the establishment of a treaty, outlining level of ownership and relationship with the land. The South West Land and Sea Council’s model could provide a framework for such an agreement. They are also supportive of significantly more investment into indigenous development opportunities, along with a more effective and appropriate remote community strategy.

Mr Chapple also raised the dichotomy of compensating people for taking ‘their land’ when in essence, aboriginal people consider that the land owns them, rather than them having ownership over the land.

The Greens were not inclined to increasing freehold opportunities, seeing that this could create a variety of issues, particularly around aboriginal land rights. They were, however, comfortable with foreign investment in the north.
4. Discussion of Findings

It is clear from the views and experiences of the diverse stakeholders who were consulted during the development of this policy position paper, that there are real challenges with development in the Kimberley in particular, largely characterised by complex processes to achieve suitable land tenure. This is compounded by a perceived disconnect between the messaging of politicians and programs aiming to support development in the north, and the actual experience of project proponents attempting to navigate government approvals and bureaucratic processes to activate their projects.

The Government’s preferred “proponent driven” model is not achieving optimal outcomes in its current form. The complexity of the process is normally beyond the capacity and resources of the vast majority of proponents and native title parties. These processes are not sustainable, with those projects that have been successful generally only being so because of significant government investment and government officer support to reach the project initiation phase (for example the Water for Food projects listed in the graph below, this is in addition to $330m invested in the Ord).

The need to assign significant government resources and investment to achieve desired outcomes or to expect proponents of comparatively small-scale developments to have the skills and resources to achieve land tenure, is not a sustainable model.

Resolution of native title is also a challenge in this space; with parties often lacking the capability to successful negotiate an ILUA. This can see the process for achieving tenure being significantly drawn out, often with the negotiations failing to achieve a result after protracted discussion. This has no outcome for the proponent, the native title holders or the State, as no benefits can flow from the project if agreement cannot be reached for it to proceed. Currently there is no procedural remedy to address stalled or failed negotiations for small-scale projects. A parallel issue is the level of confusion over native
title processes and a lack of resources to support proponents and native title holders successfully negotiate with one another to secure positive outcomes for all parties.

The current risk profile of the government (as further emphasised in Section 1.1.2 Northern Australia White Paper) also presents challenges with departments adopting an approach of evaluating project sustainability to a high degree. This is generally based on the skills and expertise of their staff, which is normally no stronger than the project proponents who have already prepared their development proposals and are prepared to invest significant funds to activate it – suggesting that as skilled industry experts the project has a strong chance of success. Government should seek to transition from a risk averse to a risk neutral approach (as suggested in the Northern Australia White Paper) and stepping back from being deeply involved in ‘assessing business’ and instead adopting an enabling approach.

This risk averse approach is also prevalent across government in the area of native title resolution and, in particular, the use of Notice Of Intent To Take (NOITT) process to take land and provide proper compensation when projects have a regional economic and social benefit to the State and adhere to the objectives of State and regional strategies and plans. Provided that reasonable efforts and time have been devoted to resolution through negotiation, where viable projects have stalled, a less risk averse approach could see the use of NOITTs (under well-defined assessment criteria) to move projects to implementation.

A more liberal interpretation of relevant legislation, in particular the Land Administration Act 1997, needs to be applied and policy positions more flexible and enabling. A reduction in the levels of seeking legal opinion and referral is necessary with the administering public servants applying legislation and policy on a case-by-case basis in a prudent and timely manner, recognising the protection provided under the Public Sector Management Act 1994 afforded to public servants administering legislation in the spirit of the law. Adequate scrutiny and intensive formulation, construction and review of the legislation has already occurred as part of the Crown Solicitor drafting phase and parliamentary member review stage, and the need for continuous legal referrals should not be ordinarily required.

The lack of certainty created by the current system is not conducive to development, or the attraction of investment. As seen in the case studies, proponents can invest significant time and resources into the development of a project, only to have them stall after years of work, or to have a complete change to a Department’s position on their project as a result of the interpretation of policy and application of an Act. This is not helpful and reform is required to bring projects to fruition within reasonable timeframes.
5. Benefits of the new land tenure framework

When considering amendments to legislation and government processes, it is critical to consider what benefits will flow. In terms of changes to the land tenure framework, the leveraging of economic growth, innovation and sustainable development is central to the success of any changes.

5.1. Benefits for the State

Pastoralism in Western Australia contributes in only a minor way to the overall agriculture economy, and the administration of pastoral leases actually costs government more than the leases bring in. This new approach would open up opportunities for great diversification into commercial-scale irrigation islands where a diverse range of cash crops and high value food products can be grown, alongside fodder. Currently the State leases 34% of Crown land (87 million hectares) for a total value of production of only around $300-million per annum – constituting only three percent of the State's $10-billion of agricultural production each year.

With the positioning of the Kimberley as a place of opportunity where investment in innovative and diversified projects was fostered by government would likely see a greater interest from project proponents and investments, with the benefit of economic growth being derived by the State – both in terms of direct returns to government through leases and taxes as well as the overall improved economic viability of the region. This is of particular interest and strategic opportunity, given the difficult fiscal challenges being confronted by the State.

5.2. Benefits for government

The proposed changes to the land tenure framework also offer government significant benefits, particularly in reducing the administrative burden of implementing the highly-bureaucratised processes that characterises the current framework.

The investment in time and resources to evaluate and process applications through the existing framework, particularly where government seeks to make a judgement of the viability of projects driven by private proponents, does not generate significant value. A cost-benefit analysis of current process is likely to demonstrate low or no return on investment. A reduction in bureaucratic processes could see efforts redirected to a facilitative approach, focused on capacity building of proponents and native title holders to further support the likelihood of successful development projects.

5.3. Benefits for industry

With a new land tenure framework that seeks to support the swift transition to bankable land tenure, there is an incentive for industry to develop viable diversification projects that add to the depth of their current operations in the region. These improved timeframes and increased certainty, combined with a decrease of resources required to achieve land tenure, will foster a culture of diversification and innovation, ideally leading to a more robust and sustainable industry in the Kimberley.
The new framework offers improved navigability, particularly for proponents of small-scale projects who may lack the resources and/or capacity to successfully negotiate the current processes. With many small-scale project proponents feeling disillusioned with the promise offered by Seizing the Opportunity Agriculture when first launched, these changes have the potential to re-invigorate their interest and see them actualise their project concepts.

The acknowledgement of the need for support in negotiating with native title holders is also important for small-scale operators. The provision of tools to understand and effectively engage in meaningful negotiation should provide an added level of support to project proponents and native title holders alike. The inclusion of a procedural remedy further supports all parties by offering a mechanism to address stalled negotiations, where third-party intervention can support the matter reaching resolution.

5.4. Benefits for traditional owners

Under the current system, very rarely do benefits flow to Traditional Owners as potential projects often stall during negotiation with Traditional Owners. There is a range of factors influencing this, but in part lack of capacity to effectively negotiate on behalf of both the proponent and the Traditional Owners seems to be a contributing factor. The provision of tools to support more effective negotiation, along with a procedural remedy for stalled negotiations, should see more projects come to fruition and in turn the negotiated benefits flow through to the Traditional Owners.

The possibilities presented by a Regional Agreement (as described in Section 2.2.4) and innovative arrangements (such as those outlined in the West Arnhem Land Fire Abatement Project Case Study) represent real opportunities for Traditional Owners to secure sustainable economic and social outcomes while retaining land access and protection of cultural heritage.

5.5. Benefits for community

The future of the Kimberley is dependent on the continued development of the regional economy, with the focus on growing a sustainable and robust economy. To ensure strong economic and social outcomes, a pastoral industry that operates with confidence and a tendency to innovation is a critical element of the overall economy.

Furthermore, the importance of systems and processes that foster an environmentally sensitive approach is also critical to ensure that the balance between industry and environmental protection is maintained in this unique environmental region. This framework offers a balance between appropriate regulation and freedom for industry to pursue environmentally sensitive developments.
6. The proposed land tenure framework

The following proposed land tenure framework and associated changes to legislation and process is designed to provide a contemporary approach to land tenure, particularly in relation to pastoral leases and the conversion of Unallocated Crown Land. In order for the Kimberley region to develop a mature and sustainable economy, and to develop a cohesive social structure, greater ease of development and diversification in the pastoral industry is critical. Without reform, development and growth in the key industry will be stifled and the potential economic and social benefits for the region and the State will not be realised.

6.1. Objectives of the framework

The proposed land tenure framework seeks to achieve the following objectives:

- **Navigability** – that the process is be able to be navigated by small-scale project proponents who lack specialist knowledge.
- **Preservation of rights** – supporting the retention of the rights of Traditional Owners and improved process for the negotiation of benefits from land use.
- **Improved certainty** – that the process provides industry and investors with improved certainty about their rights and obligations to allow them to strategically manage their investment decisions.
- **Acceleration** – that the process be responsive and flexible enough for time-sensitive projects to achieve certainty regarding tenure to secure investment commitments at the time when they are considered most lucrative.
- **Industry development** – facilitate appropriate industry development and diversification in the Kimberley, particularly in the agricultural and tourism industries.
- **Outcomes focus** – supporting the development of projects that have beneficial outcomes for all parties (State, traditional owners, industry, environment and community).
- **Structured negotiation** – support all parties in effective negotiation through the provision of a structured process and provision of tools and templates.
- **Procedural remedy** – that stalled negotiations can be adjudicated by an independent body to allow for resolution.
- **Procedural fairness** – that the process gives all parties involved access to a fair and proper process when having their position considered.

The proposed land tenure framework should be considered within the context of both providing benefits to industry but also present a sound basis for government policy. The key objective of the proposed framework is to achieve land tenure outcomes that, on the whole, meet the needs of government, traditional owners and industry, with the benefits of any development being realised by the State.
6.2. Proposed pathways

The proposed pathways to land tenure outlined below have been developed as a result of consultation with key stakeholders to understand their needs, concerns and priorities in this area. The proposed pathways are a blend of current processes with the addition of mechanisms and procedural remedies to address stalled negotiations as well as to accelerate the process by limiting timeframes for referrals and negotiation.

This framework considers the tenure change of Crown Land parcels, specifically pastoral leases, other leases or agreements, Managed Reserves, Unmanaged Reserves, National Parks, Unallocated Crown Land and other tenure types.

This framework is used when a proponent develops a project proposal for the use of the Crown Land Parcel. As part of the process of initiating the navigation of the framework, the proponent should identify whether the proposal is in accordance with the current tenure, purpose or lease conditions. Where the purpose of the land is not aligned to the planned project use, then the proponent should seek to either a change to tenure, a change to purpose or an alteration to the lease agreement.
Diagram 1: Proposed Pathways to Land Tenure

- SAT sub-committee potential membership
  - NT Representative Body - e.g. Kimberley Land Council
  - Government representative
  - Community representative
  - Lawyer (non-voting)
6.2.1. Projects in accordance with existing land use conditions

If the project is in accordance with the applicable land use arrangement, then the proponent can proceed as per the standard development processes where no changes to land tenure or use conditions is required – specifically seeking statutory approvals and the normal advice (environment, water etc.) and assuming the project is granted statutory approvals and any issues around advice are managed, the project can commence. As such, no changes to this approach are proposed, other than the reduction in referral timeframes.

6.2.2. State Significant Projects

A State Significant Project is one deemed by Cabinet to be critical to the advancement of the State of Western Australia or the nation based on environmental, social, economic or heritage considerations. These projects represent proposals which forge a path for significant industry investment in large and complex projects – for example LNG processing precincts and ports. It is proposed that these projects continue as currently managed.

With each of these projects, a Lead Agency is assigned to act in the early stages of these type of projects to negotiate matters of land tenure, native title and heritage, environmental approvals, land use planning and social impact. The Lead Agency Framework guides this process and applies to all resource, infrastructure, transport, large scale land and housing proposals and developments.

A lead agency provides a single entry point for proponents. All proposals within the Lead Agency Framework receive a level of service by the lead agency commensurate to its size, complexity or environmental, economic or social impact. It applies to State initiated proposals, such as the Kimberley Browse LNG Precinct, Forrest Highway and the Ord-East Kimberley Expansion Plan. It also applies to proponent initiated proposals, such as Gorgon JV, Karara Iron Ore Project and Belmont Park Development.

State Significant Projects are determined through consideration of:

- the lifespan of the project;
- the requirement for long-term certainty for the proponents;
- the existence of extensive or complex land tenure issues;
- whether the project is located in a relatively remote area of the State, thus requiring significant infrastructure development, such as rail networks; and
- significance of the project to the economic development of the State.

State Agreements are legal contracts (ratified by Acts of Parliament) between the Western Australian government and a proponent of a major project within Western Australia. These Agreements demonstrate a high degree of support for and commitment to a project by the State. Agreements of this type typically occur where a project requires the development of railways, ports or other major infrastructure, along with long-term tenure. Agreements of this nature see the proponent share responsibility with the State for developing infrastructure specific to the project. Another common element
of these agreements sees the requirement for the use of local labour, suppliers and professional services where it is reasonable and economically sound to do so.

The roles and responsibilities of a lead agency, when assisting proponent initiated proposals and projects can include:

- Meeting with proponents to scope the proposal up-front before applications are lodged;
- Advising on community and stakeholder consultation requirements and arranging meetings with key stakeholders;
- Providing dedicated case management officers within agencies. It is expected that case management officers and case management teams will be allocated to Level 2 and 3 proposals;
- Arranging meetings for proponents with approval agencies to scope the range of issues that need to be addressed and what approvals will be required;
- Negotiating timelines between agencies for provision of approvals or advice, preferably at the outset of the proposal;
- Facilitating parallel processing at the outset;
- Monitoring of timelines for assessments and provision of advice across government through existing project tracking systems or through inter-agency working groups;
- Resolving bottlenecks and managing issues to achieve timeframes and milestones;
- Where issues cannot be resolved at officer level, referring this to a more senior level for resolution;
- Coordinating condition setting between approval agencies and proponents to prevent overlap and duplication; and
- Creating training modules for staff involved in case management.

With regards to the level of support for projects covered under the Lead Agency Framework, there are three levels of proposal classification, with commensurate levels of support provided by government to the proponent.
## Levels of assistance by proposal complexity and impact

<table>
<thead>
<tr>
<th>Proposal Classification</th>
<th>Assistance provided</th>
<th>Monitoring and Reporting</th>
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<tbody>
<tr>
<td><strong>Level 1</strong></td>
<td></td>
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<tr>
<td>Such a proposal would be characterised as being small to moderate scale and capable of being accommodated through existing environmental, social and economic assessment processes. The majority of proposals received by agencies would be classified as Level 1</td>
<td>The Lead Agency may provide initial advice and support through an appointed project officer. Service could include referral and introduction to relevant agencies, negotiating with applicants and referral to relevant agencies where issues arise.</td>
<td>Agencies to monitor status of proposals by using existing website reports and quarterly reports. Proponents may be requested to provide updates to lead agency as required.</td>
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<tr>
<td><strong>Level 2</strong></td>
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<td></td>
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<tr>
<td>This level includes non-standard moderate to large scale or complex proposals. These proposals are likely to have significant capital investment and employ a large number of people for an extensive period of time.</td>
<td>The lead agency, in addition to application tracking and approvals management, will appoint a project manager/case officer to assist with proposal scoping, approval planning and inter-agency coordination.</td>
<td>The lead agency will monitor progress across Government and assist in the identification and resolution of issues impeding the approvals process. Agencies to report using existing website reports and quarterly reports. Proponents will be requested to provide regular reports on progress.</td>
</tr>
<tr>
<td><strong>Level 3</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>These proposals would be very large or complex proposals, those that have significant investment or have potential to create significant employment. Some proposals that are of critical strategic importance to the State or to Australia will be referred to Cabinet for consideration of “State significant” status.</td>
<td>The lead agency will assign a senior officer or senior project team to assist with Government related aspects of project definition, infrastructure, industrial land, regional issues, coordination and interaction with agencies relating to key statutory approvals, stakeholder recognition and consideration of agency timelines and negotiations in the State's interest.</td>
<td>Progress will be monitored on a case management basis by agency heads led by the lead agency. Monitoring will focus on coordination and progress of approvals across Government. Lead agencies should create website pages devoted to Level 3 proposals for reporting on their progress through various stages of the approvals process and provide links to key documents in the process. Proponents will be requested to provide monthly updates.</td>
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</table>

7 Lead Agency Framework, Department of Premier & Cabinet
The proportion of projects being deemed of State Significance is small, with only a minority of projects being provided with high degrees of government officer support offer at Level 3 proposal status.

In terms of the land tenure process for major projects covered under this Framework, the outlined process applies. Following the establishment of a State Agreement, the proponent then submits a development proposal for the project to the Lead Agency. The Agency then assesses the development proposal to understand the nature and scale of the project, along with the statutory requirements and any gaps in information. Following this initial assessment, the Agency then works with the proponent to secure relevant statutory approvals and to negotiate an ILUA.

Assuming that agreement on an ILUA can be reached and statutory requirements are met, the project can commence. Where an ILUA cannot be negotiated, a Notice Of Intention To Take (NOITT) is used an further negotiations for the achievement of an ILUA are undertaken for a maximum timeframe of six months. At the end of this, if the ILUA has been agreed upon, the taking order is executed and the compensation negotiated under the ILUA is actioned. Where an ILUA is not agreed upon, the taking order is executed at and compensation is paid as per the Cabinet endorsed Western Australian Government Native Title Compensation Policy. With resolution of statutory requirements and the ILUA, projects can then commence. This process is undertaken with significant support from government to assist in the planning, as well as assistance in navigation of, the approvals process.

### 6.2.3. Non-Major Projects

Where a project does not have major State significance and is not deemed to be a State Significant project, the proponent then independently pursues the development. In a parallel process, the proponent seeks the standard statutory approvals, along with negotiation with native title holders. The research undertaken as background to this Policy Position Paper confirms the consistent views by proponents, and even within the
political and government sector, that the current framework is not effective and presents an impediment to development, diversification and investment in the north. As such, a range of changes to the framework is proposed.

With regards to addressing the statutory approvals required for the process, in essence the process is the same as for State Significant projects, although the proponent needs to independently navigate the process without the dedicated support of government staff (as per resourcing through Lead Agency for support to achieve this with State Significant projects). Although the project may have less complex approvals required than the major projects that Lead Agencies work with, the processes and documentation required of independent projects are still complex and involve significant capacity and resourcing to navigate.

At this stage of this process, it is essential that government adopt an enabling approach – with staff endeavouring to provide professional advice and service to facilitate the smooth navigation of the approvals process. It is possible that a project may not be successful in securing all required approvals but the expectation is that staff would seek to support proponents to move through the process in a structured and efficient manner, working together to identify how each stage of the process can be addressed effectively by the proponent.

Concurrently to the approvals process, there should be negotiation with the native title holders. It is recommended that the native title holders should utilise a Prescribed Body Corporate (PCB) to undertake negotiation with the proponent on their behalf. Additionally, both parties, however they choose to be represented, would be encouraged to seek professional advice and services to support them in the negotiation process. Negotiation is a complex and specialist process and conducting this process without sufficient experience, combined with a potential impact on objectivity caused by personal values related to the negotiation, may mean outcomes cannot not be reached or optimum outcomes are not achieved.

When establishing the process for the negotiations between the proponent and native title holders, it is important for both parties to agree on a fixed timeframe for negotiations. With a clear timeframe for agreement, both parties are incentivised to proactively engage in the process and work on developing a mutually acceptable ILUA. In addition, access to a suite of negotiation tools to assist both parties engage in effective dialogue as well as template ILUAs to provide guidance as to potentially approaches, will further assist the achievement of a positive resolution for both parties. The recommended re-establishment of the Office of Native Title (see Section 6.4) will significantly reduce the timeframe and increase the likelihood of success of the ILUA developments.

Following negotiations over the agreed timeframe, ideally agreement will be reach and an ILUA formed. In this instance, provided the statutory approvals have been addressed, the project can commence.

In the event that an ILUA has not been agreed, the project is then referred to a State Appeals Tribunal Sub-Committee, or an independent Ministerially appointed body. It is envisaged that the potential membership of this group could comprise of:

- Native title representative body (i.e. Kimberley Land Council);
• Government representative;
• Community representative; and
• Lawyer (non-voting role).

This sub-committee would review the project and actions to-date, considering whether:

• Best endeavors have been made by the proponent and Traditional Owners to reach resolution;
• The project appears to be a sustainable proposition;
• The project appears to be in the interests of the State; and
• Appropriate benefits have been proposed to the native title holders, at a minimum meeting the Cabinet endorsed Western Australian State Government Native Title Compensation Policy.

If it is determined that these matters have not been addressed to an appropriate standard, the project proponent will be advised to continue negotiations with the native title holders to agree on an ILUA as per the previous part of the process.

If it is found that these matters have been adequately addressed, the Sub-Committee will recommend moving the project forward. To achieve this, a Notice Of Intention To Take (NOITT) will be issued and compensation as per the Western Australian State Government Native Title Compensation Policy will be calculated. On this basis, an ILUA will be formed and, subject to standard statutory approvals being in place, the project can commence.

6.3. Legislative and Administrative Changes

There is an opportunity to make a number of legislative and administrative changes to further support the achievement of land tenure objectives.

In terms of legislation, amendments to the Land Administration Act 1997 should be included in any reform of the land tenure process. Specifically, attention should be given to modernising the definition of pastoral purposes to better reflect current practice. The understanding of the activities that are to be undertaken on a pastoral lease have remained unchanged since the commencement of pastoral activities in the north of Western Australia in the 1850s, yet there is significant potential for diversification and development of this industry if the legislation was updated to reflect the potential practices open to a contemporary industry. Strong consideration should be given to aligning the definition of pastoral purposes with the ‘primary production’ definition in the Commonwealth Native Title Amendment Act 1998 – given s24GA and s24GB of that Act allows a broad range of primary production activities.

It is also important for a review of the legislation to provide clarity whether on Division 5 of the Land Administration Act 1997 diversification permits are necessary for ‘agricultural, horticultural or other supplementary uses of land inseparable from, essential to, or normally carried out in conjunction with the grazing of authorised stock, including the production of stock feed; and activities ancillary’ – particularly given that the need for permits for activities that form part of accepted pastoral practices which
would seem to align with the intent of the lease agreement. An additional area requiring clarity relates to terminology such as ‘enclosed and improved’, and ‘unenclosed and unimproved’ within the *Land Administration Act 1997* in particular in relation to native title.

A further point of review of the legislation should consider the inconsistencies between definition of pastoral purposes in S93 and s51(c) of the *Environmental Protection Act 1986* (which requires authorisation for the clearing of native vegetation) and the current approach of requiring diversification permits for agricultural uses of pastoral land (such as S120 of the *Land Administration Act 1997*).

It should also be noted that the *Land Administration Act 1997* already has an embedded legislative mandate with regards to these matters, with the second reading speech stating, “Where major non-pastoral projects are proposed on pastoral lease land, that portion of that pastoral lease affected by that project will be excised from the pastoral lease. A new lease for that non-pastoral project will be granted, subject to native title and other considerations.” Note that the speech uses the expression “will be excised/granted” and not terms such as *shall* or *may*.

If opportunities such as the West Arnhem Land Fire Abatement Project are to be realised with relation to carbon sequestration, consideration need to be given to provision of clarity around access to carbon rights. A key requirement of access carbon credits from a Commonwealth approved scheme is that the proponent must undertake a ‘management action’ (usually related to a pastoral activity) to attain a carbon credit. Essentially the only person who can undertake a management action (and therefore formalise an agreement with the Commonwealth) from a pastoral lease derived carbon credit is the lessee (or sub-lessee). The contract is between the lessee and the Commonwealth. If the lessee (or subsequent lessee) does not comply with the contract, that is a contractual issue between the lessee and the Commonwealth and there is not an issue or liability for the State. The only policy issue for the State is whether the State agrees with the land use/management action required to attain the carbon credit – and this management action is usually compliant with the management action related to the pastoral purpose. As such, it is suggested that the *Land Administration Act 1997* be amended so that the Minister or the Pastoral Lands Board can provide the statutory mechanism to transfer carbon rights on a pastoral lease on to the lessee. As a consequence of this amendment, further amendment to the *Carbon Rights Act 2003* may be required.

From an administrative perspective, there are a number of opportunities for government to significantly shorten the process, as well as adopting a more facilitative approach. It is suggested that referral timeframes be considerably reduced, with consideration that 14 days is sufficient time for referral agencies to provide comment on any proposals (given Chief Justice Martin’s findings in relation to Roe 8). There is clearly an opportunity to reduce referral timeframes, which are currently around 45 days, considering that the referral agencies are generally not the decision makers, rather only required to provide comment on proposals.

A change of approach to responding to referrals is also proposed, with referral agencies’ commentary being consistently considered as advice as opposed to decisions/directions. As such, a finding of a point of concern in relation to a project by a referral agency should not automatically see the termination of the project, rather the development of a
strategy to address the concern, where possible, should be developed. It may also be that the concern is noted, but that is not of sufficient magnitude to preclude the continuation of the development proposal.

The current administrative burden on government officers, anecdotally, appears to also be impacting on the speed with which Department of Lands is able to process land tenure documentation. There is potential for delegation to local governments to deal with straightforward land tenure matters using a set of standard conditions developed by the Department and reviewed by legal officers.

It is also suggested that there is a wind back of government decision-making around viability of projects with a transition to a ‘first in, first served’ type approach. Instead of government evaluating project viability, the onus be placed on the proponent to evaluate probable viability and government taking a view that a proponent being prepared to invest in a well-researched business proposition should be sufficient to demonstrate the probability of viability. As recommended in the Northern Australia White Paper, it is more effective for government to take a facilitative approach and look to creating an enabling environment for industry and development, rather than deeply involving itself in the technicalities of the business aspects of a project.

6.4. Native Title Changes

In developing a new approach to land tenure, consideration naturally needs to be given to the intersection with native title. The first recommendation in this area relates to the re-establishment of the Office of native title. The re-creation of a dedicated unit within government such as the previous Office of native title with relevant resourcing and independence with the mandate to develop, implement and support whole of government policies which are equitable, transparent, legally sound and sustainable. Government could also consider charging such an Office with broader responsibilities in coordinating and managing land approvals across government.

The creation of such a ‘one-stop shop’ to assist parties through the land approvals process could bring efficiency but it would require specific instructions from government and appropriate power to engage with other departments.

The current unit in the Department of Premier and Cabinet has such a title (Land Approvals and Native Title) but it is unclear how far this broader function of land approvals and whole of government coordination is undertaken. The limiting factors should be identified and appropriate changes made.

The independent statutory and regulatory regimes of government departments responsible for various aspects of land approvals would need to be accommodated and appropriate lines of authority and responsibility made clear. Native title approvals could easily be coordinated across government if the authority in charge was appropriately resourced with relevantly qualified, experienced and respected personnel. Coordination of other approvals would be more complex and it would be difficult to appoint any one arbitral body who would have the skill set to arbitrate successfully across all statutory approvals regimes, however for it is likely achievable within the context of native title approvals.
In 2010, a policy framework for the resolution of native title claims and native title land access strategy was developed by the Department of Premier and Cabinet. This document laid out a clear process for the resolution of native title claims but has not been implemented – strong consideration should be given to reviewing, and as appropriate, adopting the policy framework.

The overarching objectives of the policy framework were to establish and manage the relationships of the rights of the government and the public, and the rights of native title parties, along with the creation of efficient process for delivery of mining and petroleum grants and access to tenements and titles, and delivery of government business. Furthermore, the framework identified strategies to address key issues in this area, including rigorous evaluation of evidentiary material related to native title claims, ensuring protection of the government’s existing legal rights and interests are protected, undertake ILUA negotiations in parallel with the negotiation of a Consent Determination to facilitate a streamlined process and to strategically employ litigation to test the existence and extent of native title and the relationships between native title rights and non-native title rights. The strategy also identified the mechanism to fund compensation through the Native Title Land and Equity Fund and the Native Title Facilitation Fund.

As outlined in the earlier discussion around the reshaped land tenure framework, it would be important to include the:

- Development of templates and tools for proponents to support ILUA negotiation and formation of agreements; and
- Establishment of a procedural remedy for unresolved native title disputes or failures to establish agreements.

The establishment of a Regional Agreement, similar to the South West Land Settlement, offers the potential for a simplified approach for individual project proponents and reduces the burden on native title holders to engage in negotiations with multiple project proponents. Flowing from a Regional Agreement is the potential for the development of innovative native title compensation models developed to allow proponents to negotiate a compensation, with the government to fund up-front and the proponent to repay through staged payments linked to approvals timeframes and milestones.

A Regional Agreement approach allows for the development of models, such as in Case Study – West Arnhem Land Fire Abatement Project, where projects can be structured to incorporate sustainable employment opportunities and business development opportunities for traditional owners, as well as flow on benefits associated with responsible land management. If sustainable economic and social benefits are to be secured for traditional owners, and other people living in the regions, strategic approaches such as these are essential.
7. Policy options

Based on the research undertaken in the development of this Policy Position Paper, three policy options seem apparent and should be considered when developing the government’s approach to any changes.

7.1. Policy Option 1 – No Change

The current land tenure framework, while well-intentioned, is flawed and does not adequately respond to the needs of project proponents seeking to diversify activities undertaken on pastoral leases. There is the potential to make no changes to the current approach. In doing so, the government must acknowledge that the impact on the economy in the north. Without change to the current system, any real opportunities for diversification and innovation in this space are unlikely to be realised which ultimately does not benefit the State. **No change to the current land tenure framework is not recommended.**

7.2. Policy Option 2 – Partial Adoption

There is potential to take the approach of partial adoption of the recommendations outlined in this Policy Position Paper. Taking a piecemeal approach will dilute the overall benefits offered by this approach and will impact on the overall benefits offered by the proposed changes. The issues around land tenure are essentially, a systems issue and it is essential that a broad view is taken when addressing matters – making minor adjustments is not sufficient to address a significant and intertwined systemic issue. **Partial adoption of the proposed changes to the current land tenure framework is not recommended.**

7.3. Policy Option 3 – Complete Adoption

The current environment offers a rare occasion to act decisively and implement some significant reforms to strengthen the development of the pastoral sector, and land tenure processes more broadly. This offers the opportunity to provide certainty and benefits to traditional owners in a timely manner. The complete adoption of the proposed land tenure framework changes has the potential to significantly improve the sustainability and viability of pastoral leases and lead to far greater economic and social benefits to the State as well as Traditional Owners. **Complete adoption of the proposed changes to the current land tenure framework is recommended.**
FURTHER INFORMATION

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Royal Society for the Prevention of Cruelty to Animals Western Australia (Incorporated)

SUBMISSION

Service Priority Review

7 August 2017
Introduction

The Royal Society for the Prevention of Cruelty to Animals Western Australia (Incorporated) (RSPCA WA) was established in 1892. We are the State’s oldest, largest and leading animal welfare charity. RSPCA WA is governed by a Board with experience from the farming and livestock industry, State and Local Government, the veterinarian, legal and financial professions and people with marketing and commercial development experience.

Our vision is that all animals are accepted as sentient beings treated with dignity, compassion and respect. Our mission is to improve the welfare of animals through leadership, collaboration with stakeholders and the provision of quality services.

RSPCA WA undertakes a wide range of operations and activities including:

- Community, corporate and industry education and engagement
- Animal cruelty call service
- Compliance and enforcement functions under the Animal Welfare Act 2002 (the Act)
- Animal rescue
- Animal shelter and veterinary clinic
- Rehabilitation and re-homing
- Pets in domestic violence scheme
- Advocacy for evidence based legislative, policy and practice change

RSPCA WA continues to be driven by and supported by the community. We self-generate over 90% of funds required to deliver our services to the public.

For further information on this submission please contact David van Ooran, Chief Executive Officer on 08 9209 9346 or dyanooran@rspcawa.asn.au.
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Executive Summary

- This submission highlights the opportunity for a more collaborative service delivery model that focuses on prevention, which is considerably more efficient, provides better value for money and delivers significantly better animal welfare outcomes across the State.

- The recommendations do not come at any additional cost to Government, but instead rely on the reallocation of existing funding within State Budget allocations.

- Recommendation 1 proposes the relocation of the existing Animal Welfare Unit from the Department of Primary Industries and Regional Development (DPIRD) to another Department better placed to drive efficiencies and effectiveness.

- Recommendation 2 proposes a new inspectorial service delivery model, in partnership with RSPCA WA.

- Key outcomes will be:
  - Improved animal welfare
  - Improved inter-agency engagement, support and coordination
  - Improved stakeholder and public engagement and trust
  - Economic growth and productivity
  - Better return on Government investment

- This submission will focus on the following terms of reference:
  - Identifying opportunities to further consolidate public sector entities into departments or other entities aligned with Government's strategic imperatives (or other means to better align and coordinate roles and responsibilities across public sector entities).
  - Promoting public service innovation that delivers transformative public policy and service delivery that is different, better and lower cost.

- Our recommendations are aligned with the State Government’s strategic priorities, in particular that WA Labor will ‘ensure that a state Labor government adequately funds an independent and effective Animal Welfare Inspectorate’.

- RSPCA WA would welcome the opportunity to meet with the Service Priority Review Panel to discuss the recommendations proposed in this submission.
Overview: Administration of the *Animal Welfare Act 2002* (the Act) in Western Australia

The Act provides for the welfare, safety and health of animals, and regulates the use of animals for scientific other purposes. It covers all live amphibians, reptiles, birds and mammals (other than humans) and includes companion animals, native animals, livestock and animals used for research and teaching. Unlike some other Australian jurisdictions, the Act does not encompass cephalopods (squid, octopus), crustaceans or fish.

The Act includes reference to an administering department and empowers the CEO of that department to appoint general inspectors, including those nominated by RSPCA WA (s.33). Along with RSPCA WA inspectors appointed under Part 3, inspectors are appointed from the Department of Primary Industries and Regional Development (DPIRD) Livestock Compliance Unit (LCU) and staff from the Department of Biodiversity, Conservation and Attractions. All Police officers have general inspector powers. Local Government can nominate staff to be appointed as general inspectors. Net of police, there are approximately 90 general inspectors authorised across the State. However, most incidents are referred to RSPCA WA.

S.37 of the Act provides that the functions and powers of inspectors are generally to enforce Part 3 of the Act, which makes it an offence to be cruel to an animal. General inspectors are empowered to respond to complaints of cruelty against animals and carry out a range of education, compliance and enforcement actions. They have the authority to initiate a prosecution, if needed. However, in practice, most inspectors refer animal welfare complaints to RSPCA WA. *Appendix 1* outlines the powers of inspectors under the Act.

Although RSPCA WA inspectors are afforded these powers, in the vast majority of cases, they seek to resolve animal welfare issues through the provision of education and advice. Enforcement action, such as the seizure of animals and initiation of prosecutions, is reserved only for serious cases of animal mistreatment, which is demonstrated by the statistics below for the 2015/16 financial year:

- Calls to cruelty line 15,263
- Investigations carried out 6,321
- Successful prosecutions 17
- Unsuccessful prosecutions 1

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1 Prosecutions are defined as matters proceeding to a guilty/not guilty verdict
Concerns with the current administration of the Act

Lack of leadership

In terms of animal welfare in WA, there has been little leadership or direction provided by Ministers for Agriculture (prior to the new Government, four Ministers in five years) or by the Department of Agriculture and Food, Western Australia (DAFWA). This has resulted in a distinct lack of positive development in terms of animal welfare policy and regulation, which has been supported by some of the less progressive agricultural lobby groups.

This failing and deficiency was highlighted by the 2015 Animal Welfare Review (an independent review of the investment in and administration of the Act, commissioned by the then Minister for Agriculture) (Easton Review) which found that:

- There is no overarching strategic plan and policy framework for animal welfare in WA to guide the implementation of the Act and the development of new policies.
- It is vital that there is an effective strategy and framework to guide the implementation of the Act.
- In the absence of such a framework, proposals for legislative and policy change become piecemeal, if they are made at all.²

It is of serious concern that despite the publication of this report in October 2015 and the awarding of an additional $1.1m per annum, there has been little practical change in the administration of the Act since that time. RSPCA WA has identified numerous gaps and areas that require urgent reform so as not to leave animals in WA vulnerable to cruelty and neglect. Many of these have not received any attention, despite their accumulation over the years.

As a consequence of inaction, WA lags behind other States in terms of adopting nationally agreed standards and guidelines and there has been no advancements made to animal welfare related regulations, codes of practice or various regulatory tools, such as introducing a much needed Infringement Notice option for general inspectors.³ This is in despite of regular efforts by RSPCA WA to work with Government and effect positive change for animals across the various groups i.e. companion animals, farm animals, animals used for sport and recreation, wildlife and research animals.

Whilst there are positive signs from the new Minister of Primary Industries and Regional Development to progress animal welfare, this will not address the fundamental conflicts of interest of DPIRD in regulating animal welfare.

Regulatory capture

As a consequence, animal welfare is conceptualised in a very narrow way by DPIRD, where it is valued purely by the extent to which it contributes to industry productivity goals. If animal welfare does not contribute to industry productivity goals it is generally dismissed or compromised. As a result, animal welfare enforcement is poorly managed and neglected. In part, this may be due to conflict of interest. DPIRD exists to promote productive and profitable primary industries and is accountable to the Minister for Primary Industries and Regional Development for their performance.

² Animal Welfare Review October 2015, page 19
³ This latter deficiency being highlighted as part of the Recommendations of the Select Committee into the Operations of RSPCA WA (Recommendation 10).
The term 'regulatory capture' describes the current situation in WA well.

"Regulatory capture is a process by which a regulatory agency acts in the interests of the industry it is charged with regulating in a way that is inconsistent with the public interest the regulation is designed to serve. There are many different causes of regulatory capture.

Poor institutional design giving rise to inherent conflicts of interest can cause an agency to neglect certain regulatory responsibilities. Shared cultural norms between the agency and the industry, which differ from those of the broader public, can also cause a regulator to deviate away from serving the public interest in its approach to enforcement.

Regulatory literature notes that agencies will systematically underperform on secondary goals that conflict with the achievement of the agencies' primary goals." Dr Jed Goodfellow, Senior Policy Officer, RSPCA Australia.

In the instances where DPIRD investigates animal welfare complaints, it does so through the guise of a client/service provider relationship as opposed to one of regulator/regulated. This leads to the practice of giving notice to persons of interest before investigating an alleged breach of the Act and failing to prosecute. Over the last five years DPIRD has made approximately three prosecutions (including one unsuccessful), compared to more than 100 by RSPCA WA.

**Productivity Commission’s Inquiry into the Regulation of Australian Agriculture**

In its recent Inquiry into the Regulation of Australian Agriculture, the Productivity Commission examined the regulation of farm animal welfare.

The Commission’s Final Report, released in March 2017, identified areas where farm animal welfare regulation could be improved, with consequent productivity gains. These included:

- Standards and Guidelines being evidence-based, drawing on independent and credible evidence on animal welfare science and research on community views of animal welfare.
- More independence in the standards development process, so that outcomes are not overly influenced by the views of any one group, such as industry or animal welfare or rights groups.  

The Commission found that "There is the potential for a conflict of interest to arise where policy and regulatory objectives conflict. Animal welfare may be of secondary importance where the primary objective of the agency responsible for livestock welfare is to promote a productive and profitable agricultural sector.”

The Commission further stated: "Representing the interests of the industry that a Government department is tasked with addressing is not of itself a concern, and indeed is consistent with its objective. However, issues may arise when that department is also responsible for implementing a regulation that has broader community interests that may conflict with those of the industry.”

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4 Productivity Commission, Inquiry Into Australian Agriculture, November 2016, Overview Page 21
5 Productivity Commission, Inquiry Into Australian Agriculture, November 2016, Overview Page 224
6 ibid, P 224
The Commission also observed concerns with alleged bias in the animal welfare science used by the relevant departments in standard setting.

Recommendation 5.2 of the Commission is that State and Territory Governments should review, by the end of 2017, the way in which their farm animal welfare regulations are monitored and enforced, and make necessary changes so that:

- There is separation between agriculture policy matters and farm animal welfare monitoring and enforcement functions.
- A transparent process is in place for publicly reporting on monitoring and enforcement activities.
- Adequate resourcing is available to support an effective discharge of monitoring and enforcement activities.

Furthermore, the Commission recommended (Recommendation 5.1) to facilitate greater rigour in the process for developing national farm animal welfare standards; the Australian Government should take responsibility for ensuring that scientific principles guide the development of farm animal welfare standards. To do this, a stand-alone statutory organisation, the Australian Commission for Animal Welfare (ACAW), should be established. The functions of ACAW should include:

- Determining if new standards for farm animal welfare are required and, if so, to develop the standards using good-practice public consultation and regulatory impact assessment processes.
- Publicly assessing the efficiency and effectiveness of the implementation and enforcement of farm animal welfare standards by State and Territory Governments.

RSPCA WA considers that the concerns identified by the Productivity Commission regarding independence in animal welfare regulation apply with equal or greater force at the State level because animal welfare policy and enforcement are matters for the States and Territories. At the State level, as at the national level, there is the requirement for independence and lack of conflict of interest in the approach to animal welfare science and standards setting and enforcement work. This serves to reinforce the view that, at the State level, an independent Office of Animal Welfare is an essential step forward.

Whilst not directly comparable because RSPCA WA is the agreed principal receiver and responder to animal cruelty complaints from the public and, under the MOU, DPIRD generally only respond to less serious animal welfare matters (Level 1 and 2), it is interesting to look at the performance of DPIRD in comparison to RSPCA WA. Both generally have similar resource levels in terms of funds committed and inspectors.

Table 1: Comparison - DAFWA and RSPCA WA activities of general inspectors 2014/15

<table>
<thead>
<tr>
<th></th>
<th>Animal welfare reports received</th>
<th>Responses (incidents investigated)</th>
<th>Routine inspections</th>
<th>Revisits to incidents investigated</th>
<th>Total - responses, routine inspections and revisits</th>
<th>Prosecutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>DAFWA</td>
<td>92</td>
<td>45</td>
<td>406</td>
<td>Unknown</td>
<td>451</td>
<td>1</td>
</tr>
<tr>
<td>RSPCA WA</td>
<td>16,506</td>
<td>6,353</td>
<td>48</td>
<td>3,100</td>
<td>9,501</td>
<td>28</td>
</tr>
</tbody>
</table>

The role of DPIRD is inherently conflicted, leading to the problems outlined above in terms of the negative effects of regulatory capture. This situation is supported by some in the agricultural sector who would prefer to have an inexperienced and conflicted regulator overseeing animal welfare, instead of RSPCA WA which has substantial public support and is independent and objective.

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7 Ibid, page 245
8 Ibid, page 238
Recommendation 1: Relocate the existing Animal Welfare Unit

The recommended means of addressing regulatory capture caused by conflicting interests is to separate out the conflicting interests via institutional reform. The most effective means of achieving this would be through the relocation of the existing Animal Welfare Unit tasked with administering the Act (currently located within DPIRD) and implementing relevant Government policy and strategies.

Animal welfare would be better served by relocating the existing Animal Welfare Unit to a Department which does not have a conflict of interest and which is able to drive and coordinate advancements in animal welfare across Government and in partnership with RSPCA WA and other relevant stakeholders, such as livestock industries, companion animal groups, wildlife organisations, animal sporting stakeholders, etc.

In terms of regulation, general inspectors could still be authorised from a range of organisations, including RSPCA WA (which undertakes more than 95% of the role at present), but these inspectors would be appointed by and report to the relocated Animal Welfare Unit, as opposed to DPIRD.

Importantly, the relocated Animal Welfare Unit would be the central body for animal welfare policy, administrative and enforcement matters. It would have ultimate accountability for the State of animal welfare within Western Australia.

RSPCA WA submits that the relocation of the existing Animal Welfare Unit will achieve better animal welfare outcomes in a more coordinated, holistic and cost-effective way and return on the State’s investment. It will

- Significantly improve animal welfare outcomes
- Improve interagency engagement, support and co-ordination
- Improve stakeholder/public engagement and trust in Government
- Deliver a better return on Government investment
- Deliver better productivity, enabling DPIRD to focus on its core purpose in supporting the growth and prosperity of the agriculture and fisheries industries, as well as regional communities
- Improve public/consumer confidence and trust in the agricultural sector

Outcome: Improved animal welfare

As previously stated, to date there has been a distinct lack of positive development in terms of animal welfare policy and regulation, and this failing and deficiency was also highlighted by the Easton Review.

The new Government has indicated a stronger approach to animal welfare. Given the issues outlined by the Easton Review and the Productivity Commission, an independent Animal Welfare Unit will improve regulatory activities and help drive progress on key policy areas, leading to tangible outcomes for thousands of animals. This could include detecting and stopping more cases of animal cruelty and drafting minimum requirements (standards and guidelines) so that animals of different types are afforded minimum standards of care.

It will establish WA as a leader in animal welfare and, by improving the State’s reputation (particularly in relation to livestock production standards) will assist in the growth of agricultural markets and opportunities for producers.
Outcome: Improved inter-agency engagement, support and coordination

Animal welfare encompasses all animals, not just farm animals. There are long-standing issues also affecting companion animals, wildlife, animals used in sport and recreation, working animals and animals used for research purposes. At present, approximately 70% of the animal welfare complaints in WA relate to companion animals, 25% relate to livestock and 5% to others, such as wildlife and animals used in sport and recreation.

With recent agency amalgamations, key agencies whose activities involve functions relating to animals include:

- DPIRD
- Department of Local Government, Sport and Cultural Industries
- Department of Biodiversity, Conservation and Attractions
- Department of Fire and Emergency Services
- Department of Jobs, Tourism, Science and Innovation
- Department of Communities
- Mental Health Commission
- Racing & Wagering WA
- WA Police
- All Local Government Authorities

However, in practice, none of these agencies see animal welfare as their priority. A relocated Animal Welfare Unit would be better placed to drive improvements in animal welfare outcomes and deliver on key Government policy. This includes the new Government’s plan to stamp out puppy farming.

A more streamlined and efficient system is required to better align and coordinate animal welfare roles and responsibilities and deliver transformative animal welfare policy and service delivery that is different, better and lower cost. Such a system would be preferable to the status quo which involves multiple departments (again, none of which see animal welfare as a priority) with little to no contextual understanding of the issues. The important responsibility of coordinating animal welfare reforms in WA should lie with a dedicated Office of Animal Welfare.

Under DPIRD, there is very little management and coordination of agencies and organisations involved in animal welfare (refer to Easton Review, page 18). Also, there is also a lack of oversight, training and direction provided to general inspectors appointed under the Act. These include officers from DPIRD, RSPCA WA, Local Government Authorities, DPAW and WA Police (Recommendations 7 and 8 Easton Review, page 25). In the absence of direction from DPIRD, RSPCA WA has self-initiated standardised processes and protocols and established training benchmarks (in line with Australian Investigations Standards 2011) at its own cost.

This lack of oversight and coordination leads to a disengaged cohort of inspectors across the various agencies, who lack basic training and are largely working in isolation. Concerning inconsistencies in terms of compliance, enforcement and prosecution activities are common.

A relocated Animal Welfare Unit would be better placed to act in a coordinating role across/within Government agencies and external stakeholders and implement key recommendations from the Easton Review, including the development of an animal welfare strategy for the State.
In addition, by relocating the Act to an alternative department, the Government can empower the new administrator to develop an inspectorate governance framework for the 90+ general inspectors authorised across the State and bring a more collaborative and supportive environment for inspectors which, in turn, will deliver significant efficiency and productivity gains, benefiting thousands of animals.

**Outcome: Improved stakeholder and public engagement and trust**

Prior to the decision by the Government in 2011 to relocate the Act from the Minister for Local Government (assisted by the Department of Local Government) to the Minister for Agriculture & Food (assisted by DAFWA) there was considerable concern from stakeholders and the public with the perceived conflicts of interest of DAFWA. After six years under the new arrangement, these concerns have come to pass.

Animal welfare has been conceptualised by Ministers (in the previous government) and DAFWA in a very narrow way. It has been valued purely by the extent to which it contributes to industry productivity goals. If animal welfare does not contribute to industry productivity goals it is generally dismissed or compromised. As a result, animal welfare enforcement and policy development is poorly managed and has in fact been neglected.

Relocating the Act and the Animal Welfare Unit will allow Government to re-engage with stakeholders, build trust with the public and remove the conflicts of interest.

**Outcome: Economic growth and productivity**

The core purpose of DPIRD is to drive the economic development of agriculture, fisheries and food in WA. The responsibility for the administration of the Act and for progressing key animal welfare policy initiatives must be separated from DPIRD.

For the reasons outlined earlier, DPIRD has found it difficult to lead the Government’s approach to animal welfare and deliver positive outcomes. The conflicts of interest create a lack of clear direction and progress in animal welfare.

This, combined with historical budget cuts, a lack of a strategic plan, a lack of overarching policy framework, a lack of animal welfare regulatory experience and lack of prosecutorial experience, has meant DPIRD has not been an appropriate nor effective administering agency.

The Government agency responsible for the economic development of the agriculture and food sector should be given every opportunity to focus on and achieve its key goals of:

- **Growing markets - securing long-term trading arrangements**
- **Growing profitability - adopting new business models and improved value chains to increase returns to all participants**
- **Growing productivity - satisfying delivery requirements to target markets**
- **Growing people - empowering people throughout the sector**

By relocating the Act and Animal Welfare Unit, DPIRD could focus on its core purpose. In addition, by separating animal welfare from DPIRD the public would have greater confidence in the agricultural sector and its social licence to operate and, as previously stated, the State’s reputation as a leader in animal welfare will enhance the State’s brand and improve market growth opportunities for producers. Note: in 2015, 65% of Australia’s total production of meat chicken was from farmers choosing to be involved with the ‘higher welfare’ RSPCA Approved Farming Scheme (AFS).
Outcome: Better return on Government investment

Since 2011, it is estimated that the State Government has allocated approximately $14m in funding to DPIRD for animal welfare purposes. In May 2016, the State Government announced a further $1.1m per annum in funding (on top of approximately $2.2m per annum) to DPIRD to assist with the implementation of the Easton Review recommendations, which included funding for additional staff.

The funding DPIRD currently receives primarily relates to two areas:

- DPIRD’s staffing costs associated with administering and enforcing the Act.
- Policy development and general administration.

Due to a lack of transparency and accountability for this $14m in funding, it is difficult to ascertain what the return on the Government’s investment in animal welfare is actually delivering. DPIRD does not report to Parliament or the public on this funding and associated outcomes.

This lack of transparency regarding return on investment/value for money is acknowledged at pages 34-37 of the Easton Review report where Recommendation 16 suggests that “Processes are put in place for annual reporting of animal welfare activity by all appointed inspectors under the Act, from which KPI’s should be developed.”

However, based on RSPCA WA’s working relationship with DPIRD and our extensive knowledge of animal welfare regulation across the State, it is clear that there is very little being delivered against the investment.

By reallocating $3m per annum in funding currently allocated to DPIRD to the relocation and operations of the Animal Welfare Unit and RSPCA WA, taxpayers (and the Government) will receive a much greater and more transparent return on this investment. The State will have a vastly improved model for administering and enforcing the Act and RSPCA WA will deliver significantly improved efficiencies and outcomes from the additional regulatory activities it takes on e.g. routine inspections currently undertaken by DPIRD officers.

It should be noted that RSPCA WA currently receives $500,000 in grant funding and also invests more than $5m of its own funds including in-kind support (e.g. from pro-bono lawyers, infrastructure costs, etc) to undertake education, compliance and enforcement functions associated with the Act and agreement with the State Government. The return on State Government investment using these figures is impressive - ROI $1:$10.
The role of the relocated Animal Welfare Unit

A relocated Animal Welfare Unit would drive and coordinate animal welfare across Government and other relevant stakeholders, including RSPCA WA, livestock industries, companion animal groups, research institutions, wildlife organisations and animal sports including greyhounds and horseracing.

Importantly, the Animal Welfare Unit would be the central body for animal welfare administrative and enforcement matters and would have ultimate accountability for animal welfare within Western Australia. In addition, by relocating the Act to a new department, the Government can empower the new administrator to develop an inspectorate governance framework for the general inspectors authorised across the State and bring a more collaborative and supportive environment for inspectors which, in turn, will deliver significant efficiency and productivity gains, benefiting thousands of animals.

In addition to oversight of inspectorial functions, the Animal Welfare Unit could facilitate the following activities:

- An Animal Welfare Advisory Council which brings together scientific experts, industry groups and community interests, to proactively address animal welfare issues and provide expert advice to the Minister and Cabinet.
- The development of a Western Australian Animal Welfare Strategy which positions the State as a national leader in the way it cares for its animals.
- Coordinate a review of the Act and associated Regulations and develop Codes of Practice, shifting from a punitive and retrospective approach to a focus on cruelty prevention and duty of care.
- Adopt the Australian Animal Welfare Standards and Guidelines for Land Transport of Livestock; Sheep; and Cattle (and poultry and pigs next).
- Develop standards and guidelines for the breeding and owning of companion animals.
- Deliver on key Government policy, such as the new Government’s plan to stamp out puppy farming.
- Improved oversight of, and collaboration with, RSPCA WA.

In terms of regulation, general inspectors could still be authorised from a range of organisations, including RSPCA WA, but these inspectors would be appointed by and report to the Animal Welfare Unit, as opposed to DPIRD. Options for relocating the administration of the Act could include an Office within:

1. Department of Jobs, Tourism, Science and Innovation i.e. Commerce department
2. Department of Justice
3. Department of Local Government, Sport and Cultural Industries
4. WA Police
Recommendation 2: A new inspectorial service delivery model

Stage One - Realignment of inspectorial activities and improving regional service delivery

As indicated above, DPIRD receives approximately $3m per year to cover staffing costs associated with administering and enforcing the Act, policy development and general administration. The relocated Animal Welfare Office could be established through a reallocation of these funds.

RSPCA WA submits that this reallocation should be informed by a new service delivery model, which builds on the strengths of the Society as an independent non-Government agency, ensuring that funds reflect the cost of operations. RSPCA WA submits that in relocating the Animal Welfare Unit, in the first instance, $1m should be reallocated to the Society to undertake the regulatory activities undertaken by DPIRD.

We submit that the reallocation of funds to RSPCA WA will provide better value for money for Government. RSPCA WA receives an annual grant of $500,000 from the State Government under a Memorandum of Understanding (MOU) and Grant Agreement with DPIRD, details of which are outlined in Appendix 2.

The funds received by RSPCA WA equate to approximately 16.2% of the expenditure associated with the delivery of the agreed services. The real costs to undertake education, compliance and enforcement functions associated with the Act and MOU with the State Government are currently in excess of $3 million, which does not include the costs of infrastructure such as kennels, cat facilities and vet clinics, or the significant contribution of pro-bono legal work provided by more than 20 of Perth’s top legal firms and barristers, who seek justice for animal cruelty through the courts.

Significantly, the Grant monies do not provide for the additional RSPCA costs with respect to commercial livestock under the Act, which includes salaries, vet and animal care costs, vehicle and equipment costs, training and legal fees.

Re-allocation of $1m of the $3m budget to RSPCA WA would enable:

- Improved and expanded education, compliance and enforcement activities across regional WA.
- Improved monitoring at livestock aggregation points, including ports, saleyards, feedlots and abattoirs (currently undertaken by DPIRD).
- Future regulatory activities associated with the implementation of new puppy farming legislation, which may require additional funding.

Stage Two - Integrated service delivery model

There is a critical need for dedicated animal welfare officers across Western Australia, net of realigning current animal welfare funding from DPIRD. The RSPCA WA inspectorial unit is comprised of seven inspectors covering the metropolitan area and four regional inspectors located in Geraldton, Kalgoorlie (delivered in partnership with the City of Kalgoorlie/Boulder), Albany and Bunbury.

At an operational level, inspectors from Local Governments and the WA Police regularly refer cases to RSPCA WA Inspectors to be dealt with, due to the Society’s knowledge, resources, the costs of litigation and the well-established infrastructure and networks. However, there is demonstrated need in the Kimberley, Pilbara, Gascoyne, Great Southern and South West regions for dedicated animal welfare officers. Under current funding arrangements, servicing these communities appropriately is not possible.
There are options to deliver better and more cost-effective State-wide coverage. As outlined, the funds from Government granted to RSPCA WA ($500,000 per annum) equate to approximately 16.2% of the actual Inspectorate expenditure. The real costs to undertake education, compliance and enforcement functions associated with the Act and current MOU with the State Government are currently in excess of $3 million.

To address this funding shortfall, RSPCA WA has embarked on a 5-year major fundraising program, to increase the coverage of Inspectors across the State over the next five years. To support the growth of inspectorial services, RSPCA WA will need adequate funding across all areas of operations to support Inspector growth, as this will impact on all activities, including the shelter, vet clinic, education, foster care programs, etc.

To maximise investment, it is recommended that Government works with RSPCA WA and key stakeholders to design a regional, more efficient and cost-effective service delivery model, underpinned by a partnership which focuses on education and prevention of animal cruelty.

One option could be building on the partnership model RSPCA WA has with the City of Kalgoorlie-Boulder. Under this model, the City contributes funds towards the RSPCA WA Inspector who is co-located within the Local Government but employed by the Society. This partnership has worked well. It enables the Inspector to build important regional relationships, educating animal owners, industry and the general public, taking a preventative approach to animal welfare.

The service delivers animal health and animal welfare compliance activities, providing critical co-ordination and support and a partnership approach with Local Government, the Police and the DPIRD staff to enforce the Act. However, despite its success, the City has expressed concern with the ongoing operational cost of the model.
Another option for better, cost-effective State-wide coverage could be a regional partnership between the State and Local Government and RSPCA WA. This could involve a pooling of funds at the regional level, along with co-location with State agencies, including Police and DPIRD offices. This should be explored through a system design process to see if it could better deliver the resources on the ground and better animal welfare outcomes.

**Animal management on remote Indigenous communities**

Current animal management practices on Aboriginal communities are leading to poor public health impacts for the human population and poor animal welfare. Many remote and regional communities find it difficult to get access to essential veterinary services. Many communities have access to a vet for only a few days each year and the local shop may not stock good animal health products, if at all.

Without options like surgical or chemical de-sexing, control of the dog population is an ongoing challenge and many communities struggle with dog overpopulation. This can lead to issues with noise, scavenging and sometimes attacks on humans and other animals. There are also more dog fights and dogs hit by cars.

These are some reasons why malnourished dogs, diseased dogs and untreated wounds are often seen on communities. This poses a threat to animal and human health and welfare. While diseased dogs may be the most visible, there are often many more dogs living out of sight in people’s homes or yards.

In terms of service provision to Aboriginal communities, there are a number of small, ad-hoc efforts to improve animal health and to control dog numbers occurring sporadically across regional and remote WA. RSPCA WA is working to address this through animal health and education discussions with Animal Management in Rural & Remote Indigenous Communities (AMRRIC), Murdoch University, regional veterinary clinics and other stakeholders. All stakeholders believe a larger more co-ordinated and strategic approach is needed if we are going to make any longer lasting inroad.

Critical to success will be the activities being developed and driven by Aboriginal people and communities. Regional engagement indicates that attitudes to animal health and animal control vary from community to community. Some Aboriginal corporations are allocating funds to animal health and there are some opportunities for new collaborations.

To provide sustainable and cost-effective animal welfare management, service design with Aboriginal communities is critical. Based on the successful Aboriginal land management program utilising Aboriginal rangers, real pathways to employment for Aboriginal people could be developed through training and employment in animal welfare management.

This partnership approach and new model of service delivery would respond to the animal welfare needs in Aboriginal communities.

David van Ooran
RSPCA WA Chief Executive Officer

7 August 2017
Appendix 1 - The role of Animal Welfare Inspectors

The role of Animal Welfare Inspectors in enforcing Part 3 of the Act requires them to respond to and investigate animal cruelty offences. They are granted powers (under Part 4 of the Act) to achieve this including powers:

- To enter places and vehicles with consent, notice or pursuant to a warrant - the latter being in restricted circumstances upon application to a Justice (s.38 & 39 and s.59 in relation to warrants).
- Care for animals or direct that they be cared for (s.40).
- Destroy an animal in a humane manner where the Inspector reasonably believes an animal is suffering so severely that destroying it would be the humane thing to do (s.41).
- Seize animals where an Inspector reasonably suspects an offence is being or has been committed or under warrant (s.42 & 60).
- Seizure of property where an Inspector reasonable suspects the property is being or has been used to commit or may afford evidence of the commission of an offence (s.43).
- Other powers such as searching for and obtaining evidence (s.47).

These powers are necessary to enable the investigation of alleged animal cruelty offences. However, the Act has placed clear limits on the exercise of these powers with relevant sections containing specific and defined circumstances in which they may be exercised. Additionally, powers exercised under s.40(1)(b)(for care and treatment), 42(1)(a), 43(1) and 47(1)(d)(e) or (j) by Inspectors are reviewable by the Minister and the State Administrative Tribunal - refer to s.71-74.

RSPCA WA Inspectors are also involved in delivering additional community education services, animal rescues (including in natural disasters such as bushfires) and assistance with animal rehoming.
Appendix 2 - MOU between DPIRD and RSPCA WA

RSPCA WA Inspectors are vested with education, compliance and enforcement functions under the Act. These are outlined in Appendix 1.

The relationship between the State Government and RSPCA WA in regard to enforcement of the Act was formalised in the MOU executed by RSPCA WA and the Director General of DAFWA in January 2014. The MOU expresses the intentions of the parties in relation to working co-operatively on legislative responsibilities and obligations and to ensure regulatory consistency in the general operations of Inspectors.

The MOU operates in conjunction with a Grant Agreement between DAFWA and RSPCA WA, which was signed contemporaneously in January 2014. The Grant Agreement (Schedule 2, Clause 1) provides that the approved purpose of the Grant is to make a financial contribution to RSPCA WA activities and programs relating to:

- Public education and promotion of responsible companion animal ownership.
- Training of RSPCA WA general Inspectors.
- Enforcement of the Act in relation to companion animals.
- A 24-hour complaint receipt, assessment and response service for public reports of cruelty, with the aim of improving animal welfare outcomes in Western Australia.

As noted above, in relation to the MOU, RSPCA WA is the principal responder for all cruelty complaints in Western Australia and has the option to pass some complaints to the LCU to investigate. The Grant Agreement does not include the additional Inspectorate costs relating to the role of Inspectors with respect to commercial livestock under the Act.

Under the MOU, RSPCA WA is the principal responder for all cruelty complaints in Western Australia. The dedicated 24/7 RSPCA WA call centre logs the complaints, which are then passed to an Inspector to investigate. RSPCA WA has the option to pass minor or moderate commercial livestock complaints (Level 1 or 2) to the LCU to investigate. Serious commercial livestock complaints (Level 3) may be passed to the LCU at the Society’s discretion and with their approval.

‘Commercial livestock’ is defined as:

Any livestock present at an aggregation point (defined) and in relation to livestock at any place other than an aggregation point, meaning more than 50 head of cattle or buffalo, more than 150 sheep, goats or deer, more than 500 poultry or more than 10 pigs (Clause 1)

‘Livestock’ is defined in Schedule 1 and includes animals such as alpaca, buffalo, camels, cattle, horses, deer, emus, pigs, poultry and sheep. The designation of Level 1, 2 and 3 commercial livestock is set out in Schedule 2 of the MOU.

RSPCA WA regularly undertakes livestock investigations and approximately 2,000 are conducted annually. A small number of low level reports are passed to DPIRD for action.

END
21 September 2017

Michelle Andrews  
Service Priority Review Secretariat 
Department of the Premier and Cabinet  
Dumas House, 2 Havelock Street  
WEST PERTH  WA  6005

By email: michelle.andrews@dpc.wa.gov.au  
c.c. phillipa.strempel@dpc.wa.gov.au

Dear Ms Andrews

Service Priority Review - RSPCA WA submission - supplementary information

In RSPCA WA’s submission to the Service Priority Review dated 7 August 2017, Recommendation One proposed relocating the existing animal welfare unit to another location within the State Government for a variety of reasons, including to:

- Significantly improve animal welfare outcomes  
- Improve interagency engagement, support and co-ordination  
- Improve stakeholder/public engagement and trust in Government  
- Deliver a better return on Government investment  
- Deliver better productivity, enabling DPIRD to focus on its core purpose in supporting the growth and prosperity of the agriculture and fisheries industries, as well as regional communities  
- Improve public/consumer confidence and trust in the agricultural sector

The point RSPCA WA would like to emphasise is that, in our view, it is imperative that a relocated animal welfare office must be independent and operate with a degree of autonomy, in order to be successful and deliver the above mentioned benefits.

The preferred model to achieve this is to establish an independent office within a Departmental structure, similar to the Building Commission model within the former Department of Commerce. This more robust, independent structure would have greater authority to monitor and report to Government (and Parliament) on the effectiveness of legislation, policies and practices governing animal welfare. It would also be in a stronger position to balance competing interests and pressures from myriad lobby groups and stakeholders involved with animals i.e. commercial interests, sporting and recreation interests, animal welfare groups and scientific research institutions involving animals.

Locating the independent office within a Departmental structure would also allow for efficiencies in Government service delivery to be achieved through the sharing of resources and the generation of economics of scale.

Please do not hesitate to contact me on 9209 9346 should you wish to discuss any aspect of the above.

Yours sincerely

Lynne Bradshaw  
President

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Dear Mr Rennie

State Government Service Priority Review

Congratulations on your appointment of Chairperson of the State Government’s Service Priority Review.

Shelter WA is the peak body for affordable housing and homelessness in Western Australia. We provided input into the WA Council of Social Services submission to your review. However, we have taken the opportunity to provide a separate submission which focusses on the opportunities for government to co-design community services that deliver positive and enduring outcomes for individuals, and maximise government investment, through the provision of social and affordable housing and tenancy support services.

We look forward to further engagement with the Review during July as you consult more broadly with the community services sector. Shelter WA is in the position to act as a conduit for consultation with the non-government sector in relation to affordable and social housing and homelessness issues. If we can be of assistance with this please let us know.

If you have any queries regarding this request please contact Michelle Mackenzie, Manager Policy and Strategy at email strategy@shelterwa.org.au or Tel: 9325 6660.

Yours sincerely

Eric Dillon
A/Executive Officer
Shelter WA.
Submission to the Service Priority Review

About Shelter WA

Our vision

Accessible, affordable, appropriate and secure housing and working towards the elimination of homelessness in Western Australia.

Shelter WA was founded in 1979 as an independent, community based peak body committed to accessible, affordable and secure housing for Western Australians, and to working towards the elimination of homelessness in WA. Shelter WA believes housing is a basic human right. Safe, secure and affordable housing is a fundamental determinant of health and a key requirement for people to engage in work, maintain healthy relationships and fully contribute to society. Shelter WA advocates for policy settings and responses that facilitate appropriate affordable housing options for low to moderate income earners, for those who are otherwise disadvantaged in the housing market or experiencing homelessness. This is done by strong collaboration with the not-for-profit housing and social services sector, government, industry bodies, business, the community and research institutions.

Shelter WA is a member of the National Shelter Council and a member of the Council to Homeless Persons Australia and has a seat on the Board of Homelessness Australia. This national membership strengthens Shelter WA’s capacity to represent Western Australia’s interests through participation in research, policy advocacy and engagement in national debate.

Shelter WA is predominantly funded by the Western Australian Housing Authority and is appreciative of this support.

How we can assist

Shelter WA is in the position to act as a conduit for consultation with the non-government sector in relation to affordable and social housing and homelessness issues.

Contact

For further information regarding this submission please contact Michelle Mackenzie, Manager Policy on 9325 6660 or email strategy@shelterwa.org.au.

Definitions used in this submission

Social housing includes public housing properties managed by the State Government and community housing properties either owned by the Community Housing Provider, or, by the State and managed by a Provider. ‘Housing stress’ refers to housing that costs more than 30% of a household’s income, specifically for households in the lowest 40% of income distribution. This is known as the 30/40 rule. ‘Affordable housing’ refers to housing which is affordable for low income households and for which they are paying less than 30% of their income.
Social and Affordable Housing, Tenancy Support and Homelessness

Introduction

Shelter WA submits that:

- housing has the potential and capacity to be a key driver to major cross portfolio reform and potential savings for the Western Australian government;
- the housing portfolio and WA government ‘land bank’ is a multi-billion-dollar asset that could be better optimised in the whole of government approach to housing and human services;
- the housing system is ready for major reform;
- there is an opportunity to facilitate private and institutional investment into affordable and social housing;
- there is an opportunity for significant savings to government through co-ordination and investment by agencies in implementing up-front solutions, rather than focusing on managing problems; and
- this will require strong leadership to implement reforms across some major systems of government.

Research shows the opportunity for government to maximise investment in social housing and homelessness services driven by:

- An approach that focuses on maintaining and sustaining tenancies, focusing on the individual needs of the person or family first;
- Aligned departmental policies and KPIs to provide housing and end homelessness;
- Planning reform to support affordable and social housing growth;
- Government working in partnership with the development industry;
- Inter-departmental cooperation and alignment of policies and KPIs to end homelessness; and
- Harnessing the expertise of the NGO sector through outsourcing and partnerships.

The benefits of secure, safe and affordable housing chosen by the individual and augmented with suitable health and community supports as required are well documented. They include:

- Improved health status, maintenance of symptom stability and overall functioning reducing demand for treatment and care;
- Improved sense of belonging and self-worth;
- Improved social and economic participation;
- Reduced reliance on welfare support and reduced impact on homelessness services; and
- Cost savings in the areas of crisis, police and ambulance call outs, emergency departments and hospital admission.

Shelter WA’s Response to the Terms of Reference have a specific focus on the following points:

- Point 2. Promoting a culture of collaboration in the achievement of outcomes for the community;
- Point 3. Promoting public service innovation that delivers transformative public policy and service delivery that is different, better and lower cost;
- Point 5. Identifying opportunities to deliver Government services, programs, projects and other initiatives more efficiently or effectively, including through a whole-of-government digital strategy, or to no longer be delivered; and
Point 6. Developing and implementing whole of sector key performance indicators to ensure more effective delivery of services to the community and support for economic activity and job creation.

The Shelter WA Housing Hub contains examples of best practice partnerships between government, the private and non-government sector to deliver co-ordinated, cost effective affordable and social housing solutions. These are located at http://wahousinghub.org.au/display/RES/Research+Home.

**Conceptual framework: Housing assistance matched to people’s need**

The housing continuum refers to a range of accommodation and housing options which matches housing assistance to people’s needs. This ranges from emergency shelters and supportive housing for vulnerable populations, through to transitional and social housing, private rental housing and home ownership. Matching assistance to people’s housing needs is important to support stable tenancies and ensure everybody has an affordable place to call home.

![Conceptual framework diagram](image)

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**The opportunity cost to the individual, society and government of housing and homelessness**

Housing insecurity remains an issue for many Western Australians. With 18,530 people on the public housing wait list, only 3% of private rentals affordable to people on low incomes, and 9,600 people experiencing homelessness every night, housing affordability and homelessness remain a key public policy issue for two key reasons: the effects that housing unaffordability has on the economy, society and individuals; and the failure of the market to correct these issues in a timely and efficient manner.

Inefficient housing markets have widespread and lasting impact on economic productivity and the broader community. Access to appropriate, affordable housing is fundamental to economic growth and productivity and is a critical foundation for individual and community prosperity and wellbeing. Adequate housing is a fundamental determinant of health. Without shelter it becomes impossible for individuals and families to overcome broader social disadvantage by engaging in appropriate services.
Investment in social and affordable housing leads to increased productivity, unlocks opportunity, and establishes a platform for efficient government service delivery. Whilst housing provides shelter, it influences a raft of non-shelter outcomes for individual households, such as workforce participation, access to jobs and services, family stability and educational attainment. The costs of poor housing choices are not just borne by the individual, but by society\(^1\). AHURI research indicates that access to housing can affect health and education, and therefore labour market productivity\(^2\).

Research points to preventable generational homelessness in that children who first experience homelessness at a young age are significantly more likely to experience persistent homelessness in adulthood\(^3\). Early intervention can prevent the cost of an ongoing cycle of homelessness. This is true of other vulnerable groups for whom investment in housing and service supports makes economic and social sense. For example, research indicates that access to appropriate, stable and affordable accommodation with appropriate levels of support geared to individual needs is of critical importance to assist people with mental illness to maintain successful housing outcomes\(^4\).

Adequate and crisis and transitional accommodation for young people, adults and families and domestic violence accommodation is critical.

**Planning reform: Whole of government approach to facilitate affordable housing**

Proposed changes to the Strata Titles Act (1985) to facilitate a wider range of tenure options are positive, and should support the development of more diverse and affordable housing stock. Priority needs to be given to planning reform which optimises land allocation for social and affordable housing through the implementation of inclusionary zoning for all significant developments.

Initiatives should include but not be confined to:

- Ensure that State and local government planning policies, frameworks and strategies support appropriate and sufficient social and affordable housing in all regions;
- All government land and housing developments that meet relevant criteria, include a minimum of 15% affordable housing targeted at low-to-moderate income households;
- Inclusionary zoning to apply to all significant scale private developments. The level of social and affordable housing to be provided through this mechanism must only be set after a thorough market feasibility is conducted;
- Undertake a comprehensive audit of State and local government land assets with the view to unlocking under-utilised land for social and affordable housing, potentially on peppercorn rents and long-term leases; and
- Embed innovative housing design practices, products and building materials based on suitability and energy efficient principles to reduce ongoing housing operational costs.

No expenditure is required to put this measure in place; however, there may be a minimal impact on the budget in terms of foregone revenue due to caveats on the sale of State assets to include the requirement for 15% affordable housing over extended time periods. The benefits to the State far outweigh the minimal loss in returns from asset sales, by increasing the amount of affordable housing.

In addition, the State should continue the availability of targeted affordable home ownership products such as shared equity, home loan products and mortgage relief to assist with affordable home ownership. Also, continue initiatives such as rental brokerage to assist people in social housing transition to the private rental market. The transitional housing program is a positive example of this.
In Western Australia, most fixed-term agreements are for six or 12 months, although they can be for anytime. Further consideration could be given to longer (i.e., five and 10-year) rental lease options to provide for greater stability and security of renters. For example, in Britain, a “build to rent” concept has emerged, where buildings constructed solely for rental accommodation are owned by a single institution. The British government established a private rented sector taskforce overseeing a £1 billion ($1.7bn) build to rent fund, which allowed for what was essentially a bridging loan repayable after the homes were built and rented out.

**Government, non-government and industry coordination of Housing and Homelessness**

Data

The Housing Industry Forecasting Group is a positive example of a joint industry and government body providing independent commentary on the housing sector in WA with collaboration between the Department of Planning and Housing.

A sound evidence base is needed for housing and homelessness policy. The service priority review should consider what data needs to be captured by agencies to inform a stronger evidence base, and develop strong data linkages between State Government agencies, the non-government sector and industry to inform policy and program development.

**Focussing on solutions not problems – maximising government investment**

**Strategic whole of government response to Homelessness**

Research indicates that millions of government dollars would be saved annually in health and mental health services, police, justice and prison services by providing social housing and supporting people to maintain and sustain tenancies. Policy settings that deliver affordable housing and government investment in well-designed social housing, with appropriate wrap-around services, significantly reduces the costs to government of health and justice services, as well as community support services. AHURI research on the costs incurred by government in health and justice services shows that these are substantially greater than the costs of providing housing and support programs for people experiencing homelessness. A comprehensive Homelessness Strategy which enables the development of integrated, seamless service models that improve long-term outcomes for people experiencing homelessness and ensures service providers have contract periods that support service and workforce sustainability will address this.

**Mental Health and Criminal Justice**

- The cost of accommodating people with a mental illness in Graylands is approximately $265,000 per annum (or 3 people per million dollars). It is understood a Mental Health Commission (MHC) paper identified the cost for 112 inpatients over 4 years is approximately $120 million.
- Aboriginal and Torres Strait Islander peoples with mental and cognitive disabilities are significantly over-represented in Australian criminal justice systems.
- Lifecourse institutional costs of homelessness for vulnerable groups are massive. A 2012 Study from a cohort of 2,731 people who have been in prison in NSW and whose MHDCD diagnoses are known. The Lifecourse institutional costs for 11 case studies, aged between 23 and 55, range from around $900,000 to $5.5 million each.

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**Savings to Prisons:**

$60,400 saving per person per year through social housing and support services:

- $128,400 per year to house a person in prison compared to;
- $65,000 per year to provide social housing and support services.
• There are significant savings to be made by a carefully developing housing and accommodation strategy that is linked to the implementation of the Better Choices. Better Lives. Western Australian Mental Health, Alcohol and Other Drug Services Plan 2015–2025.⁹

Maximise government investment in social housing

Growth of the Community Housing Sector

In 2015/16, there were 18,530 applicants on the public housing wait list, including 2,283 with a priority need, and an average wait-turn allocation time of 153 weeks¹⁰. The extent of demand is likely to exceed these published figures as Western Australia maintains the lowest income eligibility of any jurisdiction¹¹.

In Western Australia, 80 per cent of social and public housing is owned and managed by the Housing Authority; with 20 per cent owned or managed by approximately 200 Community Housing Providers (CHPs)¹².

The Productivity Commission’s Report on Government Services 2014, identified that Western Australia has the highest cost per public housing dwelling of all the mainland States¹³. Despite ongoing State Government investment, supply does not meet demand.

Stock transfer of social housing to community housing providers, whether titled or management only, with leveraging commitments, has been identified as a key State Government lever to stimulate investment in social and affordable housing¹⁴. AHURI research indicates that asset or title transfers will maximise the scope for community housing innovation and entrepreneurialism¹⁵.

Research indicates that growth of the community housing sector will facilitate greater economies of scale, enabling providers to attract private finance, and deliver efficiencies in stock provision, management and tenant support. Also, evidence indicates there are better outcomes for tenants as community housing tenants are generally more satisfied in relation to their housing arrangements than public housing tenants¹⁶. This was reinforced by the Productivity Commission which highlights that community housing providers often outperform public providers on some indicators including tenant satisfaction and property maintenance.¹⁷ There is a critical need for a community housing growth strategy, with targets for long-term management and/or title transfers, developed in partnership with the sector.

Using the Community Housing sector to maximise Commonwealth funding opportunities

The 2017/18 Commonwealth budget outlined initiatives to deliver more affordable and social housing. New Federal funding commitments such as:

• A National Housing Finance and Investment Corporation¹⁸ will:

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Savings to Health:

$16M annual saving to the Western Australian health system by providing stable public housing for people experiencing, or at risk of homelessness:

• $13,273 saving per person per year for those supported on NPAH;
• $84,135 saving per person per year saving for NPAH mental health program recipients;
• 19.5% decrease in the proportion of people accessing hospital emergency department;
• 24.7% decrease in overnight hospital stays;
• 6-day reduction in length of hospital stays;
• 57.8% decrease in proportion of people accessing psychiatric care; and
• 8.4-day reduction in average length of psychiatric care stay.
- explore and develop a ‘bond aggregator’ to de-risk access to capital by community housing organisations; and
- Invest $1 billion over 5 years to support local governments to finance critical infrastructure such as transport links, power and water infrastructure and site remediation works.

- $10.2 million to trial the use of Social Impact Investments aimed at improving housing and welfare outcomes for young people at risk of homelessness.
- An additional 10 per cent CGT discount to resident individuals investing in qualifying affordable housing managed through a registered Community Housing Provider.
- New rules that enable Managed Investment Trusts (MITs) to acquire, construct or redevelop property to hold for affordable housing.

Continue to harness National Rental Affordability Scheme (NRAS) opportunities. NRAS, a Federal Government initiative that, through partnerships, significantly increases supply of new affordable rental housing. NRAS allows eligible people on low to moderate incomes the opportunity to rent homes at a rate that is at least 20% less than market value rent. NRAS homes are not social housing - they are affordable rental homes owned by private investors or NFP companies.

A strategy for ongoing collaboration between the State Government and the non-government housing sector will provide greater clarity to enable the sector to plan, invest, partner and innovate. This strategy needs to consider the benefits of large-scale stock transfers (with or without title), with clearly stated, measurable objectives, to ensure the additional social housing required to meet demand is developed and available to those in greatest need.

To maximise this strategy, it should be underpinned by the right planning frameworks, maximise underutilised government land and ensure that the mix of dwellings provided are diverse to meet the needs of the whole community.

**Strategic approach to tenancy management**

The lack of co-ordination between government agencies due to competing policy imperatives, different discourses and staff disciplines and professional approaches means that different departments are managing issues with inadequate coordination/collaboration which results in sub-optimal outcomes and higher costs. For example, the intersection of the Housing, Department of Child Protection and Family Services and the Health and Mental Health disciplines when it comes to how they approach people experiencing homelessness.

The Housing Authority’s Tenancy Management practices is an example:

- Some families face eviction from public housing due to ‘disruptive behaviour’ or damage and ‘property standards’ arising from circumstances of domestic violence or serious mental illness;
- due to the lack of appropriate practices in response to domestic violence and mental illness, children are at high risk of being evicted from public housing;
- the Housing Authority could improve policy or practices to identify cases involving domestic violence or mental illness;
- where the Housing Authority does identify domestic violence or serious mental illness, in many cases the Authority still proceeds to Court to seek eviction, rather than engaging effectively
with the community or government services to provide appropriate supports to sustain a tenancy;

Systemic solutions include an approach that focuses on maintaining and sustaining tenancies, focusing on the individual needs of the person or family and aligned departmental policies and KPIs to provide housing and end homelessness. Skilled staff, along with the legal and systems capacity, are required to enable this to occur. Immediate and longer-term solutions are outlined as follows. That the Housing Authority enhances existing or implements new actions to:

- identify and intervene before a situation deteriorates to the point where an eviction may have to be progressed;
- work in partnership with other areas of government such as the Mental Health and Disability Services Commissions and the Department for Child Protection and Family Support, (to ensure the needs of specific cohorts are considered) and the community housing and the social services sector, to co-design a shared assessment framework and joint waitlist. This could determine the tenants for whom the public housing system and its current level of support is appropriate and which individuals require more targeted support. This targeted, integrated housing support system will identify and facilitate the provision of specialist support to transition into and stabilise tenancies. It will provide a more coordinated and integrated model that supports long term stable housing outcomes;
- reinstate Regional Managers’ discretion to work with tenant advocates to seek practical resolutions for the underlying issues in a tenancy;
- not proceed with a termination application or eviction where the DCPFS advises that they are working with the family and that the current housing is important for the children’s protection and care, and similarly where the DCPFS advises that they have not previously engaged with the family and have not identified child protection concerns, but would be concerned that eviction would put the children at risk;
- adopt policies and train staff to be able to identify domestic violence cases and mental health, and to then screen these matters into a ‘support track’ rather than an ‘evictions track’ working in partnership with the NGO sector;
- reduce the high rate and cost of litigation by introduction of practical approaches and collaboration with DCPFS and the non-government sector to sustain tenancies;
- utilize termination applications as a last resort, after referral to support services:
  - attempts at collaborative work with community services;
  - if an eviction must progress, it must not be evicting into homelessness; and
  - an analysis of ‘whole of government cost’ demonstrates that the eviction is in the public interest. This analysis requires consideration of the likely impact on the community of the tenant and family being evicted from public housing.
- Stop the use of without grounds terminations, demonstrating that the termination is justified in accordance with the tests under s75A or s71 of the Residential Tenancies Act 1987 (WA)
Pilot new approach by diverting funding of the Disruptive Behaviour Management Unit.

Unlike other Australian states, Western Australia does not have a specialist Tribunal to deal with tenancy disputes under the RTA. The Magistrates Court of Western Australia has exclusive jurisdiction to deal with any matter under the RTA for a claim less than $10,000 (a ‘prescribed dispute’). Regardless of the professed informality of the Magistrates Court, research indicates that there are essentially no advantages to not having a tribunal, whilst there are several disadvantages including:

- Magistrates have no specialized knowledge of residential tenancies law;
- The physical spectre of the ‘court’ detracts from the informality of proceedings; and
- The court has a large workload and high turnover of cases.

Both owners and tenants in the Department of Commerce Review contended that a Tribunal would enable experts in residential tenancy matters to effectively adjudicate disputes and promote a more conciliatory approach to dispute resolution, and both groups suggested that tenants would be more likely to attend a tribunal than a formal court. Tenant advocates and community housing providers continue to raise concerns with tenancy matters being heard at the Magistrates Courts. Concerns include the delays for final hearings and the quality of conciliation at pre-trial hearings which impacts on the quality of the outcomes achieved.

Since the 2008 Review of the Residential Tenancies Act 1987 (WA), the State Administrative Tribunal has been established. The feasibility of moving tenancy disputes to an independent residential tenancies tribunal or the State Administrative Tribunal should be investigated to determine if this remains a better and more cost-effective alternative to the current dispute resolution system.

Conclusion

Shelter WA has provided evidence that:

- housing has the potential and capacity to be a key driver to major cross portfolio reform and potential savings for the Western Australian government;
- the housing portfolio and WA government ‘land bank’ is a multi-billion-dollar asset that could be better optimised in the whole of government approach to housing and human services;
- the housing system is ready for major reform;
- the feasibility of moving tenancy disputes to a residential tribunals or the State Administrative Tribunal should be investigated to determine if this remains a better and more cost-effective alternative to the current dispute resolution system.

Policy Implications:

- The atomised and singular manner in which people with complex compounded needs are addressed by most agencies is extremely costly and counterproductive.
- Early holistic support is crucial for disadvantaged children with cognitive disabilities and/or mental health disorders who are homeless or in unstable housing.
- Provision of skilled disability supported accommodation and education early in life would save significant spending on homelessness and criminal justice interventions later in life.
- System incentives to cost-shift should be eliminated.
- A significant change in the way government human service agencies approach a small but extremely costly group of persons is required. Evidence suggests that robust, holistic, cross portfolio support and intervention responses fit for purpose (e.g. appropriate and adequate disability support with housing) are needed.
• there is an opportunity to facilitate private and institutional investment into affordable and social housing;
• there is an opportunity for significant savings to government through co-ordination and investment by agencies in implementing up-front solutions, rather than focusing on managing problems; and
• this will require strong leadership to implement reforms across some major systems of government.

The benefits of secure, safe and affordable housing chosen by the individual and augmented with suitable health and community supports as required are well documented. They include:

• improved health status, maintenance of symptom stability and overall functioning reducing demand for treatment and care;
• improved sense of belonging and self-worth;
• improved social and economic participation;
• reduced reliance on welfare support and reduced impact on homelessness services; and
• a significant reduction in hospitalisation. Housing is a better predictor of reduced hospital admission than clinical interventions. This delivers cost savings in the areas of crisis, police and ambulance call outs, emergency departments and hospital admission.
References


4. Western Australia. Mental Health Commission, *Mental Health 2020: Making it personal and everybody’s business*, p 20. Surveys estimate that in Western Australia, 43 percent of people in specialised mental health hospital beds could be discharged if housing and/or other appropriate supported accommodation services were available. Mental healthcare service costs for people experiencing homelessness dropped from $US40,451 to $US24,170 per housing unit per year when those experiencing mental illness were given permanent shelter, offsetting 94% of the costs of providing them with the housing in the first place.


12. Community Housing Coalition, (2015) Doing more with what we already have. page 3; This includes social housing for low income earners, affordable housing for people whose incomes do not fall within public housing income and asset eligibility limits along with crises/short term and transitional accommodation for people who are homeless or at risk of being homeless

13. Op Cit, page 6

14. Op Cit, page 4


NRAS homes are located where affordable rental accommodation is most needed, especially in areas where employment, schools and other services are available nearby. NRAS properties can remain in the National Rental Affordability Scheme for up to 10 years (provided they continue to meet eligibility requirements). NRAS rental homes are available to eligible low to moderate income earners.

Queensland, Northern Territory and Western Australia are the three jurisdictions which do not have a specialized Tribunal to deal with disputes under their Residential Tenancies Acts.

Residential Tenancies Act, 1987 (WA) Section 12


I would like to briefly draw the Review’s attention to a number of matters in relation to fines enforcement.

**Fines Enforcement System**

As I indicated, I believe some attention should be directed to the Fines Enforcement area even if it is a recommendation that it be closely reviewed to ascertain what realignment is required in light of the findings of the Service Priorities Review. I was the Director of Court Support Services under the previous Department of Justice and chaired a Review of the Fines Enforcement System which was completed in 2003 (approximately). I believe very few of the recommendations have been implemented because they relate to across government changes that would be required. They may now have more currency as across government considerations are the mandate of your Review.

Some issues for consideration are:

- The ease with which agencies can refer to the Fines Enforcement Registry (FER) rather than make a real attempt to collect an Infringement. We suggested they pay for the referral to FER (as well as add to the cost for the person paying the fine) as the impact on their agency budget to refer matters might increase their incentive to enforce their own Infringement. This is preferable to supporting what is currently a lazy approach to allow matters to drift through the system – unless it has changed since 2003. Once a matter is referred to FER, the matter becomes a court fine as FER has the status of a court. This means that even if it started off as a parking fine which does not have imprisonment as a final penalty, non-payment to FER could result in an arrest warrant being issued and a person being imprisoned.
- There are thousands of people in the community who are unaware they have had their licenses suspended for non-payment of mainly infringements (usually parking fines). This creates significant risks to their personal and financial safety as insurance companies will not cover claims if a person has their license suspended. FER needs to be resourced to be more proactive in contacting people whose licenses have been suspended. Treasury still insists that FER is funded as part of the Justice Department budget bid, which means it must compete with Prisons and other parts of Court services for its staffing. If FER was to be funded directly and funded to have a permanent Call Centre arrangement to make after hours calls to individuals who have been referred to FER they would significantly reduce their lists, recoup funds and spare people the potential disruption of imprisonment of other issues because they were unaware they owed money.
- We also recommended that boat licenses and gun licenses be suspended also as these, unlike cars, were recreational and if they could afford recreational activities they could pay fines. However, this did not appear to be palatable.
- If every court had a Fines Officer, or persons with Fines duties in smaller courts, then a person fined could be offered the opportunity at the court immediately after being fine to develop a payment plan. This would reduce grief later when the person could be struggling to meet the payment of the fine.
- We recommended an amendment to the Prison Act to speed up the exit from prison for fines defaulters but the siloed approach within the then Department of Justice rejected this. It costs the state a significant amount to keep a person in prison but the current system relies on prison as the final point of enforcement.
Email from Joe Calleja – 15 September 2017

- We negotiated an arrangement with Centrelink to have fines paid through their Centrepay arrangement, plus other time to pay arrangements, but these needs to be enhanced to be more front end preventive interventions. Giving the ordinary citizen the opportunity to direct debit payment of multiple government charges through a single source, and including fines and penalties, would assist many people who are struggling to make ends meet. One payment to a single source which is then reticulated as payments to many individual entities would be the best approach.

- The way government is currently structured through legislation allows all agencies to impose Penalties. This means that every year there are government agencies that are generating new penalties which if not paid result in license suspension and ultimately prison if not able to be enforced by FER. I believe there needs to be a Central agency that determines whether a penalty is allowed to be introduced: this will heavily reduce the amount of new penalties introduce which then net widen the numbers of people caught in the fines enforcement system and contribute to the ballooning debt that needs to be recovered. My experience of FER was that the staff worked hard and were efficient but they would never satisfy the perception they were recovering sufficient debt because agencies were unrestrained in creating new penalties, and FER was never sufficiently resourced to prevent people from moving further into the fines system and ultimately prison.

I saw many women fleeing domestic violence being inadvertently caught in the fines system because they fled their homes and correspondence sent to that address went unanswered. Many people with mental health challenges and intellectual disability are at risk of not responding to correspondence hence having licenses suspended, or imprisonment from non-payment of fines. I cannot quantify these, but one is too many. The system needs to be more responsive to the difficulties of these special needs groups and others such as Aboriginal people, migrants and refugees.

I would be happy to assist further if required but I hope the above might at least provide some assistance to the Review in its considerations.

Kind regards

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Shelter WA acknowledges the Aboriginal and Torres Strait Islander peoples as the Traditional Custodians of the land on which we live and work. We pay our respects to their elders past and present.
SUBMISSION TO THE SERVICE PRIORITY REVIEW INTERIM REPORT TO THE WESTERN AUSTRALIAN GOVERNMENT.

12th September 2017.

This submission was written by Linda Savage, Convenor of the Valuing Children Initiative, with the assistance of Deputy Convenor Emma King.

The Valuing Children Initiative (VCI) was established in January 2016. It is an ambitious project that seeks to inspire Australians to value all children, understand that a child’s wellbeing is the shared responsibility of the entire community and ensure children are at the forefront of our considerations. www.valuingchildreninitiative.com.au
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The Valuing Children Initiative (VCI) acknowledges the work of the Service Priority Review’s *Interim Report to the Western Australian Government*. This submission is focused on two aspects of that report; “Building a public sector focused on community needs”, one of the *Four Directions for Reform*, and the “Whole of Government Targets”.

**Building a public sector focused on community needs.**

The tendency to focus on the short term, and the inability to govern for the future, has been identified by the Oxford Martin Commission for Future Generations in its report ‘*Now for the Long Term*’ as characterising much of modern politics in democratic countries such as Australia. The report has called for a radical shakeup in politics and business to embed longer term thinking in order to create a more resilient, inclusive and sustainable future. In particular it urged decision makers to be innovative, and reinvigorate how institutions work to better serve the needs of those too young to vote, as well as younger generations.

The Terms of Reference for The Service Priority Review makes specific reference to the need for innovation to ‘deliver transformative public policy and service delivery that is different, better and lower cost’.

The *Interim Report to the Western Australian Government* (the report) notes also that the focus on the short term, and the demands of ‘urgent issues of the day’, act as barriers to reform, desired budget repair and better services for the community.

A focus on the short term has been identified as damaging to economic reform and efforts to address issues such as climate change. Yet the damage it does to policy settings for children is rarely mentioned, despite the fact that there is only once chance at childhood, and this influences so much of a person’s future.

For children this short termism impedes policy development, as well as the continuity of the provision of services and resources. Children and future generations of children have a special interest in long term thinking, given that they have most or all of their lives before them.

For children, innovation and risk taking compliments the longer term view because focus on the short term instils a crisis driven and reactive response rather than a preventative approach that is of most benefit to a range of challenges children face.

The public sector works within frameworks that are decided by parliament, including annual budgets and a four year parliamentary term. Cultural change led by government is essential to support the public sector in confidently embracing longer term thinking and the innovation it would allow. It is notable that in a number of countries and states legislation and processes have been put in place specifically to counter the focus on the short term and to recognise the rights of children who cannot engage directly in the democratic process as well as future generations. For example *The Well-being of Future Generations (Wales) Act 2015*, requires public bodies listed in the Act to think more about the long term, work better with people in communities, focus on preventative approaches and take a more joined up approach. Public bodies must also take into account the impact decisions could have on people living their lives in Wales in the future. In Finland ‘The Committee for the Future’ is a permanent standing committee of MPs in the Finnish Parliament representing all parties that deliberate about matters affecting future development, research and the impacts of technological development, to guard against short sightedness by government. In addition in Finland, embedded in some government agencies are ‘foresight units’ to help create a culture where ideas are valued, especially new ones.
The Oxford Martin Commission has also pointed to the need for far more attention to be given to economic modelling as part of reform of government processes, in particular discounting, that is used to calculate the future value of something today, and which too often, ‘…give(s) less weight to the worth of future generations.’ The report argues that this amounts to discrimination against future generations, and is a consequence of children’s lack of political or immediate economic value or economic influence.\textsuperscript{vi}

The Government, and the public sector as the organisation with the biggest budgets and employed staff, could be described as the lead problem solving mechanism in society. For children they have the capacity to play an unparalleled role in addressing short termism, as well as children’s lack of political agency, both through cultural change and through the innovation that is referenced in the Terms of Reference of the Service Priority Review.

The VCI believes that reform of the public sector can occur as the government strives to implement a more effective approach to the provision of services to the community and a reduction of the unnecessary use of public resources through innovative policy.

\textbf{Innovation}

The \textit{Interim Report to the Western Australian Government} also acknowledges that the ‘design and delivery of human services, in particular, should involve input from the customer so that services are tailored appropriately and are place based’.\textsuperscript{vii}

Children in Western Australia make up nearly one quarter of the population. Unlike adults they are unable to exercise their rights as citizens by voting. In addition they are rarely able to personally advocate for their needs and must rely on adults to advocate on their behalf for their fair share of resources, their rights and needs\textsuperscript{viii}.

Innovative policy, can not only benefit children individually but as is now well understood, reap the budgetary efficiencies that the government is seeking over the long term.\textsuperscript{ix}

The VCI has made a number of policy recommendations including the instigation of a rigorous and transparent process to ensure that all policy, legislative and decision-making processes actively considers the impact on children and future generations.\textsuperscript{x \ xi}

This would ensure that children, who cannot vote and are excluded from influencing the political process, have their interests explicitly considered.

\textbf{Impact Statement}

Considering the impact on children, as well as the compatibility of legislation and policy with the UN Convention on the Rights of the Child, should be an explicit process during the development of legislation and policy across all portfolios.

An impact statement would provide a mechanism to embed medium and longer term thinking and encourage understanding, that consideration of the impact on children and future generations by decision makers, is integral to sound decision making.

This process should include the views of children whenever possible\textsuperscript{xii}, risk analysis for vulnerable children and be evaluated should be reported on. Considering the impact on children and future generations of children should be integral to sound decision making.
Whole of Government Targets

The VCI believes that a priority Whole of Government Target should be the well-being of children and future generations, beginning with a State Plan for all children\textsuperscript{xiii}.

State Plan for West Australian’s children and a Minister for Children and Future Generations.

State Plan

On 29\textsuperscript{th} of September 2016, the VCI wrote to all State MPs calling for a State Plan for children.\textsuperscript{xiv} During the March 2017 election campaign the VCI advocated for the development of a comprehensive State Plan to ensure all children get a good start in life and appropriate services when needed throughout childhood\textsuperscript{xv}.

Currently there is no comprehensive plan or vision for the children of Western Australia despite the often expressed concerns for children, and the new challenges they face, receiving regular media coverage and being the subject of significant academic attention. Current policy is fragmented and inefficient. There is a strong moral, as well as economic case for a State Plan to address this, as well as to recognise the inherent vulnerability of children of all ages. This would be in accordance with the UN Convention on the Rights of the Child which was founded on the belief that children under 18 years of age often need special care and protection that adults do not.

A Minister for Children and Future Generations

The Valuing Children Initiative Benchmark Survey: 2016 found that nearly 50% of survey respondents believed that governments give too little consideration to children. Over half of those surveyed supported the appointment of a Minister for Children and Future Generations.\textsuperscript{xvi}

The VCI believes that the appointment of a dedicated Minister for Children and Future Generations is necessary to drive a greater focus on children and is essential to the policy innovation of a State Plan.

To date, Ministerial portfolios that provide services to children, and focus on aspects of children’s needs, have been unable to ensure the safety and wellbeing of significant numbers of children and have struggled to address the new challenges that children of today face.\textsuperscript{xvii}

A Minister is required to ensure that there is a dedicated voice for children, just as dedicated Ministers for Women were appointed to advance gender equality and improve the lives of Australian women.\textsuperscript{xvii} Not only would it ensure a clear line of responsibility for children, it would also be a tangible sign of the value placed on all children and future generations of children, as well as their rights and needs.

The development of a State Plan should be led by a Minister for Children and Future Generations. The Minister should lead the co-design process in consultation with all stakeholders, including children and young people.\textsuperscript{xix}

The Minister for Children and Future Generations should establish and oversee a cabinet subcommittee to ensure better integration, and continuity, of policies across portfolios with responsibly for children to ensure a whole of government commitment to the state plan.

The VCI has previously called for the establishment of a set of measurable goals and outcomes for all children in Australia (or Western Australia), determined by independent
experts and with reference to the Sustainable Development Goals, to guide policy development, and against which outcomes are measured every two years and reported on to parliament.

References


xi Article 12: United Nation Convention on the Rights of the Child. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

xii Children are defined as those up to and including the age of 17 years old.


xvi Amongst the 42 Ministers and Parliamentary Secretaries of the 45th Turnbull government, not one portfolio includes the word child. The need to give special consideration to the needs and rights of specific sectors of society is recognised by the Ministerial positions responsible for Women and Veterans for example. Amongst the 17 Ministerial Portfolios of the McGowan Government (Western Australia) there are separate Ministerial Portfolios for Child Protection and for Youth. There is no dedicated Minister for Children although there are for Seniors and Women, notwithstanding that the special rights of children have been recognised since the 1959 Declaration of the Rights of the Child because of their inherent vulnerability, and the recognition of their distinct rights in the 1989 Convention on the Rights of the Child.


WACOSS Response to the Service Priority Review

Major Themes

Introduction
The Western Australian Council of Social Service (WACOSS) welcomes the opportunity to contribute to this review of the public sector’s role and effectiveness in service delivery in WA on behalf of the community services sector and the disadvantaged and vulnerable citizens we support. We appreciate the manner in which the Service Priority Review Panel have reached out to consult and engage with us in undertaking this review on a very tight timeline.

The first theme of the Service Priority Review poses the overarching question - How can we build a public sector focused on community needs and open to new ways of working? From the point of view of the community services sector, we believe there are two key elements to any answer. Firstly, the fundamental driver for public sector reform needs to be on public service in the deepest sense. The citizen needs to be at the centre, and the focus needs to be on securing real and meaningful community outcomes. This service should be about responding to the needs and aspirations of the public as they identify and prioritise them, not about merely providing limited and grudging access to the services and supports we decide are important or in their best interests. We also need to remain cognisant of the fact that citizens are members of families and communities, not isolated individuals and so effective support services should look how to link in with and make the most of local and informal support mechanisms – strengthening community connectivity and resilience, not displacing it.

Secondly, a public service that is truly focused on how it can best serve the community must be working in partnership with the community services sector. This relationship needs to be based on mutual respect, an appreciation of our differences and strengths and the complementarity of our roles. Mission driven-community-based organisations can be a bridge between government and communities, particularly disadvantaged and vulnerable cohorts where issues of trust and power can limit honest and open engagement. Governments should have their own engagement mechanisms and feedback processes to support and encourage direct consumer participation, as well as supporting and encouraging community organisations and consumer advocates to facilitate citizen engagement in the co-design, co-production and co-evaluation of services and supports. Agreeing a common set of principles and practices based on our shared commitments can provide a basis for ensuring our expectations are aligned and realistic. WACOSS is currently developing and testing a Co-design Toolkit based on direction and oversight from the Partnership Forum, a series of workshops involving both public and community sectors, and evaluation of recent WA co-design case studies. [see page 37 below].

One key challenge is that open and effective consumer participation takes time and resources – it can be tempting for government agencies and service providers to think they already know what is needed, or that existing consultation processes and data provide sufficient information on community or cohort needs and aspirations. Furthermore, political decisions to invest in new programs and services often come with tight timelines for implementation – but we should not let the desire to start making a difference get in the way of the need to ensure we are delivering services efficiently and effectively.
When we are looking to transition to more integrated service models supported by longer service contracts (e.g. five years or more), we need to get the balance right in committing to and trialling place-based cross-government service co-design and co-evaluation processes. We need to ensure we have the capacity and time to do things properly and so should avoid trying to run out too many new services at once, spreading ourselves too thin and failing to learn the lessons along the way. Service providers and consumer organisations can lack the capacity to respond effectively if funding agencies suddenly announce a whole range of consultation and co-design processes for lots of small programs all occurring within a short period of time.

Finally, we remain focused on the fact that we are all entering into processes of review and reform, service design and community development in good faith and in recognition of our different and often complementary strengths, interests and responsibilities. We recognise and appreciate the contribution that can and should be made by a committed and well-organised public sector with a clear sense of purpose and public responsibility. Community sector leaders have become increasingly concerned by the trends we have seen within governments (particularly at the national level) that appear to be seek to devolve, abrogate and displace their responsibility for the delivery of community outcomes through public services and resource redistribution onto market mechanisms and individualised blame. Western Australia’s vibrancy and prosperity owes a great deal to the success of the post-war welfare state, and shifting to an increasingly ‘Americanised’ approach to community governance will not serve us well in preparing for a future where the well-spring of our prosperity must shift from our natural resources to our human ones. We need to be investing now in our future through our children to build a brighter and smarter future in the West where no-one is left behind.

Consultation Process

WACOSS has sought to facilitate as wide engagement as possible with our sector during this period, and have shared information and coordinated input with other community sector peak bodies through the WA Peaks Forum. We have shared all available information on the review through our networks with the other community peaks, our members and through our other advisory committee processes. We are pleased by the manner in which a number of peak bodies have been able to dedicate time and resources to contribute to the review process, and their submissions, analysis and advice is included and acknowledged below (see Appendix 2). In particular, WACOSS would like to acknowledge National Disability Services WA, Shelter WA, the Western Australian Network of Alcohol & other Drug Agencies, the Southwest Metropolitan Partnership Forum, and the Youth Partnership Project for providing submissions to inform and support our response to the major themes of the Service Priority. Peak bodies have also shared with their members the online survey we developed in response to the three major themes and list of questions the panel circulated to us in May (see Appendix 1) and provided feedback on many of the key issues discussed in this submission.

While WACOSS has also shared this information with our regional members and included discussion of the review as part of a number of regional forums during the review period, we have not had the time and capacity to undertake the kind of regional consultation processes we consider desirable and appropriate. The delivery of services in regional Western Australia is particularly challenging, the needs of our regional communities and the capacities of their local services vary greatly, and it is clear the development of place-based approaches to more efficient and effective regional service delivery is a major priority for the review. WACOSS has recently commenced regional and sectoral consultations in preparation of our 2018/19 Pre-Budget Submission, which will continue through July and should feed into our response to the Panel’s draft report in August. We are including the major themes and key issues
raised by the review as part of this consultation process, and also taking to heart the panel’s request to us to seek practical examples and case studies of best practice initiatives in WA. We have included a number of case studies in the submission below and will endeavour to source and share more as they become available.

About the Community Services Sector

The Western Australian Council of Social Service is the leading peak organisation for the community services sector, representing approximately three hundred member organisations and affiliates, and the many organisations across the state involved in the provision of services to the community.

The Council is part of a national network consisting of the Australian Council of Social Service (ACOSS) and state and territory Councils of Social Service. Our national coverage strengthens our capacity to represent state interests.

We speak with, and for, the 515,000 West Australians who regularly access community services each year, whose voices and interests need to be brought to the attention of government, decision makers, media, business and the wider community. The Council also works to strengthen the capacity of individuals, communities and organisations in the not-for-profit community services sector by providing training, consultancy and sector development activities.

It should be noted that the not-for-profit sector plays a role distinct from that of the public or private sectors. Not-for-profit organisations are established to pursue a purpose or a mission, not for the pecuniary benefit of their members or individuals. The profit generated by the organisations is retained to support its’ mission and beneficiaries, rather than be distributed to shareholders or owners. The community service sector is primarily made up of charitable and not-for-profit organisations, who also provide services in health, education and other services sectors in WA. Mission-driven and community-based service providers are increasingly involved in the front-line delivery of human services in Australia and internationally. They are increasingly a source of innovation in the delivery of more flexible and responsive services. We believe that the panel needs to ensure it considers not-for-profit services as well as public and private ones in its consideration of the major themes of the Service Priority Review and the opportunities for better services and outcomes.

Government is a significant procurer of the services provided by the not-for-profit sector, but not the only source of funding, program design or policy. The community sector is not an arm of the public sector, but it is responsive to and keen to support public sector reform and better social policy. It is a partner in driving positive outcomes for the community and addressing need. Through its relationship with government, the community services sector is placed in a unique position of witnessing and experiencing the ways in which government departments, services and contracts interact and impact on community. We believe we can play a critical role as partners in change, supporting cultural change within the public sector and facilitating greater engagement with service users and their communities.

At the same time, it is important to appreciate that front-line community services are often much more than the sum of individual public sector service funding programs and reporting requirements, and that a significant amount of service design and integration occurs within and between community service providers using multiple funding sources to deliver integrated place-based services. We believe there is a significant opportunity for the review to consider how reducing the duplication, overlap and unnecessary complexity of existing program funding models can enable more joined-up, responsive and flexible service models that are place-based and outcomes driven. In doing so, there is a significant opportunity
to reduce administrative costs within both public and community service sectors, but ensuring transparency and accountability for service quality and outcomes are critical to ensuring the best on-the-ground outcomes.

Transition Strategy

The process of amalgamating and re-directing existing Departments, reviewing and redesigning services, and pursuing other reforms to service delivery is likely to take some time and effort. We need to ensure that there is continuity of essential community services during what are likely to be complex and time-consuming review and reform processes. To this end, we have recommended to incoming Ministers that there needs to be a transition strategy for existing service contracts likely to expire during the review and reform period, so that disadvantaged and vulnerable Western Australians do not ‘fall through the cracks’ in the interim (and services do not become unsustainable or lose skilled staff).

The Council notes that there are likely to be places where current reform processes are already underway that are supported by the sector and align with WA Labor’s Supporting Communities reform directions. We do not necessarily want to stall their progress, lock in place existing dysfunctional arrangements or lose momentum and goodwill on current reform processes while considering (further) reforms. Examples may include the Connecting Communities for Kids joint-commissioning initiative in Cockburn/Kwinana (early childhood services), the Early Intervention Family Support strategy and capacity building for Aboriginal community-controlled family support services (child protection and family support services), the Aboriginal Youth Services Expenditure Review and initiatives in the Mirrabooka and the Midwest (youth services), and some of the youth justice reforms. Consideration should be given to how ongoing reform processes might be given some in principle commitment and supported to proceed, while ensuring there are opportunities for ongoing alignment with emerging initiatives and reform directions.

At the same time, there is concern that some Departments are rushing to put to competitive tender existing services without any engagement with the community service sector, alignment with the reform directions and commitments of the incoming government or compliance with the Delivering Community Services in Partnership Policy. It would be unfortunate if a significant proportion of ongoing funding for community service delivery was locked into five year contracts before the new government was able to consider the findings of the Service Priority Review and put in place its commitments to outcomes-based services and collaborative funding processes, precluding the opportunity to progress reform in a timely fashion.

To enable meaningful reform of government practices and services to occur without causing hardship for existing providers or service users, it is crucial that the following principles are followed:

• Commit to a clear transition strategy to ensure continuity of essential community services during any review period.
• Ensure the community services sector are consulted about the design and implementation of transitional arrangements.
• Ensure contract extension arrangements allow sufficient time and certainty for review processes and provide sufficient time for service transition or wind up if or when new arrangements are put into place.
• Identify agreed areas where ongoing reform processes can continue – without limiting the possibility for additional improvements and reforms arising from the reviews.
• Avoid locking in long-term service contracts for ongoing services during the review process where this precludes reform and does not align with the intent of policy and reform commitments.
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Recommendations

Theme 1: Customer-focused and Outcome-based

CITIZENS AT THE CENTRE

- Put the citizen at the centre of whole-of-government reform processes.
- Recognise that a focus on citizens is more than a focus on individuals and commit to community development processes that build inclusive and resilient communities, by facilitating and supporting local initiatives, active participation, volunteering and peer support.
- Provide simple, meaningful and effective mechanisms for service user feedback and evaluation of how effective services are in meeting their aspirations and agreed outcomes.
- Ensure service users, carers, families and those with lived experience are meaningfully engaged in the co-design and co-evaluation of services outcomes and support models.
- Use the biennial Our Communities report as an opportunity for genuine community participation. Consider how to undertake a survey of community needs, priorities and aspirations as part of the report.

SERVICE INTEGRATION

- Put in place mechanisms for community service providers who are already delivering integrated service models based on funding from multiple programs, and departments to agree a single reporting framework and negotiate simpler funding arrangements moving toward a single contract.
- Review existing integrated services to see where there are opportunities to develop cross-government programs and (pooled) funding models that deliver better outcomes and reduce administrative complexity.
- Develop a whole-of-government service integration policy that puts in place agreed definitions, principles and practices.
- Develop a framework and practice guidelines for co-designing and jointly commissioning place-based service integration, through trials with Regional Managers Forums in partnership with local community services.
- Ensure that all co-design and joint commissioning processes are data driven and based on the best information currently available on community and cohort needs and previous service evaluations, consistent with WA open data policy.
- Given the findings of the AYSIR about the fragmented short-term nature of youth services, lack of agreed service outcomes and the large number of government departments providing small amounts of funding, youth services should be a priority for trialling the joint commissioning of integrated service models (particularly for at risk cohorts).
- The early years (including early childhood development and care, parenting and family support services) is an excellent area to trial place-based joint commissioning approaches, given the existence of a well-developed outcomes framework (AEDC), strong community buy-in to initiatives and existing trials in Cockburn Kwinana local government areas.

PLACE BASED APPROACHES

- Commit to and resource a series of trials of place-based joint commissioning, starting in one or two areas where there is the local capacity and good-will, as well as good information on community and cohort need.
- Ensure there is a strong governance model and community engagement process to drive trials and initiatives of place-based approaches in regional areas.
• Address existing barriers to cross-government service integration and joint commissioning approaches, particularly decision making and accountability about program funds, service reporting and evaluation
• Build the culture and capability of the public and community sectors to develop and implement place-based integrated service models
• Ensure whole of government reforms including KPIs for Departments, Directors General [and Ministers] support and enable cross-government approaches, shared funding and accountability mechanisms
• Ensure service users and service providers are partners in the co-design and evaluation of place-based integrated services
• Empower Regional Managers Forums to become regional ‘partnership’ forums:
  o RMFs to include local community sector leaders as equal partners (consistent with the partnership principles and behaviours
  o RMFs to be responsible for the oversight of place-based trials and reforms
  o RMFs to be resourced for collaboration, including appointment of senior managers with the capacity to enact cross-government decisions
  o Significant delegation to RMFs from Government to progress place-based regional service integration (i.e. pooled funding and shared accountability)
  o Share the learnings across RMFs through exchanges, case studies, networking and conferencing.
  o Ensure direct ongoing links between the RMFs and the Supporting Communities Forum

EARLY INTERVENTION

• Develop and resource a cross-government project on the evaluation of early intervention strategies and service models, to explore design, efficacy and effective targeting, quantify the long term savings, and identify the ‘sweet spot’ of when and who to most effectively intervene
• Prioritise efforts to reduce the number of Aboriginal children in out of home care and Aboriginal youth in juvenile justice in partnership with Aboriginal community-controlled services
• Co-design an evidence-based strategy and pilot a diversion and intensive family support model to implement the WA Labor commitment to the 120 Families project
• Implement the recommendations from the Enhancing Laws Concerning Family and Domestic Violence Inquiry, including non-legislative recommendations.
• Develop a whole of government early childhood strategy to put in place the most efficient and effective combination of universal, secondary and intensive services and supports to best respond to developmental vulnerability and deliver the best return on investment through the life-course.
  o Build capacity and coordination across CPCs
  o Fund the coordination of Early Years Networks to improve collaboration and outcomes across early childhood education and care services.
  o Act on the review of parenting programs
• Trial an intensive family support strategy diverting youth from our justice system
  o Repeal mandatory sentencing laws
  o Provide alternative options for fine defaulters to reduce imprisonment for unpaid fines
  o Improve and increase access to rehabilitation services, including for those on remand or with short term sentences
  o Ensure timely access to effective post release services and continuity of care for people returning to communities
  o Invest in culturally appropriate early intervention programs and Aboriginal-controlled services
o Implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody

OUTCOMES FRAMEWORKS

- Ensure the community sector is an equal partner in the co-design of outcomes frameworks
- Build the capacity of the public and community sectors to measure collective impact and evaluate service efficiency
- Implement funding and accountability processes within government to ensure that rigorous data-driven service evaluation drives funding decisions
- Create a cross-government social policy evaluation and research unit to drive consistency in reporting and evaluation of outcomes.
- Put in place timelines and processes for service evaluation and commissioning processes that are transparent and timely and encourage continuous service improvement.
- Ensure outcomes frameworks are evidence-based.
- Ensure the Our Communities biennial report is an open [three-way] collaboration synthesizing reporting from Departments, Sector Peaks [and independent research institutions].
- Extend the Partnership Forum EIFS Outcomes Framework from its application in earlier intervention family support to provide a guiding and reporting framework across all human services.

Theme 2: Adaptable Workforce

RELATIONSHIP WITH GOVERNMENT

- Ensure high level leadership of engagement with the sector at a Forum directed and supported by the Premier or Treasurer, with a strong independent chair and a key role for central policy leadership in DPC.
- A renewed Partnership Forum is only one of the mechanisms through which this relationship is expressed and reforms can be progressed. There needs to be a range of mechanisms to enable more effective engagement and implementation at regional and local levels, and with a wider range of stakeholders.
- A core problem is that the existing Forum has become increasingly less effective due to the combination of lack of capacity to drive change across Government, not having key players at table, and lack of capacity and resourcing to enact decisions. A new model for the Forum needs to address these issues.
- Develop KPIs for the Forum linked to the DG’s and Departmental KPIs (and vice versa) consistent with Mark McGowan’s 20/20/20 reforms and the Our Communities reporting framework.
- Continue and build upon existing agreed principles and behaviours within the existing partnership policy, but with increased commitment to cross-government implementation, including in all contract and tendering processes.
- Incorporate a range of workshop and facilitated discussion processes to support wider engagement across both sectors in addition to the current meeting format.
- Get the right balance in Forum membership – target diversity, capacity and merit, while ensuring the Forum isn’t too large to be effective.
- Provide sufficient resources (secretariat and project), including for Peaks to engage more broadly with their sectors on initiatives and policy development.
COMMUNITY SECTOR WORKFORCE DEVELOPMENT STRATEGY

- Develop a **community services workforce development strategy** in conjunction with the community sector, unions and teaching institutions that addresses the growing demand for services and workers.

ABORIGINAL HUMAN SERVICES WORKFORCE DEVELOPMENT STRATEGY

- Develop an **Aboriginal workforce development strategy** that provides incentives and support to increase Aboriginal employment in human services contracts.
- Support the development and build the capacity of **Aboriginal community-controlled organisations** to deliver community services, measure and report on service outcomes.
- Ensure **service procurement processes** support the development of ACCOs and that service contracts enable **partnerships** between ACCOs and mainstream service providers to build capacity and **transfer responsibility** for service delivery over time.

Theme 3: Systems and Processes

WHOLE OF GOVERNMENT REFORM

- Develop guidelines and resources for cross-agency and **cross-disciplinary co-design**
- Build the **culture and capability** of the public and community sectors to develop and implement place-based integrated service models

DATA LINKAGE

- Release the **WA Open Data Review Report** by the WA Chief Scientist
- Pursue **reforms** to make data more accessible and affordable for researchers, government and the community, including legislative changes to establish an **independent authority** and a centralised **data repository** or data commons
- **Fund data collection** on service outcomes as part of service contracts
- Use **shared outcome frameworks** to drive cross-government outcomes as part of the **Our Communities** reporting and place-based integrated service reforms
- Ensure **data linkage and analytics** is central to the reformed Partnership Forum / **Supporting Communities Forum**

CONTRACTING FOR COLLABORATION

- Put in place clear KPIs at both upper and middle management levels in the public service to drive a genuine commitment to the **Delivering Community Services in Partnership Policy**, place-based reforms and co-design processes.
- The implementation and commitment on a state level to the **Principles for a Partnership-centred approach** when putting program funds to tender and engaging in delivery of services of development initiatives in Aboriginal and Torres Strait Islander Communities.
- The WA Government **review current contracts** to assess the likely effect of the ERO on service delivery levels, sustainability of programs and service providers and seek to reduce the risk to sustainability of organisations.
- Adopt the recommendations of the report authors that provide practical guidance on **assessment**, including the use of an **indicators of sustainability tool**.
- Identify and commit **funding** to ensure continuity of service delivery where necessary.
EVIDENCE-BASED SERVICE EVALUATION, ROLE OF CONSUMERS & COMMUNITIES

- Facilitate the better sharing of experiences across different programs, services and portfolios through the development of good practice guides.

SOCIAL HOUSING AND HOMELESSNESS

- Continue to encourage and support innovation in homelessness services, including better integration between short-term and longer-term housing solutions.
- Develop a community housing policy and growth strategy that provides greater strategic direction to enable specialisation, innovation and investment.
- Co-design in partnership with the community housing and service sector a one-stop shop for all housing and homelessness assistance and tenancy support needs with a shared assessment framework and database at its core.

DISABILITY SERVICES

- Develop a framework to measure outcomes and to influence funding allocations.
- Develop a strong evidence base to support the delivery of better human services outcomes in Western Australia including investing in the development of a critical data mass (and data linkage policy) to inform decision making and drive efficient investment decisions. The development of a strategic data asset creates a line of sight between organisational and market outcomes and quality of life outcomes for people with disability and as such connects the interests of consumers to the sustainability of the supply side, and to government policy settings.
- Collaborate and partner with the WA disability sector in the co-design and implementation of quality services including embedding a high-level mechanism to oversee reform in the sector and aligned sectors.
- Focus on developing service integration across key related portfolio areas of health, disability, justice, housing, education, training and employment.
- Invest in collaborative service models which must demonstrate service integration including the piloting of models in targeted priority areas.
- Explore opportunities for co-location of human services and government facilities.
- Invest in a workforce development strategy to meet projected need, particularly in relation to the delivery of the NDIS in WA.
- Invest in building a strong disability sector that provides increasing and diverse choice for people with disability across WA, including regional and remote, and in particular through the WA Disability Services Industry Plan that will provide a clear pathway outlining where the sector is now and how it can best make the transition to where it must be at full NDIS roll out.
- Invest in partnership with the Commonwealth to implement the agreed national NDIS Quality and Safeguarding Framework and supporting ICT system infrastructure.

CONSUMER PROTECTION AND ADVOCACY

- Fund independent energy consumer representation in Western Australia, with a focus on undertaking research, policy and advocacy work that promotes the wellbeing of particularly disadvantaged and vulnerable people.
Theme 1 – Customer-Focused and Outcomes-Based Service Design and Delivery

Citizens at the Centre

In Theme 1, the Service Priority Review poses the question as to what new or innovative methods could the public sector use to make sure the community has access to the government services it needs (Question 1.5). Fundamentally, that question is answered by putting citizens right at the centre of service design and delivery. Services need to take a strengths-based approach to build on the capacity and aspirations of individuals and families to deliver meaningful outcomes. Families experiencing complex need and entrenched disadvantage are already strong in important ways, but we need to get behind them to make them stronger – especially in the face of inter-generational trauma. We need to recognise the critical role that stronger families can play as the primary source of support and care for those facing significant life challenges. Co-design processes that engage service users and those with lived experience of overcoming disadvantage can play a critical role in making our services smarter.

Community plays a crucial role in assisting individuals and families to respond to and overcome life challenges. Community and culture are key sources of strength and resilience for Aboriginal families seeking to overcome a history of exclusion and disadvantage. Our community has become more unequal in recent years, with increasing numbers left behind during the boom struggling to keep up with the cost of living and at increasing risk of financial hardship. We need to rethink how we prioritise the policies and supports that provide the social safety net we all rely on one way or another on our journey through life – to support and enhance the resilience of our most vulnerable. The Our Communities report could provide an opportunity to actively reach out in novel and engaging ways to encourage input from citizens that captures what they most value about their communities, what kind of community they aspire to build, and how we might work together to make those dreams a reality. A good model for this kind of consultation and engagement are the voice of children and youth reports undertaken by the Commissioner for Children and Young People.

In tightening economic times with a global economy that is sluggish and increasingly resource limited, we need to reflect that it is by supporting and engaging those most excluded from our economy and society that we will give the greatest boost to our productivity in the longer term to create the best of all possible futures.

Recommendations:

- Put the citizen at the centre of whole-of-government reform processes
- Recognise that a focus on citizens is more than a focus on individuals and commit to community development processes that build inclusive and resilient communities, by facilitating and supporting local initiatives, active participation, volunteering and peer support.
- Provide simple, meaningful and effective mechanisms for service user feedback and evaluation of how effective services are in meeting their aspirations and agreed outcomes.
- Ensure service users, carers, families and those with lived experience are meaningfully engaged in the co-design and co-evaluation of services outcomes and support models
- Use the biennial Our Communities report as an opportunity for genuine community participation. Consider how to undertake a survey of community needs, priorities and aspirations as part of the report.
### Integrated Services

When considering examples of service innovation (Question 1.5), as well opportunities for collaboration in designing and delivering public services (Question 1.4), the clear candidates are service integration and place-based collective impact.

Service integration and place-based collective impact approaches offer significant opportunities to redirect fragmented program and service funding to deliver more joined up and transformative outcomes, and to reduce the burden of managing and reporting against multiple service contracts to deliver a single on-the-ground support service. Youth services provide an excellent example of where fragmented and short-term funding and a lack of measureable outcomes continues to hold us back, as demonstrated in the findings of the Aboriginal Youth Service Investment Review (AYSIR).

Effective outcomes for those with complex needs, entrenched disadvantage and a history of trauma will not be achieved within one department or portfolio alone, but require an integrated approach across our service system. Place-based collective impact models, cross-agency co-design processes and joint commissioning strategies can be challenging, time consuming and resource intensive but they are essential to achieve improved outcomes. We should not simply be pursuing service integration or reform for its own sake, but actively targeting our efforts to where they will make the greatest difference for our most marginalised citizens – and ensure the greatest return on investment for limited service funding. We need to be measuring the impact of these interventions so we can determine whether our efforts are proving cost-effective and demonstrating measurable longer-term savings across our service system.

Service integration and place-based collective impact are the focus of the current phase of reforms, embodied in the AYSIR, Regional Human Service Reforms (RHSR), and the Connecting Communities for Kids pilot in the Cockburn Kwinana region (CCK). These reforms are focused in areas where there is complex need and entrenched disadvantage, where comparatively small cohorts are accessing multiple services and supports (at significant cost), but still achieving poor outcomes. The assumption is that more integrated wrap-around services can address the underlying causes of dysfunction and deliver transformative life outcomes – but we need a mechanism to fund, jointly commission and collectively design these services. Other collaborative community-based initiatives include the Youth Partnership Project and Armadale Youth Intervention Project as well as the Not In Our Town project on the Dampier Peninsula.

WA Labor’s **Supporting Communities** policy commits to:

- Work with the community services sector to breakdown barrier between government and stakeholders
- Streamline procurement processes and cut red tape for the community sector
- Improve funding security and trial more collaborative (less competitive) funding models
- Deliver an agreed-upon framework to measure outcomes across the community services sector
- Produce a biennial Our Communities Report

The first three points can be dealt with effectively in the context of the **Services Priority Review by** engaging with the community services sector to implement place-based collective impact models, cross-agency co-design processes and joint commissioning strategies, as discussed above. The last two points can be addressed by jointly developing a whole-of-government and whole-of-sector outcomes framework that drives shared reporting for the biennial communities report.
We note that there are many current examples where individual service providers are already bringing together funding from multiple government departments, programs and grants to deliver a single integrated service. In these circumstances it should be possible to introduce a process across government to agree a single set of service outcome measures that the community service provider reports against across these contracts, and to review funding arrangements with a view to amalgamating existing arrangements into a single aligned contract over time. This would reduce administration and reporting for both public and community sectors, and provides an opportunity to co-develop funding programs driven by community service needs rather than departmental structures.

**Recommendations:**

- Put in place **mechanisms** for community service providers who are **already** delivering integrated service models based on funding from multiple programs, and departments to agree a **single reporting framework** and negotiate simpler funding arrangements moving toward a single contract.
- Review existing integrated services to see where there are opportunities to develop **cross-government programs** and (pooled) funding models that deliver better outcomes and reduce administrative complexity.
- Develop a **whole-of-government service integration policy** that puts in place agreed definitions, principles and practices.
- Develop a **framework and practice guidelines** for co-designing and jointly commissioning place-based service integration, through trials with **Regional Managers Forums** in partnership with local community services.
- Ensure that all co-design and joint commissioning processes are **data driven** and based on the best information currently available on community and cohort needs and previous service evaluations, consistent with **WA open data policy**.
- Given the findings of the AYSIR about the fragmented short-term nature of **youth services**, lack of agreed service outcomes and the large number of government departments providing small amounts of funding, youth services should be a priority for trialling the joint commissioning of integrated service models (particularly for at risk cohorts).
- The **early years** (including early childhood development and care, parenting and family support services) is an excellent area to trial place-based joint commissioning approaches, given the existence of a well-developed outcomes framework (AEDC), strong community buy-in to initiatives and existing trials in **Cockburn Kwinana local government areas**.
Place-based Approaches

WACOSS believes that, if done well, a place-based approach to commissioning integrated services can significantly reduce duplication and administration costs while delivering better outcomes for our communities.

The areas where there is the greatest potential for a collaborative approach to service integration to deliver significant outcomes are the regional, youth and early year’s reforms pursuing place-based collective impact models. While there is strong high-level commitment to these reform processes, and work has been underway to identify reform opportunities and to engage regional human service managers’ forums and local community service providers – we have yet to see any significant progress in the joint commissioning of cross-disciplinary integrated service models.

Building on our experience to date and learning from the Connecting Communities for Kids pilot, there are arguably three things that need to happen to enable the joint commissioning of place-based integrated services. First, we need to build the capability of both public and community sectors so that contract managers and service coordinators have the capacity to deliver integrated services. This requires both the development of processes and procedures as well as a change of culture and practice in both sectors. Regional human service managers need clear direction and support from their departments that empowers them to make decisions if they are to effectively engage in these collaborative processes.

Secondly, we need to ensure there is a mechanism to allow the combining of resources across existing programs and departments to commission integrated services. The shift from accountability for individual program budgets with specified deliverables to a wider accountability for achieving strategic outcomes has been a critical component of the mechanism of government reforms in New Zealand. Within Government agencies this has enabled greater budgetary flexibility linked to increased accountability for achieving population and cohort outcomes and targets. There is clearly a role for Treasury in supporting and enabling a pooled budgeting and contracting model that supports place-based service integration, with clear reporting and due diligence.

Thirdly, we need a clear model of decision making and accountability for the joint commissioning process. This requires agreement of a shared outcomes framework against which services are commissioned, report and are measured and hence a shared reporting and accountability process. While

### Connecting Communities for Kids Case Study

Connecting Communities for Kids (CCK) is an initiative overseen by the Joint Commissioning Committee Partnership who provides overarching governance and the Joint Leadership Team that has operational responsibility for the initiative. The Project aims to improve the health and wellbeing of children in the Cities of Cockburn and Kwinana by 2024, measured by Australian Early Development Census (AEDC) outcomes. The project is also demonstrating a place-based, community driven approach to partnership and collaboration.

Using aspects of the collective impact approach and Platforms Framework, CCK takes a long-term view to achieve improved outcomes through coordination, common strategic leadership and community co-design in service planning, prioritisation and delivery. CCK is providing an enabling environment for integrated service delivery as envisaged in the Partnership Forum’s Strategic Direction 2016—2017.

The Woodside Development Fund has committed $2 million over the next five years to fund CCK.

there have been attempts in the past to achieve similar outcomes by identifying one particular government department as the ‘lead agency’ who then have responsibility for oversight through their existing reporting processes, this is unlikely to produce truly shared governance and the cross-disciplinary aspects of service integration tend to be subsumed. A more effective approach is to develop shared reporting and accountability frameworks where all agencies and services are responsible for jointly reporting to Parliament for the delivery of shared outcomes against local and regional plans and targets. The Our Communities report provides precisely this opportunity.

A series of place-based collective impact trials should be undertaken as part of the regional reform agenda, with the joint commissioning of youth services in the Midwest region and Mirrabooka local area; early childhood education and care services in the Pilbara region and Cockburn/Kwinana local area; and intensive family support services in the West and East Kimberley regions. Oversight and support of these trials should enable the development and implementation of case studies that acknowledge the unique challenges of each locality and can inform the creation of guidelines and resources to support joint commissioning processes.

It is critical that these processes to co-design and jointly commission place-based integrated services have as their starting point a shared understanding of the problem being tackled, the cohort services are being designed for (and with), the extent and relative effectiveness of existing services, and the population outcomes being sought. This is where WA’s commitment to and investment in its Open Data Policy is critical to delivering impact, by ensuring access to relevant data and cross-agency data linkage to support data-driven co-design and commissioning.

Data linkage can enable the public and community sectors in WA to better measure outcomes, demonstrate return on investment and understand risk factors to better target at-risk cohorts to enable earlier intervention strategies. There is significant public sector data on community need and service outcomes that include data generated as a result of the reporting requirements of contracted social services. As a result, WA has significant opportunity and potential to develop data linkage capacities that could provide transformative outcomes for the community. We are concerned however, that WA currently lacks shared capability and capacity across our public, research and community sectors to undertake the strategic analysis required to deliver on this potential. A collaborative approach that includes independent capacity within the community sector in needed to prove truly effective.

The recent inquiry and (as yet unreleased) report of the Expert Panel on Data Linkage led by WA Chief Scientist Professor Peter Klinken considered many of these issues, as did a data linkage roundtable of thought leaders and policy makers convened by WACOSS in partnership with the WA Government in April. We recommend the SPR committee considers the recommendations of this report (which we have not yet seen) and advocates for its public release. We have also suggested to the Minister for Science, Hon. Dave Kelly that we could re-convene the thought-leaders’ policy roundtable as an advisory panel on these issues, should he need advice on the implementation of a more effective data linkage policy.

- Commit to and resource a series of trials of place-based joint commissioning, starting in one or two areas where there is the local capacity and good-will, as well as good information on community and cohort need.
- Ensure there is a strong governance model and community engagement process to drive trials and initiatives of place-based approaches in regional areas [link]
- Address existing barriers to cross-government service integration and joint commissioning approaches, particularly decision making and accountability about program funds, service reporting and evaluation
• Build the **culture and capability** of the public and community sectors to develop and implement place-based integrated service models
• Ensure **whole of government reforms** including KPIs for Departments, Directors General [and Ministers] support and enable cross-government approaches, shared funding and accountability mechanisms
• Ensure **service users** and service providers are partners in the co-design and evaluation of place-based integrated services

**SWMPPF Davis Park Case Study**

The South West Metropolitan Partnership Forum (SWMPPF) brings not-for-profit and government service providers together with business and community members (including local residents, clients, and/or members of civil society) to facilitate collaborative problem solving of community needs and the implementation of a coordinated, place-based approach to address these.

The first site chosen for this approach was Davis Park, Beaconsfield. The responses to an initial survey of Davis Park residents informed all the initiatives undertaken. The inclusion of Davis Park residents in the working group formed to steer the project, together with the organisation of regular community events, is the main mechanism being used by the SWMPF to ensure its members can regularly obtain feedback from the residents and review initiatives as necessary.

The project’s action plan centred on:

• Providing educational or vocational and recreational activities for young people.
• Conducting parenting support programs for parents/guardians of young children.
• Development and implementation of strategies to address anti-social behaviour, vandalism, drug and alcohol abuse.
• Tidying up the physical environment.
• Calendar of regular social events (whole-of-community as well as Davis Park targeted).

WA Police reported that drug dealing had been significantly disrupted in Davis Park as a result of the SWMPF’s collective focus on the community.

WA Police and the Department of Housing reported that the strong relations they developed through the SWMPF enabled them to deal more speedily and effectively with crime and anti-social behaviour.

**Regional Managers Forums**

In Theme 1, the Service Priority Review is seeking to understand how public sector service delivery can best meet the needs of regional communities (Question 1.2). The Council has advocated for a number of years for greater engagement of the community sector in regional planning processes and the need to increase the capacity of regional community sector networks to contribute to the analysis of regional needs, programs and policies to support regional collaboration. Recent regional consultations have raised some concerns about the sustainability of medium-sized regional service providers who have in the past played a critical role in civil society at the local level, and we are concerned this ongoing trend may reduce the capacity of local services to participate in these critical regional service improvements. Some dramatic shifts in Commonwealth service funding have contributed to an underlying trend to reduce the
number and increase the scope of service contracts across governments, resulting in a loss in regional capacity, less service planning and decision making at the local level, and a greater role played by larger organisations with centralised management models.

WACOSS has welcomed the State’s commitment over the past few years to a significant regional reform process by investment through a regional reform fund, the development of Strategic Regional Advisory Councils in Kimberley and Pilbara, and engagement of local community services with regional human service managers in District Leadership Groups to deliver a more collaborative approach to regional service delivery. These reforms create the possibility for a more inclusive and joined-up approach to regional social planning, greater coordination of program and service design to deliver more integrated and appropriate regional services, and the development of a joint commissioning model.

The engagement of existing regional human service managers’ forums with local community service providers and community leaders, backed by clear direction and endorsement at high levels within the State Government and public service, can create a mechanism for place-based decision making. This process should begin with sharing across agencies and services of data on community need and service evaluation to enable clearer alignment of target cohorts and program outcomes.

It is critical for the community services sector to engage in these planning and decision-making processes to secure the best outcomes for regional communities. Keeping the membership of these District Leadership Groups open to regional services who commit to participate is likely to deliver better outcomes than restricting membership or seeking a limited approach to ‘representation’ of the sector, provided group size remains practical for effective functioning, participants are committed and their participation remains consistent.

**Recommendations:**

- Empower *Regional Managers Forums* to become *regional ‘partnership’ forums*:
  - RMFs to include local community sector leaders as equal partners (consistent with the [partnership principles and behaviours](#))
  - RMFs to be responsible for the oversight of place-based trials and reforms
  - RMFs to be resourced for collaboration, including appointment of senior managers with the capacity to enact cross-government decisions
  - Significant delegation to RMFs from Government to progress place-based regional service integration (i.e. pooled funding and shared accountability)
  - Share the learnings across RMFs through exchanges, case studies, networking and conferencing.
  - Ensure direct ongoing links between the RMFs and the *Supporting Communities Forum*

**Regional Service Mapping**

Better information on population or cohort coverage and service outcomes is critical to both improve service access and to enable service planning and evaluation, enabling services to best meet the needs of regional communities (Question 1.2). The Council has consistently raised concerns about the lack of information on service location and coverage and the misalignment of the reporting boundaries across government agencies and contracts.

Recent service mapping undertaken by the Regional Services Reform Unit in the Kimberley and Pilbara is an essential first step in building a common whole of government service directory and reporting framework.
At least six government agencies regularly produce their own service directories, which are restricted in scope and updated on an irregular basis. Current structures are resource intensive and slow to respond to dramatic shifts in funding policy and changes in service provision. Due to their limited and fragmented nature, they do not deliver the kind of effective access and referral service that would be available through a more comprehensive, interactive and up to date service.

The Council recommends a cross-government co-design process to develop and agree upon the structure, categories and parameters of a shared regional community service reporting framework going forward. New programs and services would then commence reporting against these shared protocols and boundaries, with existing contracts and initiatives transitioning over time, and metropolitan services easily added in.

The Council has recently developed a simple, intuitive and accessible interactive directory for emergency relief services that enables service providers to take control of updating their own data.

**ER Connect Case Study**

In 2014 WACOSS created an online version called ER Connect directory via DropIN as per our funding contract. The WACOSS ER Directory on DropIN has been developed into a customised data solution with the capacity for agencies to update their own information independently in real time. This mostly removes the need for a centralised body to manually update and maintain the integrity of the data collected and ensures that agencies have the up-to-date information they need to deliver their services to clients.

ER Connect operates by way of drop down list and is mobile friendly. This will enable and encourage users to consider if they require other services. One challenge service users can encounter when accessing emergency relief for the first time is the use of jargon, drop down lists and layman language will ensure greater accessibility.

For those ‘frontline’ staff whether they be government agencies, social support agencies, NFP’s local government, community resource centres, medical practices or churches will have at their fingertips a resource that they can trust, as they help their clients and patients determine their needs and the services most appropriate to them.

Building on this system it is possible to provide a comprehensive, self-sustaining accessible and up-to-date online directory of the social services to support professional referrers, individuals and families to navigate our complex service system. The use of this online technology can both improve the accuracy, currency and credibility of the information publicly available and facilitate a more informed, collaborative and connected social service sector. Mapping support services to develop a complete picture of where services are will also assist in identifying service gaps, facilitate integrated service planning, and play a critical role in disaster response and recovery.

**Recommendations:**

- Align contract reporting requirements across government to ensure consistent reporting of service areas, access, eligibility, support provided and outcomes (where available)
- Create an accessible, self-sustaining and up-to-date online directory of social services in Western Australia
**Early Intervention**

We know from Term of Reference 3, that the Service Priority Review is seeking the delivery of transformative public policy and service delivery that is different, better and lower cost. While it is often taken as accepted wisdom that an ounce of prevention is cheaper and easier than a ton of cure, the public and community sectors together face a significant challenge in demonstrating that investment in prevention and early intervention strategies is actually able to reduce the cost of future service use and deliver better outcomes. The key challenge is how we close the evidence gap for early intervention strategies – to enable us to target the delivery of intensive services to those cohorts most at risk of poor long-term outcomes and then demonstrate ‘bankable’ savings in the projected and likely avoided cost of acute or longer-term support across the service system.

As a result of our consultations with the sector and analysis of at-risk cohorts and community priorities as well as evaluations of existing services and supports, the Council recommends the priority areas for investment in the development and evaluation of early intervention strategies should be:

- Aboriginal children and families at-risk in the child protection and justice systems,
- young people transitioning to independence from out-of-home care
- mothers, infants and young children at high risk of early developmental vulnerability
- Women and children at risk of family and domestic violence on first contact
- Aboriginal children and youth at high risk of suicide and self-harm

The Early Intervention Family Support initiative currently being developed by the Department for Community Services (formerly Child Protection and Family Support) is attempting to address aspects of this problem, in combination with a commitment to building the role and capacity of Aboriginal community controlled services [link] in providing intensive family support and out of home care services. The EIFS strategy focuses on those children at imminent risk of being taken into care, which is not what is usually understood as ‘early’ intervention, and the question remains as to whether this is ‘just in time’ intervention or diversion, or whether intervening sooner would be more cost effective. More needs to be done to ensure we are collecting and linking the data and undertaking the necessary analysis to improve the targeting of intensive family support to enable services to intervene sooner and more effectively.

The key challenge is determining how early to intervene with which families to be most effective. The strategy is currently focused on intervening with high-risk families on the threshold of formal statutory interventions. On the one hand, there is the risk that if we are not intervening early enough there may be little services can do at that point to improve child safety and prevent removal. The later we intervene the more challenging and costly the support required may be. On the other hand, preventative service models can struggle to identify those most in need, potentially delivering services based on limited resources to families who may be at less risk of child removal, while missing those most in need.

Data linkage and outcomes measurement are critical to enabling us to effectively target services and demonstrate the long-term savings to the State Budget of transformative wrap-around interventions. There is an emerging opportunity to link multi-agency state and federal data to enable a better understanding of risk factors and support a more targeted early intervention approach. To this end, we recommend development of a pilot project that combines data linkage and the Early Intervention Outcomes Framework developed by the Partnership Forum to develop intensive family support models delivered by Aboriginal community controlled services.

**Recommendations:**
• Develop and resource a cross-government project on the evaluation of early intervention strategies and service models, to explore design, efficacy and effective targeting, quantify the long term savings, and identify the ‘sweet spot’ of when and who to most effectively intervene
• Prioritise efforts to reduce the number of Aboriginal children in out of home care and Aboriginal youth in juvenile justice in partnership with Aboriginal community-controlled services
• Co-design an evidence-based strategy and pilot a diversion and intensive family support model to implement the WA Labor commitment to the **120 Families** project

**Early Childhood Development**

Research on early childhood development provides clear evidence of the value of early investment in education and care, particularly for children with developmental vulnerabilities and those growing up in disadvantaged areas. A whole of government approach is needed to effectively reduce childhood vulnerability and deliver better well-being outcomes across the life-course. Health, education and community services all have critical roles to play, as do strong families and communities.

With increasing rates of childhood vulnerability in a number of our local communities, an integrated, across government focus on early childhood development is needed, based on holistic policy, planning, contracting and service delivery. We need a system of universal access to children and family services that are able to identify those most developmentally vulnerable and provide additional support when it can make the biggest difference to young lives.

Evaluation of developmental outcomes in other states points very clearly to the impact of universal access to responsive services. Queensland does not have a universal children services system and has the lowest preschool attendance and the highest percentage of developmentally vulnerable children of any state. Conversely, Victoria has the lowest percentage of developmentally vulnerable children and the highest pre-school attendance as a consequence of what is arguably the strongest system of universal services in Australia.

Western Australia has prioritised investment in early childhood development and care in recent years. WACOSS believes it is critical that we continue to focus resources in this area into evidence-based programs that demonstrate a strong return on investment. The presence of a strong evidence base in this area and our international leadership in developmental research make this an excellent area in which to demonstrate best-practice approaches to service evaluation and improvement.

**Child and Parent Centres**

Child and Parent Centres (CPCs) are an important and valued service co located with schools that provide integrated services combining education, health, parenting and playgroups for families with young children at risk. CPCs do not operate in all areas and significant gaps exist in communities not within CPC catchments. In 2016 the Education Department of WA completed an independent evaluation of the outcomes of services and supports provided by CPCs across the State, however this report has not yet been released. The sector is keen to see the results. This information needs to inform continuous learning about what works across CPCs.

WA Labor committed to introduce an additional new CPC in Ellenbrook which, when taken with the six regional Parenting Centres take over from the Commonwealth by the State in 2015/16, will bring the total number of CPCs up to twenty-two.
WACOSS has highlighted the value of targeted early intervention as a means of reducing the longer-term costs of crisis and tertiary services. Investment in early childhood development provides some of the strongest evidence of significant returns on investment throughout the life-course. However, those with the greatest educational need are often the least likely to be able to access available services. It is sometimes difficult for families to access the support they need due to their ineligibility for services or because of specific criteria and long waiting lists.

**Connecting Early Years Networks Project**

A powerful example of collaboration in designing and delivering services (1.4) are Early Years Networks (EYNs). EYNs are voluntary, unfunded collaborations of people from community services, government agencies (primarily the Departments of Health and Education), parents, carers and community members. EYNs play a fundamental role in improving outcomes for vulnerable and disadvantaged young children. There are forty-seven EYNs throughout metropolitan, regional and remote Western Australia, comprised of thousands of members. A recent evaluation report indicates that EYNs are increasingly influencing improvements in outcomes for children in the early years. These networks provide a simple and cost-effective way of boosting the capacity of early childhood services to deliver better services by supporting shared learning and best practice.

The Connecting Early Years Networks Support Project was initially funded by Woodside and Lotterywest and received in kind support from the Department of Local Government and Communities. Since 2015, the project has been providing extensive training and support to EYNs. A recent evaluation provides substantial evidence demonstrating that the project has built the capacity and sustainability of EYNs, supported the development of emerging networks, and provided up-skilling in key areas to improve their effectiveness and engagement in local communities.

The project has built its success through integrated cross-government partnerships that drive a collective approach to improving the lives of vulnerable children in the early years. This is being achieved at local levels because EYN members belong to the communities in which they are invested. Project funding is set to run out in June 2017.

The recent independent evaluation of the project, comparing evaluations over the periods January to June 2016 and June 2016 to March 2017, identified the following points:

- That thirty-seven (37%) of respondents use Australian Early Development Census (AEDC) data to identify areas where the network could support and plan activities to improve educational outcomes for children, and twenty-three (23%) use this data to inform training and community events.
- That sixty-eight (68%) of EYNs now have a strategic plan focusing on improved outcomes for children in the early years.
- Evidence of increased knowledge and information sharing within and across EYNs.
- An increase in community member engagement in networks (37.5% to 46.2%), and in parent, family member and carer engagement (40.6% to 46.2%).
- An increase in partnership opportunities within the network as a result of people coming together and building relationships, and increased parent and community engagement and connection.

The CEYN project has built its success on integrated cross-government partnerships that drive a collective approach to improving the lives of vulnerable children in the early years. Investment in the CEYNSP from State Government departments will ensure this important work is continued, consolidating partnerships between the government, not-for-profit community sector and community members to ensure that
children are healthy, resilient, and have the opportunity to thrive. The Department of Local Government and Communities have agreed to provide funding of $100,000 for one year and to co-locate the CEYN Program at the Parenting Centre of Excellence alongside other leading strategists and policy advisors in parenting, providing significant in kind support including information technology and office facilities. More funding is needed to ensure this is a viable and ongoing cross-government initiative, so WACOSS has met with the Departments of Education and Health, and the Regional Reform Unit, seeking $100,000 from each of these government departments.

**Recommendations:**

- Develop a **whole of government early childhood strategy** to put in place the most efficient and effective combination of universal, secondary and intensive services and supports to best respond to developmental vulnerability and deliver the best return on investment through the life-course.
- Build capacity and coordination across CPCs
- Fund the coordination of **Early Years Networks** to improve collaboration and outcomes across early childhood education and care services.
- Act on the review of parenting programs

**Programs to Assist Young Offenders and their Families**

The current ‘tough on crime’ approach is failing to make Western Australian communities safer.

WA has the second highest imprisonment rate in the country, only after the Northern Territory. Aboriginal and Torres Strait Islanders comprise 38 per cent of the adult population in Western Australian prisons, despite making up less than 4 per cent of the state’s population. Aboriginal adults are 18 times more likely to be in prison than non-Aboriginal adults in WA, with Aboriginal youth 39 times more likely to be in detention than non-Aboriginal youth.

WA Labor committed to introduce **Target 120** to provide targeted services to some of our most at youth risk and their families. There are some reservations within at-risk youth services about whether ‘multi systemic therapy’ is the best service model and whether it is likely to be practical and effective to target WA’s 120 worst juvenile offenders and their families (as they are likely to be already detained in Banksia Hill and may not be the easiest group to reach). Nevertheless, the broader concept of trialling an intensive family support program diverting youth from our justice system has great merit. Furthermore, there is likely to be significant overlap with those families at high risk within our child protection system where there is significant work underway in engaging with at-risk families and building the capacity of Aboriginal community-controlled services. There is also an opportunity to look at broadening this approach and building on the learnings from the work of Kimberley Institute and the development of the **Broome Model**, which blends Justice Reinvestment with social enterprise.
By getting smarter and focusing on strengthening families and communities, and supporting members of our community who are returning from prison, we can increase community safety. Western Australia should follow the holistic, evidence based approach of Social Reinvestment – based on the three complementary pillars of healthy families, smart justice and safe communities. Social Reinvestment includes a justice reinvestment approach whereby money that would be spend on building more prisons and justice services in the future is invested into community-based diversion and rehabilitation programs.

**Social Reinvestment WA Case Study**

Formed after the Banksia Hill Riots, Social Reinvestment WA is a coalition of Aboriginal organisations, the community services sector and social justice advocates.

The coalition has developed a holistic, evidence-based Social Reinvestment Framework to drive more effective prevention, diversion and rehabilitation for individuals at risk of coming into contact with the justice system, with the aim of a long term reduction in crime, increase in community safety and a more effective justice system.

Under the Social Reinvestment approach, the enormous resources currently wasted on a failing prison system are freed up to be spent on improving the wellbeing of people, families, and communities. Social Reinvestment strategies work to improve opportunities, health, and education in at risk communities, and allow people to rebuild their lives after their sentence, so they can contribute to their community.

This issue was on the Partnership Forum agenda and an issues paper prepared and discussed, but it did not progress any further during the last term of government. The pressure to rein in the growing costs of justice services and deliver better life outcomes for at risk youth together with the strong alignment with WA Labor policies and prior commitments to ‘justice reinvestment’ policies create a strong driver for action.

to reduce the need for them. More than that, it recognises that investing in improving the wellbeing of people most at risk of future imprisonment through targeted prevention and early intervention strategies and creating more positive opportunities and life choices is more effective and less expensive than the growing cost of the continuing cycle of re-imprisonment. One small-scale example of community-based diversion is the Stronger Tomorrow project in Armadale, where WA Police work together with local community services to divert.

**Recommendations:**

- Trial an intensive family support strategy diverting youth from our justice system
- Repeal mandatory sentencing laws
- Provide alternative options for fine defaulters to reduce imprisonment for unpaid fines
- Improve and increase access to rehabilitation services, including for those on remand or with short term sentences
- Ensure timely access to effective post release services and continuity of care for people returning to communities
- Invest in culturally appropriate early intervention programs and Aboriginal-controlled services
- Implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody
Outcomes Frameworks

The Service Priority Review seeks to understand what key outcomes the public sector should be trying to achieve (Question 1.3). In order for that question to be answered, a process needs to be undertaken by government of co-designing, with the community services sector as an equal partner, common outcome frameworks. In the absence of common outcome frameworks within and across government agencies, much of our existing service and program level data is fragmented and incommensurate – simply not suitable for the task of measuring how effectively we’re tackling the key problems at a local, cohort or population level. Many community service providers implement their own data systems and use evaluation frameworks designed specifically to improve the quality of their services. On the one hand, this results in richer and more meaningful data on service and cohort outcomes that government agencies and service reviews may not be aware of or take into account. On the other hand, these disparate approaches have emerged because services have seen a need Governments have not been addressing to use data to drive better service evaluation and improve service quality and effectiveness. The end result is an undesirable level of fragmentation. Without some central leadership and process for agreeing on common framework, standards and models community services may be reluctant to invest time and energy in developing systems and building evaluative capacity, or will continue to do their own thing and focus on the outcomes and metrics most relevant to their mission and operating environment.

Recent work in the early years has demonstrated the value of having a common framework for assessing developmental vulnerability, with the Australian Early Development Census providing a foundation for implementing collective impact approaches and enabling a better understanding of the lifelong return on investment in early childhood education and care. Governments may be reluctant to commit to the full cost of undertaking this work, but should also be mindful of the opportunities to partner with the Commonwealth, other state governments, research institutions and the community sector to develop shared projects that align with major research and development priorities and can attract matching funding.

There is clearly a pressing need to develop a shared outcomes framework to measure meaningful progress and service performance against agreed priorities using common data protocols. The commitment of WA Labor to deliver an agreed-upon framework to measure outcomes across the community services sector and produce a biennial Our Communities Report could be provide the impetus to make this happen. The Services Priority Review is likely to find that its task of evaluating service impacts and analysing their return on investment is hampered by the lack of common performance measures and meaningful data on community need. To this end, we hope that the committee will also make recommendations about establishing evidence-based approaches to making funding decisions in the medium and longer term. We remain concerned that, despite significant time and effort spent by service providers collecting data and reporting against service contracts, there do not seem to be rigorous and transparent processes in Treasury and Finance to use this reporting to drive funding decisions at both a service and program level.

There is a strong case for a central unit within the State government with expertise in evaluation that can advise and work with the public and community sectors. This could also possibly be linked to the creation of a central data repository with responsibility to facilitate and support data access and linkage and oversee data protocols and quality. One model of this is the formation of SUPERU in New Zealand to oversee the analysis and reporting role within their social investment framework. Previous WA Labor Governments have had a central policy development unit within Department of Premier and Cabinet, with strong links into (or secondments from) Treasury. Combining this approach with responsibility for
cross-government leadership on research and evaluation might ensure a stronger influence on community outcomes (Social Policy Evaluation and Research also makes for a nice acronym - SPEAR).

WACOSS recently submitted a Capacity Building Grant proposal for co-development of a shared outcomes framework across community services in Western Australia between government and non-government agencies. The framework will provide a jointly agreed structure for reporting outcomes in the biennial Our Communities report. It will identify high level and strategic outcomes that provide government and the community sector with an inter-connected suite of impact indicators to scaffold service delivery and inform measurement methodologies.

Because this framework will assist in bridging siloes in service delivery and promoting greater service integration to deliver cross-government outcomes, it can play a critical role in overcoming barriers to achieving the whole of sector reform targets announced as part of the Service Priority Review. WACOSS has proposed a 12-month timeframe for co-development of the shared outcomes framework in line with the contract, but we are open to discussing what work we might prioritise in the next couple of months to better align with the needs and interests of the service priority review.

As the peak council of the community service sector in Western Australia, WACOSS is well placed to assume a shared leadership role in this project with the Department of Premier and Cabinet and Treasury to facilitate effective engagement between government and community sectors in the development of a high-level outcome framework.

**Recommendations:**

- Ensure the community sector is an equal partner in the co-design of outcomes frameworks
- Build the capacity of the public and community sectors to measure collective impact and evaluate service efficiency
- Implement funding and accountability processes within government to ensure that rigorous data-driven service evaluation drives funding decisions
- Create a cross-government social policy evaluation and research unit to drive consistency in reporting and evaluation of outcomes.
- Put in place timelines and processes for service evaluation and commissioning processes that are transparent and timely and encourage continuous service improvement.
- Ensure outcomes frameworks are evidence-based.
- Ensure the Our Communities biennial report is an open [three-way] collaboration synthesizing reporting from Departments, Sector Peaks [and independent research institutions].
- Extend the Partnership Forum EIFS Outcomes Framework from its application in earlier intervention family support to provide a guiding and reporting framework across all human services
Theme 2 – Contemporary, Adaptable and High-Performing Workforce

Public Sector Workforce

The questions raised under this theme go to issues concerning public sector workforce expectations, performance management, leadership, support, collaboration, knowledge sharing, accountability and diversity, as well as regional workforce issues. These are critical issues for the public sector to address and resolve, just as many of them are equally of current concern within the community sector. While we haven’t necessarily got the capacity or the necessary knowledge and insights into public sector management processes to respond to them with detailed recommendations, there are a number of areas where our interests and issues overlap that we will comment on below. Certainly the quality, strength and consistency of public sector management impacts quite immediately on us, particularly in relation to clarity of communications, consistency in the application and implementation of policy and procedure, and the transparency and rigor applied to the evaluation of tenders, services and programs. These things have a fundamental impact on the quality and effectiveness of the services we deliver (both separately and jointly) and on the trust and common purpose that underlies our working relationships. We would suggest that anyone undertaking serious work on reshaping and strengthening the public sector workforce by seeking to change public sector management and culture should take the time to consult one-on-one or in small confidential groups with community service managers to get more immediate insight into their lived experience and the potential impacts (and perhaps unintended consequences) of any reforms.

Our consultations with community sector leaders have indicated there is a real concern that there has been a reluctance within the public sector to act on poor performance, inappropriate or inept management. The perception is that there is often a lack of oversight or accountability for key elements of the management of programs and outcomes, and a lack of mechanisms for external stakeholders to provide feedback on performance. There appears to be a reluctance to address poor performance directly, and people appear simply to be moved around within the public service with little action taken. WACOSS and other peak bodies sometimes find ourselves interceding behind the scenes to seek to avert or remedy poor process or bad decisions (which we do with caution and reluctance, without taking sides). While we are always pleased if we are able to secure better outcomes for service users, we have not seen evidence of a process to ‘close the loop’ on accountability when a mistake is rectified to put in place mechanisms to ensure it does not happen again.

Our consultations also indicate that the community sector supports in principle the commitment to set KPIs for senior managers within government and would like to see appropriate accountability extended throughout the public service. The caveat and the concern we have is that such an approach will have a strong impact on the focus, priorities and culture of public servants, so it is absolutely critical to get the KPIs right and ensure there is an ongoing process of reflection, consultation and evaluation of performance criteria and achieved outcomes. There is a real risk that setting strong internal accountability processes without ensuring there is a strong focus on the outcomes for the public as the primary concern, and secondarily for the strength of relationships with key partners and stakeholders, could lead to a public service that is more inwardly focused, stratified and siloed. For example, often the bane of our existence (as service providers reliant on some percentage of government funding) is the contradiction between the principles, practices and procedures we develop, negotiate and agree at a high level with senior public servants and the over-riding need to implement a commitment or a decision made by an individual Minister or by Cabinet on a tight timeframe. This is often a political response to high profile issue where the need to be being seen to do something quickly always trumps the desire to
do it properly in a way that addresses the underlying causes or associated problems, is efficient and effective, and integrates with the other services and supports citizens in need may be relying on. Certainly there is a balance to be struck between the desire to design better systems and the need to act decisively on imperfect information when we know enough about what is required to make a difference, but too often knee-jerk reactions result in ineffective responses that further complicate the service system those in need must navigate. A more considered response can be equally politically effective, as doing the right thing can create more opportunities for Ministers to announce developments and responses at key stages of the co-design and implementation process.

These issues are critical to the Service Priority Review’s terms of reference 1&2 – achieving cultural change in the public sector and promoting a culture of collaboration in the achievement of outcomes for the community. The emphasis on the achievement of outcomes driving collaboration and cultural change is a critical one, as is the primacy of these being outcomes that are for and identified and valued by the community (and, in the case of most community services, particularly those most vulnerable, disadvantaged and excluded).

Further, there is an opportunity to support greater learning and collaboration and strengthen understandings and relationships by targeted and judicious use of public sector secondments within community sector peaks.

Secondments to service providers are also possible, but care would have to be taken about where this might create probity or perception issues in relation to competitive tendering processes.

**Relationship with Government**

The relationship with Government during the Barnett era was developed as a result of the Economic Audit Committee (see the *Putting the Public First* report) and then defined by the *Delivering Community Services in Partnership Policy*, which was guided by the *Partnership Principles and Behaviours* and overseen by the *Partnership Forum*. WACOSS has both been an active partner in these arrangements and a constructive critic of their limitations, highlighting the ongoing barriers within government to their effective implementation. We strongly recommend that the *Service Priority Review* panel reviews the benefits, achievements and limitations of the partnership approach taken in WA and compares it to public sector reform efforts in Victoria (in particular, and to a lesser extent NSW) that have sought to adopt and adapt some of these reform approaches but taken different paths. We would suggest that you speak to inaugural chair Peter Shergold about his learnings from the forum and experience in Victoria as well as his predecessor Robyn Kruk (if you have not already done so).

WA Labor’s *Supporting Communities Policy* includes a commitment to work in partnership with the sector, to develop a more collaborative approach to procurement, and to continue the Partnership Forum, while “…ensuring these relationships are extended to a much broader range of stakeholders.” While there is ongoing concern about the effectiveness of existing Partnership Forum arrangements, there is also recognition of the need for a high-level mechanism for sector engagement with Directors General and policy makers to drive and oversee whole of government human services reform and provide governance of the partnership policy. This is arguably both more critical and challenging during a period of economic restraint. We expect the incoming government to review existing arrangements and reform them to better fit their approach to collective decision-making and reform agenda.
Our consultations with the community sector suggest a high level of commitment to a partnership approach, appreciation of the high-level commitment within government, and commitment to the partnership principles and behaviours. There remains some concern that high-level commitment hasn’t translated down to the operational level in many places, as a result of a number of factors. Key among these is the need for a change in public sector culture, as identified by the Service Priority Review. There is a high degree of inertia among some public servants who appear comfortable with existing ways of doing things, focused on internal incentives, overly risk-averse (while focused on internal and political risks, rather than the risk for service users) and reluctant to give up certainty and control. Often principles and shared outcomes are agreed and supported at a high level within the public service, but the blockage to effective implementation arises within middle management. There are a number of instances where collaborative approaches to outcome-based service design have been frustrated at the procurement level, such as in specifying tendering criteria or contract reporting outcomes.

In the absence of KPIs related to cross-government and cross-sector collaboration or accountability for joint outcomes there is also concern that some Directors General and other senior public servants have been free to choose to not participate, or to do so in an occasional and superficial manner. Some participants expressed frustration that they felt they had devoted time and effort to processes where it appeared public servants were merely paying lip service to principles of consultation and collaboration and that the end result had been little different to business as usual. There is a lot of scepticism about the insincere use of the term ‘innovation’ in service tenders, where service providers who have put effort into developing innovative approaches feel they have missed out in favour of business-as-usual approaches because they have not conformed to narrow expectations about the service model.

We note the key questions relating to this theme circulated by the Service Priority Review panel focused on collaboration and the sharing of knowledge and expertise within the public sector (2.4 & 2.6), whereas much of our concern has been about the opportunities for sharing and collaboration between the public and community sectors. It is important to note that from our perspective some of the best examples of cross-agency collaboration within the public service have often been driven or facilitated by engagement with external stakeholders, and that we are often surprised to find ourselves playing a knowledge-sharing and even match-making role across different departments. A recent example is the roundtables we held on data linkage with public sector thought leaders at our 2016 conference and again in early 2017, where we ended up spending more time on information sharing than anticipated as we discovered many exciting and related initiatives if different departments were unaware of each other. Some appeared connected at an individual level, with knowledge shared among practitioners, without awareness at a policy or program management level that might enable more effective connection.

We also note the question (2.5) relating to drawing on the knowledge and expertise of the private sector, which we have interpreted as extending to the not-for-profit sector. The distinction is we believe an important one that impacts on many of the ongoing debates about what is appropriate and effective in the delivery of public services. On the one hand, there is the issues around public trust and the perceived appropriateness of ‘outsourcing’ public services to the private sector, with some arguing that market competition will drive more effective service delivery and others arguing it is inappropriate to profit from services directed to the most vulnerable, or to divert resources to shareholder returns that might deliver more services to those with unmet need. Public sector unions often criticise community services as ‘privatisation’, despite many of these charitable service pre-dating the commitment to the welfare state and deriving much or more of their income from other sources. From our point of view, the focus should be on community outcomes as the key criteria for defining service quality, efficiency and effectiveness. We remain concerned that effective market competition on community services (particularly those
dealing with vulnerable people with complex needs) is not really possible in the absence of reliable and comparable information on service outcomes, such that ‘testing the market’ via competitive tenders is either reduced to competition on price (and through-put at the expense of outcomes or quality) or to a desk-top exercise on who can write the most compelling tender. In many ways these are more important issues in relation to Theme 1 (community outcomes) and Theme 3 (efficient systems), however it is important to note that in circumstances where services are being delivered both by public sector agencies and by external providers, any measures relating to the assessment of workforce performance can have unintended consequences for service outcomes. There is an ongoing concern where public sector agencies have responsibility for funding and evaluating external services as well as delivering the same or similar services internally that conflicts of interest can arise where there is not sufficient separation and independence between these roles. Greater transparency and public accountability is needed in these circumstances, which could provide a driver for reducing duplication and service system complexity while also providing opportunities for service improvement.

**Recommendations:**

- Ensure **high level leadership** of engagement with the sector at a Forum directed and supported by the Premier or Treasurer, with a strong independent chair and a key role for central policy leadership in DPC.
- A renewed Partnership Forum is only one of the mechanisms through which this relationship is expressed and reforms can be progressed. There needs to be a range of mechanisms to enable more effective engagement and implementation at regional and local levels, and with a wider range of stakeholders.
- A core problem is that the existing Forum has become increasingly less effective due to the combination of lack of capacity to drive change across Government, not having key players at the table, and lack of capacity and resourcing to enact decisions. A new model for the Forum needs to address these issues.
- Develop **KPIs for the Forum** linked to the DG’s and Departmental KPIs (and vice versa) consistent with Mark McGowan’s 20/20/20 reforms and the Our Communities reporting framework.
- Continue and build upon existing agreed principles and behaviours within the existing partnership policy, but with increased commitment to cross-government implementation, including in all contract and tendering processes.
- Incorporate a range of workshop and facilitated discussion processes to support wider engagement across both sectors in addition to the current meeting format.
- Get the right balance in Forum membership – target diversity, capacity and merit, while ensuring the Forum isn’t too large to be effective.
- Provide sufficient resources (secretariat and project), including for Peaks to engage more broadly with their sectors on initiatives and policy development.

**Community Sector Workforce Development Strategy**

*Modelling projections* by the State Training Board Workforce Scenarios project show faster than average long term employment growth for the health care and social assistance industry compared to the average of all industries (out to 2030), reflecting a steadily ageing population into the future. The health and social services workforce is predicted to **triple by 2030** – but there currently is no workforce development strategy. In 2014, the Commonwealth Department of Employment also estimated that Australia will need an additional 230,000 social care and support workers over the next five years. Most of these jobs are likely to be in aged care and disability services, areas where we have an ageing workforce and in which
individual funding models have increased workforce insecurity and led to uncertain hours and incomes as well as changing work conditions. Developing and sustaining a skilled community services workforce is both a challenge and an opportunity.

There is increasing concern about how we best achieve the aspirations of user directed services, manage service system costs with increasing demand and constrained funding, and still manage to attract and develop a skilled caring workforce to deliver quality services. There is some concern that the “uberisation” of service models could mean increasing numbers of workers effectively employed through apps and have no certainty about the work hours or income on a day-to-day basis, and that increasing levels of employment risk and liability passed onto service users unaware of the implications.

Many existing small to medium service providers lack access to the necessary capital to transition easily from an up-front grant funding model to individualised service payments in arrears. Maintaining our current skilled workforce is one issue, addressing skill gaps to develop a future workforce capable of tackling complex needs and comfortable in delivering collaborative wrap-around services across disciplinary boundaries, is another.

Western Australian charities employ 7.0% of the WA workforce. This is more than 93,000 staff – 47,000 full-time and 46,000 part-time. By way of comparison, the Manufacturing sector employs 98,900 or 7.2%, Mining employs 112,100, or just over 8.0% and the Agriculture, forestry and fishing sector only 31,200, or 2.2%. As such, the not-for-profit sector is a significant (and fast growing) driver of economic activity in WA.

WA charities generated $14.1bn of income in 2014 and spent $13bn on expenses. 59% of that income is self-generated and raised by donations, fees for service, social enterprises or returns on investments.

More than half (58%) of expenditure by WA charities, or $6.68bn, was spent on employee wages, which is generally spent within the WA economy, and often within the local geographic area in which the charity operates, creating a multiplier effect. Staff on lower average salaries tend to spend a higher proportion of their salaries on daily living expenses.

One of the key differences between not-for-profits (NFPs) and other organisations is the capacity for NFPs to attract and use volunteers to deliver services and administer their business. Nine out of ten WA charities report being supported by volunteer workers. Volunteering not only improves the cost effectiveness of the NFP sector, but has a range of social benefits, including improving community cohesion, along with improving engagement and the mental health of individual volunteers.

Changes in staff costs and availability can have a significant impact on the sustainability of charities. For example, upward pressure on wage costs due to overall economic growth, or even growth in specific public sector wages (for example increase in salary award rates for teachers and nurses), can have a deep and immediate impact on charity costs. Similarly, charities’ wages costs are impacted by policies such as the National Disability Insurance Scheme, which is expected to result in workforce shortages for organisations in aged care and related industries that employ staff with similar qualifications.

Nationally, the not-for-profit sector is expanding faster than the Australian economy, growing approximately 3.2% per annum against GDP growth of 2.9%. In WA in the same period, the Gross State Product only grew by 1.9%.

The Victorian Government recently committed half a million dollars to help establish a new research and teaching organisation, the Future Social Service Institute to transform the social support and care sector into an economic powerhouse by recasting it as a strong industry with professional career paths. This will
involve the rollout of new qualifications, initially at the vocational level, that will attract the best high school graduates. If we get this right, Australia’s brightest Year 12 students will increasingly look to social support and care as their first career choice.

As people with disability are disproportionately more likely to live outside the capital cities in areas that also include large numbers of disadvantaged job seekers, a community services workforce strategy could be used to bolster employment in regional and outer suburb areas suffering from the decline in manufacturing and mining related jobs.

**Recommendation:**

- Develop a *community services workforce development strategy* in conjunction with the community sector, unions and teaching institutions that addresses the growing demand for services and workers.

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**Aboriginal Human Services Workforce Development Strategy**

The Service Priority Review posed the key question of how the public sector can increase the diversity of its workforce (2.7). Reviews of various policies and initiatives seeking to increase public sector workforce diversity, including for instance employment of people with a disability or Aboriginal staff, have demonstrated that good HR policy and practice is necessary but not sufficient to impact on employment outcomes. Processes have been put into place to avoid discrimination and provide practical support, but in practice they have had little impact in improving outcomes and increasing the numbers of disadvantaged and excluded groups within the public service. In contrast, mission-driven community-based organisations are more likely to proactively employ staff from excluded groups, but may lack the appropriate policies and supports to ensure they are able to do so effectively. Arguably the public sector could more easily and cost-effectively meet targets for employment diversity outcomes by providing incentives and appropriate training and support as top-ups to service contracts. This can have the added benefit of increasing the accessibility and effectiveness of services by including those with lived experience.

There are two critical enablers to achieving better life outcomes that the human service reforms need to address to ensure they have a significant impact on the gap in life outcomes and economic participation of Aboriginal families and communities:

- They need to develop more sustainable and resilient economies in regional and remote towns and Aboriginal communities;
- They need to create more responsive, accessible and appropriate services that effectively engage with Aboriginal families to produce transformative outcomes.

Both of these outcomes will require a planned, strategic and sustained strategy to develop a skilled Aboriginal workforce, and build and support sustainable Aboriginal organisations and businesses. Where those businesses already exist the new regional reform procurement policy should provide a constructive income stream.

We believe that an *Aboriginal Human Services Workforce Development Strategy* is the best way to achieve these outcomes. This appears to be a gap in both the current regional reform strategy and in Aboriginal workforce strategies that focus on more traditional roles in infrastructure and construction.
The regional reform Roadmap highlights the importance of workforce development, and identifies private industry as the main driver of regional economic activity, along with suggestions that there may be opportunities to increase public sector employment, and to include employment outcomes in tenders for public infrastructure. We understand that a regional Aboriginal employment package is being developed, which will include a public sector workforce, government contracting initiatives, procurement from Aboriginal businesses, and some form of Aboriginal workforce development strategy.

Given the ongoing and projected growth of the service and caring economy, high levels of community need for services and support, and the critical role that Aboriginal community-controlled services are likely to play in improving access and engagement to deliver better health and life outcomes for Aboriginal families. There is a strong argument for a greater focus on Aboriginal employment in health, education and community services. Aboriginal community-controlled health services have been a leader in this field in WA and the transfer of knowledge from their lived experience is likely to be crucial in the development other Aboriginal community controlled community services, particularly in the family support, child protection and youth services.

Not-for-profit community service organisations are well-placed to play a critical role in the development of a skilled and caring Aboriginal workforce. They will be willing and motivated to employ and train local Aboriginal workers, but many regional providers may lack the capacity and resources to do so effectively.

There is a significant risk that a strategy that does not address these gaps and challenges would be setting up Aboriginal people, communities and community services to fail.

A combination of contracting requirements, additional incentives, and training support is likely to deliver the most effective outcomes. Contracts over a certain size might have minimum employment and training requirements, additional resources made available to leverage increased employment outcomes, and access to targeted support to ensure Aboriginal workers are work-ready, have access to additional training where necessary and their supervisors have access to appropriate information and assistance.

In addition to supporting and encouraging the development of Aboriginal workers, larger community service contracts should include provisions and resources to enable the development of local community-controlled services. There is a clear trend within human service provision towards fewer contracts with larger organisations, which is assumed to reduce the administrative burden of contract management within government, reduce the potential duplication or overlap between service providers, and improve service efficiency. This trend, however, works against the interests of smaller local services, potentially making it difficult to develop a local workforce, or increase perceived ownership and local responsiveness of services. Mainstream service providers may be well-placed to play a critical role in the development of local community controlled services, potentially through developing operational models whereby they may continue to provide backbone support or oversight in finance, governance, service reporting and HR. Service contacts need to be able to support the transfer of responsibility and control over time. The national community sector peak bodies have developed Partnership Principles for mainstream community services delivering services to Aboriginal cohorts and communities.

We acknowledge the commitment of the Department for Child Protection and Family Support to put in place an Aboriginal Services and Practice Framework and commit to develop an ACCO strategy, as well as the support they have provided for the formation of a Noongar Child Protection Council (to whom WACOSS is also providing some assistance). At the same time, Aboriginal community leaders argue that, with Aboriginal children making up 54% of all children in care in WA (despite representing around 4.5% of their age cohort), Aboriginal child protection and family support services should now be the ‘mainstream’ services, rather than an emerging area of specialization.
Recommendations:

- Develop an *Aboriginal workforce development strategy* that provides incentives and support to increase Aboriginal employment in human services contracts.
- Support the development and build the capacity of *Aboriginal community-controlled organisations* to deliver community services, measure and report on service outcomes.
- Ensure *service procurement processes* support the development of ACCOs and that service contracts enable *partnerships* between ACCOs and mainstream service providers to build capacity and *transfer responsibility* for service delivery over time.
Developing an effective, efficient and responsive service system designed to meet the needs of families and communities is critical. An effective service system should seek to deliver sustained and transformative outcomes that improve the circumstances and prospects of service users and target the greatest assistance to those most in need or excluded. An effective system should also be able to identify those at risk sooner, enabling early intervention that can prevent the development of disadvantage. This in turn can reduce the need for more intensive support and the costs associated with lifetime service provision. As different individuals and families need different levels of support at different times, it is important that there are pathways from universal services to more targeted and intensive services.

To build an effective service system, we require overarching frameworks across government to engage children, young people and their families with government agencies and community sector organisations that support them in a common approach.

One of the Service Priority Review’s key terms of reference (8) is about achieving greater economies and efficiencies in public sector administration, including reducing bureaucracy and red-tape (as well as workforce management processes and renewal – as discussed above). The Council believes that what is arguably the biggest opportunity to reduce unnecessary bureaucracy within both public sector agencies and community service providers is to support more integrated services and programs (as discussed in the section on Service Integration on page 12 above). This includes moving towards longer-term service contracts (e.g. 5 years), reducing the number of smaller grant programs where they are predominantly used to support components of integrated services, reducing duplication across government (for instance, where 14 different government agencies are all be funding youth services in the one region), and progressing the commitment to outcomes-based contracting. Our consultations with the community services sector highlighted that many sector leaders still feel that there is a way to go on delivering the commitments made towards red-tape reduction, uniform contract terms and outcome-based contracting under the Delivering Community Services in Partnership Policy.

### Systems to Support Whole of Government Reform

WACOSS and the sector’s main interests in whole of Government reforms are how we produce better outcomes for disadvantaged and vulnerable communities. In particular, how we work together to enable integrated and place-based service models for key at-risk cohorts with complex needs will be critical. Achieving better outcomes will depend on the mechanisms across government including policy, funding, accountability and procurement practice, designed to support cross-government and place-based approaches.

A number of the strategic policy recommendations listed on page 4 of our recent Pre-Budget Submission directly address opportunities and next steps in whole of government reforms aimed at delivering more efficient and effective services that produce better outcomes.

1. Develop guidelines and resources for cross-agency and cross-disciplinary co-design
2. Build the culture and capability of the public and community sectors to develop and implement place-based integrated service models
3. Pilot a place-based pooled-budgeting model to commissioning of integrated early years, youth and family services in three trial sites
4. Develop shared reporting and accountability mechanisms for integrated service outcomes
5. Develop a framework and practice guidelines for **service integration** through place-based trials with Regional Managers Forums and District Leadership Groups

6. Implement the WA **Open Data** policy to ensure all data on community service provision and outcomes is easily accessible

7. Extend the **Partnership Forum Outcomes Framework** from its application in earlier intervention family support to provide a guiding and reporting framework for all human services

8. Use **data linkage** on risk factors to explore the costs and benefits of the timing and intensity of family support interventions to reduce Aboriginal child removal rates

These strategic policy recommendations outline key strategies and measures to develop and implement integrated services, joined-up place-based strategies and to develop targeted early intervention strategies that achieve transformative outcomes to reduce the rising cost of tertiary and acute services (as discussed in relation to Theme 1). Significant opportunities to improve the efficiency of service design, delivery and reporting exist through developing clear and consistent processes and guidelines across government, implementing effective shared information systems for communication, reporting and evaluation, and by developing and agreeing shared outcomes frameworks that support common approaches to reporting and ensure consistent evaluation of service efficiency and effectiveness.

**Data Linkage**

Through better access to data and the capacity to engage in data linkage, the State Government can open up the possibility for services to better measure outcomes and demonstrate return on investment, and to better understand risk factors and target at-risk cohorts to enable earlier intervention strategies. There is significant public sector data on community need and service outcomes already available, including data generated as a result of the reporting requirements of contracted social services. Evaluations of cohort and community need, service coverage and effectiveness often struggle because this data is inaccessible, incomplete, or incommensurate. WA has significant opportunity and potential to develop data linkage capacities that could provide transformative outcomes for the community. WA has in the past been a national and even international leader in data linkage, particularly in relation to child health and development. In recent years we have failed to capitalise on this expertise or to progress whole-of-government reforms on data linkage. Recent initiative in other states (including SA, Victoria and NSW) have demonstrated that changes in policy and relatively small investments in infrastructure can enable significant gains in knowledge and understanding to drive more efficient and effective services.

Fundamental barriers to data linkage in Western Australia are the lack of explicit data standards and protocols across government departments and agencies, and the lack of a clear role or body driving the interpretation and promotion of data. The cost of data access and the bureaucracy involved in gaining it are currently significant barriers in WA. Given data linkage is mostly managed through the Department of Health there can be significant barriers, delays and costs for data linkage projects where health is not a partner or a driver. Other states have created and resourced independent bodies whose role it is to support and promote data linkage, reducing access barriers and charges and proactively partnering to develop innovative applications.

The absence of Privacy Laws in WA potentially creates a barrier to data sharing, as Commonwealth agencies and other jurisdictions can be reluctant to share and link data in the absence of clear assurances of privacy protection and compliance. State Government Agencies may also be reluctant to link data sets in the context of a lack of clear guidelines and protocols about data protection.
There is no central database of social research in WA that agencies, institutes and universities can draw upon to facilitate policy development, which in turn siloes research and actively discourages data sharing.

Data needs to be at the centre of policy development and evaluation in this state, but in order for that to occur, there needs to be clear leadership in setting priorities for social and ‘public good’ outcomes and a mechanism for commissioning research and analysis to achieve them.

These issues were discussed in more detail in our recent submissions to national and state inquiries. We are currently awaiting the release of the WA data linkage inquiry chaired by WA Chief Scientist Professor Peter Klinken and recommend the panel take up this issue with the expert advisory committee. WACOSS recently chaired a roundtable of policy makers and thought leaders from across the public, research and community sectors, which could provide the basis for the formation of an advisory committee on the implementation of its findings.

**Contracting for Collaboration**

Significantly more system change is required to effectively address the challenges faced in supporting people and their family’s wellbeing. Silo approaches continue to impede effective data sharing as people transition from detoxification facilities or acute hospitals to community based supports. The co-location of some government and community sector services are an important step towards more integrated service delivery. More work is required, however in order to maximise the benefits for service users that come from genuine partnerships, open sharing of information and fully collaborative practice. Further investment in early intervention and prevention is also required to reduce reliance on acute care and to prevent readmission and relapse.

The Department of Finance has played a key role in the implementation of the Delivering Community services in Partnership policy by assisting government agencies and NFP community sector organisations to build capacity so that they may respond effectively to the associated funding and contracting reforms through the Fostering Partnerships Program. The terms of reference for the program already encompass regional and remote service delivery, defining outcomes and enabling co-design processes, innovation and citizen-centric services. Given the focus on the regional reforms and the commitment to develop mechanisms for cross-agency and cross-sectoral decision-making in the agreed strategic directions for the Partnership Forum, there is a strong case to prioritise assistance to agencies and service providers involved in regional place-based collaborative service design and increase the level of resources available. This support is likely to be particularly critical where cross-government and cross-sectoral collaborations are involved (that is, co-design processes involving multiple government agencies, service providers and programs across portfolios) and there is a need to bridge the gap between different service models and conceptual frameworks to bring together population and service outcome data across different disciplines.

To date, the co-design processes have largely been at the service level (involving an individual government agency and existing providers) and contracting models limited to a lead service-provider model with little scope for collaborative partnerships or the transfer of responsibility over time. There are some examples of ‘collective impact’ approaches involving multiple agencies, such as Connecting Communities 4 Kids, the Youth Partnership Project, and the South West Metropolitan Partnership Forum. Good Practice Guidelines for government agencies collaborating with community service providers have been developed, as well as more specific guides and resources for particular sectors, but these are single agency program co-design models without either cross-disciplinary or service user engagement.
WACOSS is currently in the process of developing a draft Codesign Toolkit based on collaborations with a number of Government departments and community sector peaks. The definitions and principles on which the toolkit is based were developed through a joint workshop with the Partnership Forum. The project will deliver on one of the forum’s Strategic Directions and it is hoped the processes and guidelines developed will be promulgated across government through the Funding and Contracting Services unit to inform and direct consistent co-design practice across government. Future development of the toolkit will include practical testing and further development as well as a focus on mechanisms and processes for cross-agency and cross-disciplinary co-design.

For genuine partnership and a commitment to co-design to become embedded practice within the public sector, strong KPIs are needed to be put in place at both upper and middle management levels. Without these, the efficiency of the public sector is compromised and its relationship with the not-for-profit sector is impaired.

Procurement policies need a strong focus on contracting for positive outcomes, external monitoring of standards and increased engagement of service users in the planning implementation and evaluation. This would allow existing services to provide more choice so that services can better match the needs of individuals and their families and increase the likelihood of services being provided closer to the communities in which people live.

The implementation of the DCSP reforms were intended to cause a shift to outcome-based contracting and to services tendering ‘the true cost’ of service delivery – either by tendering the cost of a fixed level of service delivery (where outcomes are specified), or tendering the level of service to be delivered for a fixed service cost. However, the extent to which community service providers and government contract managers fully appreciate the implications of the ERO and have an adequate understanding of how to cost it into longer term contracts remains unclear.

In 2012, the Fair Work Commission issued an Equal Remuneration Order (ERO) requiring human services agencies to pay annual increases of between 23% and 45% over 8 years (to 2020). Current annual pay rises as a result are between 5% and 6%. With over 400 organisations providing contract services to WA Government agencies, the impact on sustainability of organisations, services or programs is a problem.

Research on 19 major not-for-profit agencies in WA by the Curtin Not-for-profit Initiative has found that:

- There will be a negative financial impact on all organisations covered by the relevant awards.
- The impact varies depending on whether agencies are already paying over award rates.
- 6 of the 19 agencies reported reduced profitability or no longer profitable in the short term.
- 5 agencies expected high impact (i.e. unprofitable and increasing losses).
- In the longer term the numbers of agencies impacted rose to 7 and 8 respectively.
- 4 agencies expected to become unprofitable directly as a result of the ERO.
- Of the 282 programs reported, 8 organisations that were either unprofitable before the ERO or became unprofitable as a result of the ERO, deploy 182 programs which were impacted negatively by the ERO by 10% or more.
- A logical consequence would be to discontinue those unprofitable programs and thereby reduce the apparent losses from operations but the analysis is not conclusive on this.
- The reduced profitability of programs and organisations is an issue of concern to government as a purchaser of services, as profit is directly related to sustainability.

WACOSS is particularly concerned that a growing gap between reduced indexation rates for service funding and scheduled award wage increases under the ERO will inevitably lead to reductions in service delivery levels and/or service quality, and may threaten the ongoing financial viability of some small to
medium community organisations delivering essential community services. The public and community sectors face a shared challenge in how we meet our aspirations to both deliver efficient and effective services to those most in need and provide fair and just wages during tight economic times.

Service reforms discussed earlier (service integration, place-based strategies, targeted early intervention) offer opportunities for more efficient and effective services, but these reforms will take time and initially only occur in specific places or for specific cohorts. In the meantime, we need a transition strategy that ensures our most vulnerable and disadvantaged citizens have access to essential front-line services.

WACOSS continues to encourage its members to embrace a principled approach to partnering with and supporting Aboriginal community controlled organisations in the delivery of service based on nationally agreed best-practice principles. Guidelines developed by ACOSS and national Aboriginal peak organisations encourage not for profit community service providers to commit to partner fairly rather than compete, to empower Aboriginal organisations, recognise their existing capacity and unique community role, and share knowledge both ways on a journey that will increase their resilience and effectiveness with a view to stepping back and handing over control. Many of the same issues and principles equally apply to how larger organisations might partner with smaller, specialist, regional ones.

**Evidence-based Service Evaluation, Role of Consumers and Communities**

It is crucial that the public sector retains and further develops its expertise in service evaluation and program development so that service design and procurement decisions reflect real knowledge of community needs, local capacity and expertise. There are significant lessons to be learned from recent Commonwealth tendering processes (such as the [Indigenous Advancement Strategy](#) and the [DSS ‘broad-banding’ tenders](#)) where effective regional and local service providers were often displaced by competitive tenders from larger ‘outside’ organisations, many of whom over-represented their local capacity and relationships and then struggled to deliver comparable levels of service.

It is extremely important that we openly communicate and learn from what hasn’t worked or what has got in the way of service reform or cultural change within organisations. We have learnt a lot about the challenges involved in the procurement of outcome-based services, and independent analysis of recent tendering processes has clearly shown the value of getting the consultation and co-design processes right before entering into a competitive tender. The engagement of service users (as well as service providers) in the co-design and co-evaluation of services is one area that offers the potential to deliver more effective and responsive services, but we face significant challenges in doing this well. There is a lot we can learn by better sharing experiences across different programs, services and portfolios through the development of good practice guides.

An example of poor evidence-based service evaluation was the decision in the 2015-16 WA Budget to cut funding to metropolitan financial counselling services provided by the Department for Child Protection and Family Support, which is facing budgetary pressures as a result of the growing costs of children in care, with a 40% increase in the number of children removed into out of home care during this term of government. The critical problem for both government and the community is that financial counselling services are a cross-cutting early intervention that impacts not only on child protection, but also across housing and homelessness, justice, mental health, family and relationship services, alcohol and drug services, and legal services, people with a disability, electricity, gas and water utilities. When services are
timely and effective they function to minimise the drive in expensive statutory services and maximise people’s ability to manage their own finances and commitments.

The announcement of the service cuts highlighted the lack of service evaluation and inadequate analysis of the costs and benefits of service outcomes. It also made it clear that we need to have a more nuanced discussion of the difference between services duplication and inefficiency versus the integration of specialist roles across the service system. This is an example of where the provision of wrap-around services, with financial counselling integrated into emergency relief, tenancy support or legal advocacy services to deliver joined-up and effective outcomes is likely to greatly out-weight the administrative efficiency of offering a single financial counselling service across an entire region.

**Recommendation:**

- Facilitate the better sharing of experiences across different programs, services and portfolios through the development of good practice guides.

**Social Housing and Homelessness**

Community housing serves a crucial role across the state in the provision of stable housing and support for those transitioning out of homelessness as part of the social housing mix. In particular, it contributes to social development through the community’s engagement in and with not-for-profit housing associations, provides flexible options that meet a diversity of needs, encourages innovation, and designs and secures joint ventures between public and private investors.

The community housing sector needs greater clarity to enable it to plan, invest, partner and innovate. In order for this role to be undertaken effectively and in line with the Government’s housing and homelessness aspirations, it is essential that a clear community housing and growth strategy is developed. A shared direction and longer term strategic priorities need to be developed in partnership with the community housing sector to drive planning and investment decisions.

Key to ensuring that a tenancy, once obtained, can be sustained is ensuring that the tenant has the access to housing that is appropriate for their situation and is provided with access to the services that they need.

These supports need to be available from point of first contact to beyond the point where the tenant is transitioning out of social housing. The public housing system is not providing this currently, which means tenants are more at risk of losing their tenancies than they would be otherwise.

Community housing organisations conduct a full assessment of tenancy history, risk factors and support needs at the point of application. This enables early intervention for those who need support with their tenancies, improving outcomes for the tenant and reducing costs longer term.

By partnering with the community housing sector, the Housing Authority would be able to develop a shared assessment framework and joint waitlist that could be used to determine at the beginning who are the tenants for whom the public housing system and its current level of support is appropriate and effective.

For those for whom that level of support is insufficient, a targeted and integrated housing support system, co-designed with the community housing sector, would enable the provision of the intensive and specialist support they may require to transition into and stabilise their tenancy.
As the community housing sector already uses their own needs-assessment frameworks to assess the needs of potential tenants and has established relationships with other service areas, incorporating these systems and expertise into a shared framework and support system is crucial to its success.

An example of this model in practice can be seen with the Tasmanian Government’s Housing Connect. It functions as a one-stop shop for all housing and homelessness assistance and support needs. It provides access to public and community housing, private rental assistant, emergency accommodation and support services. A core component to the success of Housing Connect is a common assessment framework and shared database. This enables front door staff to undertake assessments, case planning and referrals to support services.

Housing Connect is delivered in partnership with community organisations for government, creating a more coordinated and integrated model that supports long-term stable housing outcomes.

WACOSS has welcomed the announcement of a new National Housing and Homelessness Agreement (NHHA) to provide ongoing and indexed funding. The NHHA will combine funding currently provisioned under the National Affordable Housing Specific Purpose Payment (NAHSPP) and the National Partnership Agreement on Homelessness (NPAH).

The Federal Budget also included the establishment of the National Housing Finance and Investment Corporation (NHFIC) to operate an affordable housing bond aggregator to encourage greater private and institutional investment and provide cheaper and longer-term finance to registered providers of affordable housing. It also included an additional 10 per cent CGT discount to resident individuals investing in qualifying affordable housing, and introduced new rules that enable Managed Investment Trusts to acquire, construct or redevelop property to hold for affordable housing.

**Homelessness Services in WA**

In Western Australia, the current NAHA agreement funds vital homelessness services. The Department of Child Protection and Family Support (CPFS) receives 15.68% of the total NAHA funding allocation to WA to support homelessness programs. The majority of these funds are allocated to direct service delivery for crisis and transitional accommodation services, with the remainder allocated to support services. Across Western Australia, approximately half (47%) of the funding for the state’s 104 homeless services come from the Commonwealth via NAHA and NPAH.

Department of Child Protection and Family Support have informed community services their current contracts for NPAH and NAHA are only secure to June 2018. As part of the NHHA, the Federal Government will provide nationally an additional $375.3 million over three years from 2018-19 to fund ongoing homelessness support services, with funding to be matched by the State and Territory Governments. The current $115 million of annual homelessness funding provided under NPAH is maintained through 2017-18.

**Recommendations:**

- Continue to encourage and support innovation in homelessness services, including better integration between short-term and longer-term housing solutions.
- Develop a community housing policy and growth strategy that provides greater strategic direction to enable specialisation, innovation and investment.
- Co-design in partnership with the community housing and service sector a one-stop shop for all housing and homelessness assistance and tenancy support needs with a shared assessment framework and database at its core.
Disability Services

This is a time of significant reform and change within the disability services sector. As discussed above under Community Sector Workforce Development Strategy, the projected growth for the disability services workforce is considerable, coming as it does on the back of the considerable investment in the National Disability Insurance Scheme.

Delivering on the principles and investment of NDIS, regardless of which model the State Government decides to implement, requires concerted action in order to maximise the potential benefits for service-users.

These actions include embedding stronger accountability mechanisms to measure progress on outcomes, providing investment into the strategies of the Disability Services Industry Plan and implementing a disability services workforce plan, as well as ensuring that a well-resourced and highly skilled agency oversees and delivers more effective implementation of the National Disability Strategy as well as the transition to the NDIS.

The following recommendations have been outlined by NDS WA in their submission, which can be found in Appendix 2 of this document.

Recommendations:

- Develop a framework to measure outcomes and to influence funding allocations.
- Develop a strong evidence base to support the delivery of better human services outcomes in Western Australia including investing in the development of a critical data mass (and data linkage policy) to inform decision making and drive efficient investment decisions. The development of a strategic data asset creates a line of sight between organisational and market outcomes and quality of life outcomes for people with disability and as such connects the interests of consumers to the sustainability of the supply side, and to government policy settings.
- Collaborate and partner with the WA disability sector in the co-design and implementation of quality services including embedding a high-level mechanism to oversee reform in the sector and aligned sectors.
- Focus on developing service integration across key related portfolio areas of health, disability, justice, housing, education, training and employment.
- Invest in collaborative service models which must demonstrate service integration including the piloting of models in targeted priority areas.
- Explore opportunities for co-location of human services and government facilities.
- Invest in a workforce development strategy to meet projected need, particularly in relation to the delivery of the NDIS in WA.
- Invest in building a strong disability sector that provides increasing and diverse choice for people with disability across WA, including regional and remote, and in particular through the WA Disability Services Industry Plan that will provide a clear pathway outlining where the sector is now and how it can best make the transition to where it must be at full NDIS roll out.
- Invest in partnership with the Commonwealth to implement the agreed national NDIS Quality and Safeguarding Framework and supporting ICT system infrastructure.
Consumer Protection and Advocacy

Western Australia is currently the only state in the nation where there is no funding for consumer research and representation in the regulation of its energy and water markets or for protection and advocacy for low income and vulnerable consumers who may be adversely impacted by changes in market policy or unfair practices by market participants. Within the National Electricity Market (NEM) consumer research and representation is funded by a modest levy on market participants (that is, energy utilities) with research and advocacy commissioned and managed by Energy Consumers Australia. WACOSS was funded to play this role in WA between 2005 and 2013.

Energy and water are essential domestic service. Disconnection from energy and water can have severe social and economic ramifications for individuals, families and communities. Electricity, gas and water support fundamental human needs including food, hygiene and shelter. It supports equipment that is critical to wellbeing and independence, and it enables and supports community engagement and family life.

Fundamental to ensuring access to a reliable, safe, affordable supply is effective regulation developed on principles of best practice consumer protection. Western Australia remains the only state in Australia without funded consumer research and representation in our energy and water markets. Without it, we cannot expect to see best practice consumer protection or be sure that we are not paying too much for our power and water. The move to full retail contestability as part of the Western Australian Electricity Market Review makes the need for that consumer representation all the more essential.

Research shows that negative energy market outcomes, such as market failure or affordability problems, have greater consequences for vulnerable consumers. If full retail contestability is entered into without the appropriate consumer protections in place, the result could be costly for our economy and our community. The voice of consumers is essential in developing the support, concessions and awareness needed to enable vulnerable consumers to engage in a new energy market.

Western Australia began a process of transitioning into the National Electricity Market with the transfer of regulatory responsibility for the wholesale electricity market from the WA Economic Regulatory Authority to the Australian Energy Market Operator on 1 October 2016. The process was then halted by Parliament, and it is unclear as yet what reform arrangements are planned to help WA transition to cost reflective pricing.

In this critical period of electricity market reform, the Council calls on the State Government to fund ECA to provide consumer representation and research. Without it, the community and consumers cannot be assured that their interests will be considered or protected through both the reform process and in the final product.

Recommendation:

- Fund independent energy consumer representation in Western Australia, with a focus on undertaking research, policy and advocacy work that promotes the wellbeing of particularly disadvantaged and vulnerable people.

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1 WACOSS (2014) Consumer research and representation in Western Australian electricity, gas and water markets
Appendix 1 – Short Survey for Community Services Sector

Customer focused and outcomes-based service design and delivery

1. What key outcomes should the public and community sectors be trying to achieve?
2. How can results be measured and shared with the community?
3. Where are the best opportunities for collaborative service design and delivery?
4. Are there examples of best-practice service design and delivery we should share and build on?

Contemporary adaptable and high-performing workforce

5. How can the public and community sectors better share knowledge and expertise?
6. How can the public sector performance management and accountability framework be strengthened to give incentives for collaboration?
7. How can we develop and support a sustainable and quality workforce across WA with a focus on regional areas?

Efficient and effective systems and processes

8. What process and system changes could better enable targeted, flexible and innovative services and help us adapt to new economic and social conditions?
9. What are the key barriers to more effective services, and how can we overcome them?
10. How can government contracting and purchasing practices be improved to get better results?
11. How can we use data on service outcomes to drive investment in better services?
Appendix 2 – Submissions to WACOSS from other organisations

Service Priority Review - Disability Services

Executive Summary

The community sector plays a pivotal role in the delivery of quality human services to Western Australians most in need. The disability sector is in the midst of a period of massive change that brings with it considerable challenges but also the prospect of a better future for people with disability and their families. Harnessing the opportunities and resolving the issues will require significant investment, resourcing and commitment to strengthen our community's capacity to assist people with disability.

The information provided by National Disability Services WA (NDS WA) identifies reform priorities that can assist deliver better outcomes for people with disability. Importantly these align with the McGowan Government’s Supporting Communities and Plan for Jobs election commitment policies. The prime consideration is to deliver quality social and economic outcomes for Western Australians in the key service areas of health, disability, justice, education and transport.

Our Focus

The focus of NDS WA is to advance the social and economic inclusion of people with disability and build a strong and dynamic disability support market thus enabling the successful implementation of the National Disability Insurance Scheme (NDIS).

AS the NDIS in WA is implemented, a key consideration must be are the right services in the right place and time for the right price, delivered in a manner consistent with the best available evidence and consistent with the preferences of people with disability. Right services are those that are: evidenced based, have a positive effect in relation to quality of life and personal goals, and delivered in a manner consistent with the expressed preferences of people with disability. We note the tension between ‘choice and control’ and ‘what works, for whom, under what circumstances, at what cost’ and the important market stewardship role of the State Government particularly in relation to mitigating against market failure in thin regional and remote communities.

The State Government must continue to invest in improving the lives of people with disability in WA across its portfolio areas in addition to its investment in the NDIS to fulfil its obligations.
to implement the National Disability Strategy. The NDIS only provides funding supports for individuals. The State Government has a vital role to continue to improve the social and economic inclusion of people with disability in our community.

To achieve these priorities, the State Government must play an important leadership role in driving cultural and systemic change to deliver innovative, higher quality and more cost effective services to Western Australian individuals and communities.

NDS WA believes that the Service Priority Review presents an opportunity to consider the following on how to best shape the delivery of higher quality and more efficient services to people with disability in Western Australia.

<table>
<thead>
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<th>Service Priority Reforms</th>
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<tr>
<td>1. As a first priority, develop a framework to measure outcomes and to influence funding allocations.</td>
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<tr>
<td>9. Invest in partnership with the Commonwealth to implement the agreed national NDIS Quality and Safeguarding Framework and supporting ICT system infrastructure.</td>
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Introduction

The WA disability sector has grown significantly over past decade in line with the growth in funding directed to the sector. Its economic contribution will become even more important as the State transitions to the NDIS resulting in significant increases in its contribution to Gross State Product (GSP) and jobs growth.
Under the current disability funding arrangements, there was a total of $908 million worth of expenditure for the provision of disability related supports and services in 2015-16, which included community-focused support ($336 million), accommodation services ($336 million), coordination and individual support ($147 million), and family support ($89 million).

In 2015-16, the total funding provided to the sector is estimated to have generated $1.4 billion in activity across the WA economy, $941 million in incomes and 10,507 direct and indirect jobs (in full-time equivalent employee terms).

Under the future funding arrangements where the NDIS is fully implemented, total funding in WA for the provision of disability supports and services is expected to increase by 92 per cent to $1.7 billion. Of this total, coordination and individual support is forecast to increase by 95 per cent to $286 million; community-focused support is forecast to increase by 93 per cent to $648 million; family support is forecast to increase by 91 per cent to $170 million; and accommodation support is forecast to increase by 90 per cent to $638 million.

Importantly the Service Priority Review should note that our research through the WA Disability Services Industry Plan modelling has identified the level of funding estimated under the NDIS in 2019-20 is projected to generate:

- $2.7 billion in activity across the WA economy;
- $1.8 billion in incomes; and
- 20,144 direct and indirect jobs (in full-time equivalent employee terms).

This is a significant opportunity for WA both in terms of economic growth and job creation – adding $2.7 billion in GSP and 20,000 jobs. These are quite profound numbers taken in the current context of the subdued State economy and high unemployment numbers, particularly for youth.

It strongly aligns with the McGowan Government’s strong commitment to jobs growth and to grow and diversify the State’s economy. WA simply cannot just rely on the mining’s sector into the future to generate economic activity and jobs. NDS WA highlights this will assist the State Government to meet its commitment to build a strong, diverse, efficient and resilient economy that can ride out the ebbs and flows of the mining sector cycle.

Working in partnership with the State Government, we have an opportunity to build strong communities and help to grow and diversify the State economy – something that is desperately needed. A high quality workforce that strengthens the safeguards and provides greater choice for people with disability is a vital part of building vibrant services in local communities across all parts of the State.

1. Customer-focused and outcomes based service design and delivery

Customer-focused and outcomes based service design and delivery is critical to the delivery of the broad outcomes of the National Disability Strategy and the principals that the NDIS is founded which remain compelling. Both will require action by the State Government and innovative thinking to deliver better service outcomes for people with disability in our State. This is also important to the work of the Service Priority Review in its deliberations on how to
best deliver human services to Western Australians in the context of the significant fiscal challenges faced by the State.

**Delivering on the National Disability Strategy**

The ambitions of the National Disability Strategy complement those of the NDIS. Inclusive transport, technology, justice, housing, health and education systems are imperative for a viable NDIS that has capacity to increase the social and economic participation of people with disability. Implementation of the Strategy will also reduce the cost of crisis services in the hospital, justice and income-support sectors.

Given the anticipated transition to the NDIS in 2017, NDS WA believes it is now even more critical for the State Government to continue to focus on investing in mainstream services and deliver better outcomes for people with disability in WA across the six policy areas of the National Disability Strategy.

The Service Priority Review provides a timely opportunity to embed stronger accountability mechanisms to measure progress with the delivery of outcomes across each outcome area of the National Disability Strategy.

**ACTION**

**Implementing an accountability outcomes based framework**

NDS WA has strongly advocated that the National Disability Strategy requires a clear performance and accountability framework to ensure all sectors understand and do their part. Better implementation of the Strategy requires agreement to a common and robust reporting framework.

The release of a new 2010–20 National Disability Strategy Second Implementation Plan and the recent Senate Community Affairs References Committee: National Disability Strategy 2010–2020 inquiry are positive and provide the impetus to re-think how governments report on progress across a range of sectors: from public transport to housing design; from education to employment; from justice to health. However, real progress requires clearly delegated responsibilities and measures of progress, dedicated funding and monitoring (including yearly reporting to parliaments).

A common reporting framework should established to enable the tracking of key performance indicators (both quantitative and qualitative) over time. This report should be tabled in Parliament annually, reported by jurisdiction.

**Examples of possible indicators**

- participation of people with disability in public sector employment
- proportion of public transport that is accessible
- setting and monitoring of targets for the implementation of the Disability Education Standards
- proportion of new housing built to a various levels of accessibility
- proportion of people with disability satisfied with their hospital stay compared with the general population

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2 Department of Social Services, 2016, ‘National Disability Strategy Second Implementation Plan’, DSS, Canberra
✓ proportion of people with severe or profound disability reporting poor or fair health outcomes compared with the general population
✓ proportion of the prison population with intellectual disability and with cognitive impairment

Principles to deliver the National Disability Strategy

To maximize opportunities to deliver quality services in the six policy outcomes areas of the National Disability Strategy, and more broadly to build bridges with other connected areas of community service delivery, a new approach needs to be considered that ensures funding reaches those in need and that good policy is put into practice. The development and implementation of silo based policy solutions that are not integrated across human services has led to sub optimal outcomes for individuals and communities. The Service Priority Review presents a real opportunity to address this.

ACTION
✓ Adopt core service design principles to support all service delivery and to support individual models of care / person centered service delivery
✓ Embed these principles to be used to deliver the National Disability Strategy into the State Government’s policy development and approval processes.
✓ Develop a holistic, whole of government approach to delivering services to people with disability.

Core principles to delivering high quality effective individualised disability services
✓ There must be mandatory co-design and engagement with key stakeholders including people with disability and service providers.
  o Co-design of service with communities: to understand what services are need where: creates awareness and buy in in local communities
  o Creation of opportunities for communities to collaborate on similar issues – achieves a local focus, buy in and engagement
✓ The high level Community Roundtable mechanism (Community Services Group) established by the McGowan Government should be used to assist with the prioritizations of human service delivery and to identify opportunities for the delivery of integrated services across sectors. Key tasks of focus should include to:
  o Identify service integration opportunities with other services across other sectors and in particular for people with high and complex needs.
  o Ensure targeted investment in innovative service design and delivery.
✓ Promoting collaboration and partnership in all aspects of service design and delivery (public and NFP sectors).
✓ Investment in pilot trial programs in critical areas demonstrating service integration models.
✓ Exploring the development of regional hub service delivery approaches across human services portfolios including health, disability, education, training and justice.
✓ Early intervention focus, as a component to all programs.
✓ Investment in service innovation across key portfolios in human service delivery e.g. social bonds approach with housing e.g. innovation fund.
Investment, in partnership with the Commonwealth to implement the agreed national NDIS Quality and Safeguarding Framework and supporting ICT system infrastructure.

Develop and invest in an e-market to better inform and expand choice for people with disability.

Priorities to ensure full access and inclusion for people with disability in economic, cultural, social, civil and political life through increased participation

The State Government’s effort to deliver on the outcomes of the National Disability Strategy must focus on the following core areas of service delivery. There must be careful consideration of how these services can be best delivered to Western Australian with disability, particularly around the integration of services across responsible government agencies and in regional and remote communities.

Priority areas of action include:

- **Commit to fully accessible education by 2020**
  Education; Training; and Community Services (Disability Services Commission)

- **Strengthen the focus on employment by creating job opportunities**
  Premier and Cabinet; Public Sector Commission; Community Services (Disability Services Commission); Jobs, Tourism, Science and Innovation; Training and Workforce; and Finance

- **Provide access to suitable, stable and affordable housing**
  Community Services (Housing, Disability Services Commission, Local Government and Communities); Treasury; and Premier and Cabinet

- **Accessible community infrastructure**
  Planning, Lands and Heritage; and Transport

- **Adequate and accessible transport infrastructure**
  Transport; and Planning, Lands and Heritage

- **Inclusive communication and information systems**
  Community Services (Disability Services Commission); Premier and Cabinet

- **Equal access to rights protection and justice**
  Community Services (Disability Services Commission); Child Protection and Family Support; Justice; Police; and Western Australian Electoral Commission

- **Better health and wellbeing outcomes**
  Community Services (Disability Services Commission); Health; and Mental Health Commission

**Delivering the NDIS in WA**

The NDIS will double the funding of disability supports and provide choice and control for people with disability and their families which NDS WA fully supports. This insurance
The approach must focus on early intervention as a priority and be supported with adequate investment in appropriate strategies to build the capacity of the sector and build more choice for people with disability.

The NDIS provides people with disability with real autonomy and decision making power to choose the services that best meet their individual circumstances. While the levels of autonomy under individualised funding can vary depending on whether a person with disability self-manages their funds, has a family member or service provider manage it for them, or elects for shared management, there is a greater capacity for people with disability to exercise choice.

Critical to realising the vision of the NDIS in WA is the growth of a dynamic, sustainable and values-driven disability sector. Without this, people with disability and their families will not have the choice and quality of support that the NDIS promises. The risks facing the disability sector are risks to the Scheme as a whole. They are substantial and require urgent mitigating action.

NDS WA proposes practical measures to reduce the avoidable pressure and risk – and so help secure the future of the NDIS.

**WA Disability Services Industry Plan**

It is vital that the roll out of the NDIS across WA be informed and supported by credible evidence based data which is underpinned by comprehensive engagement with the disability sector and people with disability.

The experience from the implementation of the NDIS across other jurisdictions has flagged high risks for the NDIS market. The ‘Independent Review of the Readiness of NDIS for Transition to Full Scheme’ (written by Robyn Kruk) highlighted the need for “both immediate and short term actions to strengthen mitigation and responses in relation to potential market failure or provider collapse; and to support provider readiness and market development.”

In anticipation of the full roll out of the NDIS in WA, NDS WA has commissioned ACIL Allen Consulting to develop a WA NDIS: Disability Services Industry Plan to provide a clear framework for the WA disability sector to transition to full NDIS implementation in WA. The underpinning driver of the Industry Plan is the NDIS and the associated impact it has had on people with disability, disability service providers, government, and broader industry stakeholders during the transition to a new operating environment.

The detailed Industry Plan report provides critical information and includes:
To support the NDIS transition, it is critical that the State Government invest in implementing the WA Disability Services Industry Plan. The Industry Plan provides a clear pathway outlining where the sector is now and how it can best make the transition to where it must be at full roll out. It highlights the importance of the WA disability sector working in close partnership with the State Government to improve the life of people with disability in our State. This will assist in building a strong disability sector that provides increasing and diverse choice for people with disability across WA, including regional and remote locations.

**ACTION**

- Invest in the WA Disability Services Industry Plan by supporting support the strategies in the Plan to ensure the sector is well prepared for the full implementation of the NDIS in WA.
- Develop capacity to ensure that market failure risks are monitored, and that market failures are prevented and mitigated as part of its market stewardship role.
- Develop regional and remote NDIS plans for each of WA’s nine regional development areas to support local communities that are at risk of market failure under the NDIS. This should include: targeted workforce planning at a local level, regional pricing models reflecting the true cost of service provision across the nine regional development areas (such as the additional costs associated with travel and employee compensation), regional start-up support to establish new service providers in regional and remote areas that have service delivery gaps and put in place suitable intervention strategies and responses, including a provider of last resort mechanism.
- Build the business intelligence of disability sector organisations by improving access to data and information pertaining to the NDIS, people with disability and the broader disability services market. This should include good consumer and market information that is readily accessible.
- Ensure the successful implementation of the NDIS in WA is based on a policy of co design. Key considerations to successfully implement the Plan include:
  - Developing shared understanding of the Plan through a strategic workshop of industry leaders, government, and representatives of people with disability in order to ensure there is and a facilitated discussion to develop and agree the key elements of the implementation strategy.
  - the establishment of a governing council to oversee and guide the implementation of each strategy and the corresponding initiatives.
  - The establishment of outcomes and KPIs to understand what success will look like in implementing the Industry Plan.
2. Contemporary, adaptable and high-performing workforce

The success of the NDIS in WA is ultimately dependent on organisations in the sector having a workforce that is able to adapt and implement the changes required.

Recruiting and retaining a sufficient and skilled workforce in regional and remote areas is a challenge and the NDS WA Industry Plan has identified there are a range of factors that work against trying to attract workers to their sector in regional settings, including:

- the higher wage costs or supports that organisations must generally pay or provide to attract workers;
- the lack of training in rural settings, with a perception from potential employees of limited professional development opportunities;
- the lack of infrastructure (such as communications) in regional and remote towns, which makes moving to these areas a less attractive option for potential employees; and
- the perception of isolation that potential employees may associate with working in a rural setting.

The Industry Plan also reinforces that the capacity and capability of the WA disability services sector must be built and enhanced during the transition to full Scheme NDIS, including the workforce and regional services provision.

In particular, new roles and skills will be required within the sector and the types of skills that were seen as most important in the future included:

- emotional intelligence, caring and social communication, which are especially required by frontline support workers;
- customer engagement and management, which is required to better understand and respond to the needs and wants of people with disability;
- commercial acumen, which is required to operate in a more competitive and financially aware operating environment;
- marketing, which is required to better engage people with disability;
- data literacy, which is required to better utilise individualised organisational data; and
- technological literacy, which will be required given technological advancements and the higher utilisation of technology in service delivery.
The WA Disability Services Industry Plan modelling has identified the level of funding estimated under the NDIS in 2019-20 is projected to generate:

- $2.7 billion in activity across the WA economy and
- 20,144 direct and indirect jobs (in full-time equivalent employee terms).

**Regional WA**

By regional area, total future funding and jobs growth is forecast to increase by:

- **South West**
  - 78 per cent growth to $139 million generating approximately 1400 jobs;
- **Peel**
  - 152 per cent growth to $104 million generating approximately 900 jobs;
- **Wheatbelt**
  - 355 per cent growth to $90 million generating approximately 800 jobs;
- **Mid-West**
  - 318 per cent growth to $60 million generating approximately 600 jobs;
- **Great Southern**
  - 145 per cent growth to $59 million generating approximately 580 jobs;
- **Goldfields-Esperance**
  - 221 per cent growth to $41 million generating approximately 390 jobs;
- **Kimberley**
  - 224 per cent growth to $26 million generating approximately 230 jobs;
- **Pilbara**
  - 194 per cent growth to $21 million generating approximately 180 jobs; and
- **Gascoyne**
  - 444 per cent growth to $8 million generating approximately 80 jobs.

The Industry Plan articulates the need for consideration of preemptive investment strategies to build the workforce capacity of the disability sector. It is critical that these focus on building, attracting and retaining a skilled workforce to minimize skill shortages and maximise the State’s ability to respond to new NDIS opportunities.

For example, of critical importance is the role of the Department of Training and Workforce Development which can play a vital training role in this area, to work with the disability sector and Government to build a NDIS workforce that is productive, inclusive, efficient and mobile.

**ACTION**

- ✓ The State Government consider the WA Disability Services Industry Plan including the implications for service delivery and the market and the anticipated significant growth it will generate in economic activity and jobs in WA.
- ✓ Develop and implement a State workforce plan for the disability services sector to address capacity and capability requirements.
- ✓ Use the work and recommendations from the Industry Plan to invest in developing the quantum, type and quality of disability sector workforce needed for the future and for NDIS implementation.

The following priorities should be incorporated into a State disability sector workforce plan:
1. Understanding workforce needs: An evaluation of the sector’s workforce needs should be undertaken, which will be used as the primary evidence base for future workforce initiatives and policy.

2. Organisational self-assessment: Each organisation within the sector should evaluate their own workforce with tools such as NDS’ Workforce Wizard, with a focus placed on the roles, skills, proficiencies and overall quality of their current workforce; and any difficulties their current workforce is experiencing during the transition to the NDIS and in adopting the principles of the NDIS.

3. Education and training: A review of the education and training currently provided to workers in the sector should be undertaken to determine whether it is appropriate, effective and efficient in the context of meeting the future workforce needs under the NDIS.

4. Targeted planning at a local level: Workforce plans should be developed and implemented for each of WA’s nine regional development areas to:
   a. identify local priorities, challenges and opportunities;
   b. identify and implement local workforce initiatives that are targeted to the particular circumstances of each region;
   c. strengthen local networks by ensuring that LACs have a strong level of engagement across the local community, including an understanding of the full range of supports available in each region (for example, community, informal, mainstream and specialist supports); and
   d. be integrated into the existing strategic plans and Regional Investment Blueprints in each of the nine regional development areas.

5. Amending the Industrial Award: The WA disability services sector, relevant union bodies, NDS WA and the Chamber of Commerce and Industry (WA) (both with their national bodies), should discuss and agree on necessary amendments to the current Industrial Award, the Social, Community, Home Care and Disability Services Industry Award. In particular, amendments that would allow for more flexible work arrangements to better align with the person-centred principles of the NDIS.

6. Promoting the sector: A marketing campaign should be developed and implemented to promote career and professional development opportunities in the WA disability sector. This campaign should be targeted towards:
   a. university students in specialised fields like allied health (such as speech therapists, occupational therapists, psychologists, physiotherapists), and business and commerce (such as accounting, management, marketing, human resources, information technology, data analytics);
   b. vocational education and training students in fields such as dietetics and nutrition, information technology, direct support and customer service;
   c. displaced workers from other sectors of the WA economy;
   d. workers from other sectors of the WA economy seeking a career change or returning from a career break; and
   e. overseas workers looking for career opportunities in Australia.

7. Regularly review: A State workforce plan, which is the basis of the above workforce initiatives, should be reviewed annually, with progress measured
against key workforce indicators. This will ensure that emerging risks are addressed, and the long-term requirements of WA’s disability sector workforce are met.

Other actions

✓ Develop in partnership with the disability sector a targeted investment policy in VET and tertiary education in accordance with the above and specifically mapping and gapping of current and future skillset needs.
✓ Increase connectivity between education and workforce training through a range of measures: such as more frequent forecast modelling of workforces required by regional areas (e.g. 12 monthly forecasting) of workforce required per regional area), provide grant incentives for young people to be mentored whilst developing skills (life and education) within employment growth areas; increasing the combination of online units and workplace experience from Year 11 onwards; continue to expand the community hours to be completed by students and marry these with the growth employment areas
✓ Invest in technology to support regional and remote workforce development and build capacity and mobilise workforce including across human service sectors.
✓ Support incentives to attract regional workers: mining and resource companies have resource capacity to do this (e.g. subsidised housing, vehicles and living cost allowances). The NFP community sector does not have this capacity with the existing pricing frameworks.
✓ Explore industrial award reforms to improve the sustainability of services. The current award conditions impact on the ability of organisations to provide sustainable services. The government imposed pricing framework is not sufficient to cover the additional costs of delivering services in the regions including capacity to recruit qualified staff.
✓ A greater focus on developing whole of region/ community capability, not the skills in individual organisations.
✓ Investment in promoting career pathways in the disability sector, particularly in regional areas. This is in recognition of the disability industry as a growing employment industry offering a good employment and work.

3. More efficient and effective systems and processes

The Service Priority Review panel will also need to consider what impact the implementation of the NDIS in Western Australia will have on disability services provided by the State Government outside of the Scheme - specifically those allocated to oversee the administration and the operation of the existing service system.

The recent Machinery of Government changes announced by the McGowan Government will result in the merging of a number of government agencies (including the Disability Services Commission (DSC) into a larger Department of Communities. NDS WA acknowledges the benefit of co-location of the DSC with ‘like’ human service agencies,
particularly with the design and delivery of more efficient and integrated holistic services across marginalized and disadvantaged communities.

We also highlight that a well-resourced and highly skilled agency will be required to deliver the more effective implementation of the National Disability Strategy as well oversee the transition to the NDIS in WA. It is important that the critical functions of the DSC are reviewed and enhanced to make this possible.

**ACTION**

**Key systemic reform priorities**

- As part of the new Department of Communities, ensure that a well-resourced and highly skilled body oversees and delivers more effective implementation of the National Disability Strategy as well as the transition to the NDIS.
- Implement an accountability outcomes based framework with reportable performance indicators around service delivery quality and efficiency. KPIs should include social and economic participation rates.
- Build the research and evidence base to support the National Disability Strategy and implementation of the NDIS in WA.
- Investment in data aggregation and pooling (across government and the NFP sector) to inform the evidence base providing consistent measuring, tracking and benchmarking by market segments over time within the context of the development of a long term data strategy.
- Consider the important market stewardship role of the State Government to avoid market failure in the delivery of disability services in regional and remote communities and to ensure provision of last resort services. For regional and remote centres (such as north-west) there is a need to consider choice and control in the context of the small market for services and often a single provider (or no provider) servicing these small or remote communities. This requires consideration of pragmatic allocation models – for example, a single provider providing services to a collection of remote communities to enable economies of scale and allow providers sufficient billable hours to attract staff to the position.
- Embed the principle of co-design and adequate testing for all system design.
- Identify opportunities for the co-location of human services particularly in regional and remote parts of the State and in particular using government facilities more efficiently.
- Streamlining procurement processes and reduce red tape and duplication. A priority is to streamline service provider reporting requirements to reduce administration demands on the NFP. Although this was meant to have occurred with the implementation of the DCSP policy, but has increased for the disability sector, often with the same information being in require different formats to different offices within the same Government Agency.
- Adequate investment in ITC infrastructure including online portals between government and NFP organisations.

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National Disability Services (NDS) WA is the peak industry association representing community disability service providers in WA working to improve life opportunities for people with disability. We are part of a national association, National Disability Services, the peak industry body for non-government disability services. Our purpose is to promote and advance the delivery of quality services for people with disability.

NDS WA represents the vast majority of the disability sector, with over 100 organisational members drawn from not-for-profit disability services in metropolitan, rural and remote regions. NDS nationally represents over 1,100 non-government organisations, which support people with all forms of disability. Collectively, NDS WA members provide services to thousands of West Australians with a disability, their families and carers. They provide the full range of disability services from home support, respite and therapy to community access and employment. NDS WA provides information and networking opportunities to its members and policy advice to the State Government. Our members are located across WA and range from small support groups to large multi-service organisations.

The purpose of NDS WA is twofold:

- To increase the capacity of disability service providers to operate efficient and effective services, through the provision of information and advice, networking opportunities and access to training and development support; and
- To influence and support the WA Government to provide a policy environment that is responsive to the needs of people with disability and their service providers.

Our role includes policy development and advocacy on behalf of people with disability, support of disability services and the provision of a range of access and inclusion services through ACROD Parking, Companion Card, Community Living and Participation Grants and support for the Changing Places Network.
WANADA Input into Service Priority Review Submission

What key outcomes should the public and community sectors be trying to achieve?
WANADA considers that public and community sectors should include the capture and reporting of individual, organisation and systems outcomes.

From the perspective of the alcohol and other drug sector, individuals present with complex and co-occurring health and wellbeing issues. Individual outcomes need to determine that individual needs have been met.

Organisation outcomes are required to inform and demonstrate evidence-based informed practice.

Systems outcomes should include process-oriented outcomes to capture and measure things such as collaborations and partnerships that deliver long term, sustainable health and wellbeing improvements for the Western Australian public. These outcomes must be clearly linked to regularly reported KPI data that include target reductions (e.g. hospitalisation and imprisonment rates).

How can results be measured and shared with the community?
WANADA submits that systems outcomes be shared with the community. These outcomes can be directly connected to departmental KPI’s (for example, reduced prison numbers and children in care).

To grow confidence in public sector service delivery, the community need to be informed of:
- Current KPI measures
- Intended timeframe KPI targets that both reflect community expectations and are supported by evidence-based rationale (to manage community expectations)
- Evidence-informed strategies to achieve the desired targets
- How strategies are monitored to ensure transparency and informs sector planning and regulation

Any measurements need to address the following:
- Confidentiality and privacy concerns, particularly where data and reporting can contribute to stigma and discrimination
- Existing data and outcomes measurement and infrastructure limitations
- Resource and administrative burden on reporting entities
- Data integrity
- Co-design requirements involving community sector services, to ensure all parties’ data needs are addressed (e.g. accessibility and publication)
- Clear policies and procedures governing data ownership, informed consent, and the appropriate use of data

**Where are the best opportunities for collaborative service design and delivery?**
While individuals typically present to services with complex and co-occurring issues, collaborative service design and delivery needs to add value to improving individual outcomes. As such there needs to be:

- Recognition and support for the maintenance of specialist services
- Recognition, support and resourcing for partnerships and collaborations between specialist services and across sectors.

As an example, there is a need for capacity building across human services to provide enhanced brief and early intervention, and shared- and through-care referral to specialist services for people presenting with alcohol and other drug issues. Capacity building of this nature will enhance service confidence in addressing complex and co-occurring issues as well as confidence in the system of specialist services. WANADA strongly cautions collaborative approaches that focus upon the generalisation of service delivery, at the expense of specialist, accredited services designed to address specific health and social issues.

**Are there examples of best practice service design and delivery we should share and build on?**
In recognition of the impact of alcohol and other drug issues across government agencies, there is a Drug and Alcohol Interagency Strategic Framework for Western Australia. The Framework has the potential to inform and support best practice service design and delivery within the public sector through coordination of relevant agency strategies to achieve shared objectives (KPIs) and outcomes. While the structure is promising, there is a way to go before the Framework could be identified as an example of best practice. The inclusion of aspirational and achievable systemic targets, coordination of focussed and purposeful strategies, and measurement monitoring (as above) would enhance the current model.

**What new or innovative methods could the public sector use to make sure the community has access to the government services it needs?**
As per the Western Australian Mental Health, Alcohol and Other Drug Services Plan 2015-2025, alcohol and other drug treatment and support services need to effectively more than double to meet modelled projections of community demand. The Plan establishes a common understanding between the community, community services and government for the need for additional services. The Plan was informed by considerable sector consultation, and is funder and evidenced-based service provider neutral.

The cost of providing these additional services is challenging noting the current state and federal fiscal and economic environment. However, having a plan establishes an intended end-state that all stakeholders and potential funders can work towards achieving.

**How can the public and community sectors better share knowledge and expertise**
Sector peak bodies are uniquely placed to provide systemic advocacy, information sharing, networking and policy input into the public sector.
It is important that peak body organisations are recognised as uniquely placed to deliver systemic advocacy, consultation and policy input. This must be complemented by improved government co-design processes and partnership collaborations to ensure that peak bodies are meaningfully involved in policy and program development.

Independent consumer systems advocacy bodies also have an important role in informing the design and delivery of services, and experience-informed policies. At present, there is no systemic advocacy representative body for alcohol and other drug service users. The establishment of such an organisation would result in more tailored solutions that deliver improved service access, improved health and wellbeing outcomes, and cost savings through effective and targeted service delivery.

How can we develop and support a sustainable and quality workforce across WA with a focus on regional areas

Workforce development and planning are important for the development and support of a sustainable and quality workforce across WA. WANADA was recently commissioned to undertake research to determine the workforce development and planning needs for the alcohol and other drug sector. While specific to the alcohol and other drug sector, WANADA would be happy to share the recommendations of the report developed with the Service Priority Review Panel.

What process and system changes could better enable targeted, flexible and innovative services and help us adapt to new economic and social conditions

Aside from all that has been stated above, WANADA strongly believes services need to be resourced to contribute to the evidence-base for their practice, through for example: pilots; research linkages; service monitoring; and evaluation.

What are the key barriers to more effective services, and how can we overcome them

WANADA considers there to be a number of barriers to more effective services. These barriers include:
- administration and contractual reporting imposts on agency resources
- contract lengths that inhibit long term planning, outcome measures and staff retention pressures
- inadequate application of CPI in contract arrangements to support service capacity and sustainability (e.g. Equal Remuneration Order)
- competitive tendering and that undermines service diversity and essential inter-service collaboration
- increased pressure to generalise service provision for market-driven sustainability
- limited funding to support improved data and outcomes collections, analysis and reporting
- limited linkages between government, services and research bodies, which impact the development of evidence-based practices, and effective service planning
- insufficient support for systemic advocacy and cross sector capacity building
- inappropriate contract micro-management where the delineation between commissioning expertise and service delivery expertise is not valued
**How can government contracting and purchasing practices be improved to get better results?**
WANADA submits that the limitations of the current contracting and purchasing arrangements are well known, and largely common across the entire human services sector.

There is a clear need for government to work with service providers to assess the outcomes and limitations of the current system, which has increased competition and uncertainty, negatively impacted on the formation of practice sharing and collaboration, and resulted in a significant administrative burden for service providers.

**How can we use data on service outcomes to drive investment in better services?**
WANADA considers data and outcomes to be central to improving service delivery. WANADA is of the position that any data system must be subject to thorough co-design process, to ensure that it meets the needs of both government procurement and non-government service organisations.

WANADA also considers an effective data and outcomes system as necessary to drive the attraction and retention of alternative funding arrangements. A robust data system would enable services to quantify the impact and outcomes of its services, and present a defined value proposition to potential funding bodies.

**What new technologies could be used to achieve better service outcomes?**
WANADA submits that rather than new or emerging technologies, there are existing technologies and practices that could be better utilised to realise improved service outcomes.

Improved data and outcomes system would deliver several opportunities to improve service design and delivery, agency performance, policy, planning and program development, and community confidence.

Commensurate with an improved data and outcomes system, there are opportunities to streamline and minimise service agencies administrative load for contractual requirements.

**How could the public sector be better organised to operate more efficiently?**
WANADA supports cross-sectoral solutions to complex health and social issues, to achieve improved outcomes for the community. WANADA strongly considers that cross-sectoral solutions are not dependent upon government agency amalgamations. In 2015 the Mental Health Commission and the Drug and Alcohol Office amalgamated. While the amalgamation has presented opportunities for collaboration, substantial time was required to design and implement the amalgamation equitably. This introduced a period of uncertainty and complexity into the alcohol and other drug services sector.

Where co-occurring issues across multiple sectors is the norm, the choice of amalgamating government agencies is complex and depended upon multiple factors. Experience from other jurisdictions indicate mixed results in amalgamating government alcohol and other drug with mental health portfolios. More recently in New South Wales, for example, these agencies have de-amalgamated, with alcohol and other drugs being seen as more appropriately aligned with population health.
WANADA welcomes the “intent” of the recently announced departmental amalgamations. The efficacy of such arrangements, however, depends upon how a department’s structure, processes and culture are redefined. There is a risk of losing knowledge, skills and expertise. Further, amalgamations must not introduce a focus upon generalised and integrated cross-sector services, rather there should remain a commitment to specialist service provision.
About Shelter WA

Our vision

Accessible, affordable, appropriate and secure housing and working towards the elimination of homelessness in Western Australia.

Shelter WA was founded in 1979 as an independent, community based peak body committed to accessible, affordable and secure housing for Western Australians, and to working towards the elimination of homelessness in WA. Shelter WA believes housing is a basic human right. Safe, secure and affordable housing is a fundamental determinant of health and a key requirement for people to engage in work, maintain healthy relationships and fully contribute to society. Shelter WA advocates for policy settings and responses that facilitate appropriate affordable housing options for low to moderate income earners, for those who are otherwise disadvantaged in the housing market or experiencing homelessness. This is done by strong collaboration with the not-for-profit housing and social services sector, government, industry bodies, business, the community and research institutions.

Shelter WA is a member of the National Shelter Council and a member of the Council to Homeless Persons Australia and has a seat on the Board of Homelessness Australia. This national membership strengthens Shelter WA’s capacity to represent Western Australia’s interests through participation in research, policy advocacy and engagement in national debate.

Shelter WA is predominantly funded by the Western Australian Housing Authority and is appreciative of this support.

How we can assist

Shelter WA is in the position to act as a conduit for consultation with the non-government sector in relation to affordable and social housing and homelessness issues.

Contact

For further information regarding this submission please contact Michelle Mackenzie, Manager Policy on 9325 6660 or email strategy@shelterwa.org.au.

Definitions used in this submission

Social housing includes public housing properties managed by the State Government and community housing properties either owned by the Community Housing Provider, or, by the State and managed by a Provider. ‘Housing stress’ refers to housing that costs more than 30% of a household’s income, specifically for households in the lowest 40% of income distribution. This is known as the 30/40 rule. ‘Affordable housing’ refers to housing which is affordable for low income households and for which they are paying less than 30% of their income.
Social and Affordable Housing, Tenancy Support and Homelessness

Introduction

Shelter WA submits that:

- housing has the potential and capacity to be a key driver to major cross portfolio reform and potential savings for the Western Australian government;
- the housing portfolio and WA government ‘land bank’ is a multi-billion-dollar asset that could be better optimised in the whole of government approach to housing and human services;
- the housing system is ready for major reform;
- there is an opportunity to facilitate private and institutional investment into affordable and social housing;
- there is an opportunity for significant savings to government through co-ordination and investment by agencies in implementing up-front solutions, rather than focusing on managing problems; and
- this will require strong leadership to implement reforms across some major systems of government.

Research shows the opportunity for government to maximise investment in social housing and homelessness services driven by:

- An approach that focuses on maintaining and sustaining tenancies, focusing on the individual needs of the person or family first;
- Aligned departmental policies and KPIs to provide housing and end homelessness;
- Planning reform to support affordable and social housing growth;
- Government working in partnership with the development industry;
- Inter-departmental cooperation and alignment of policies and KPIs to end homelessness; and
- Harnessing the expertise of the NGO sector through outsourcing and partnerships.

The benefits of secure, safe and affordable housing chosen by the individual and augmented with suitable health and community supports as required are well documented. They include:

- Improved health status, maintenance of symptom stability and overall functioning reducing demand for treatment and care;
- Improved sense of belonging and self-worth;
- Improved social and economic participation;
- Reduced reliance on welfare support and reduced impact on homelessness services; and
- Cost savings in the areas of crisis, police and ambulance call outs, emergency departments and hospital admission.

Shelter WA’s Response to the Terms of Reference have a specific focus on the following points:

- Point 2. Promoting a culture of collaboration in the achievement of outcomes for the community;
- Point 3. Promoting public service innovation that delivers transformative public policy and service delivery that is different, better and lower cost;
- Point 5. Identifying opportunities to deliver Government services, programs, projects and other initiatives more efficiently or effectively, including through a whole-of-government digital strategy, or to no longer be delivered; and
- Point 6. Developing and implementing whole of sector key performance indicators to ensure more effective delivery of services to the community and support for economic activity and job creation.
The Shelter WA Housing Hub contains examples of best practice partnerships between government, the private and non-government sector to deliver co-ordinated, cost effective affordable and social housing solutions. These are located at http://wahousinghub.org.au/display/RES/Research+Home.

**Conceptual framework: Housing assistance matched to people’s need**

The housing continuum refers to a range of accommodation and housing options which matches housing assistance to people’s needs. This ranges from emergency shelters and supportive housing for vulnerable populations, through to transitional and social housing, private rental housing and home ownership. Matching assistance to people’s housing needs is important to support stable tenancies and ensure everybody has an affordable place to call home.

![Conceptual framework diagram](image)

The opportunity cost to the individual, society and government of housing and homelessness

Housing insecurity remains an issue for many Western Australians. With 18,530 people on the public housing wait list, only 3% of private rentals affordable to people on low incomes, and 9,600 people experiencing homelessness every night, housing affordability and homelessness remain a key public policy issue for two key reasons: the effects that housing unaffordability has on the economy, society and individuals; and the failure of the market to correct these issues in a timely and efficient manner.

Inefficient housing markets have widespread and lasting impact on economic productivity and the broader community. Access to appropriate, affordable housing is fundamental to economic growth and productivity and is a critical foundation for individual and community prosperity and wellbeing. Adequate housing is a fundamental determinant of health. Without shelter it becomes impossible for individuals and families to overcome broader social disadvantage by engaging in appropriate services. Investment in social and affordable housing leads to increased productivity, unlocks opportunity, and establishes a platform for efficient government service delivery. Whilst housing provides shelter, it influences a raft of non-shelter
outcomes for individual households, such as workforce participation, access to jobs and services, family stability and educational attainment. The costs of poor housing choices are not just borne by the individual, but by society\(^1\). AHURI research indicates that access to housing can affect health and education, and therefore labour market productivity\(^2\).

Research points to preventable generational homelessness in that children who first experience homelessness at a young age are significantly more likely to experience persistent homelessness in adulthood\(^3\). Early intervention can prevent the cost of an ongoing cycle of homelessness. This is true of other vulnerable groups for whom investment in housing and service supports makes economic and social sense. For example, research indicates that access to appropriate, stable and affordable accommodation with appropriate levels of support geared to individual needs is of critical importance to assist people with mental illness to maintain successful housing outcomes\(^4\).

Adequate and crisis and transitional accommodation for young people, adults and families and domestic violence accommodation is critical.

**Planning reform: Whole of government approach to facilitate affordable housing**

Proposed changes to the Strata Titles Act (1985) to facilitate a wider range of tenure options are positive, and should support the development of more diverse and affordable housing stock. Priority needs to be given to planning reform which optimises land allocation for social and affordable housing through the implementation of inclusionary zoning for all significant developments.

Initiatives should include but not be confined to:

- Ensure that State and local government planning policies, frameworks and strategies support appropriate and sufficient social and affordable housing in all regions;
- All government land and housing developments that meet relevant criteria, include a minimum of 15% affordable housing targeted at low-to-moderate income households;
- Inclusionary zoning to apply to all significant scale private developments. The level of social and affordable housing to be provided through this mechanism must only be set after a thorough market feasibility is conducted;
- Undertake a comprehensive audit of State and local government land assets with the view to unlocking under-utilised land for social and affordable housing, potentially on peppercorn rents and long-term leases; and
- Embed innovative housing design practices, products and building materials based on suitability and energy efficient principles to reduce ongoing housing operational costs.

No expenditure is required to put this measure in place; however, there may be a minimal impact on the budget in terms of foregone revenue due to caveats on the sale of State assets to include the requirement for 15% affordable housing over extended time periods. The benefits to the State far outweigh the minimal loss in returns from asset sales, by increasing the amount of affordable housing.

In addition, the State should continue the availability of targeted affordable home ownership products such as shared equity, home loan products and mortgage relief to assist with affordable home ownership. Also, continue initiatives such as rental brokerage to assist people in social housing transition to the private rental market. The transitional housing program is a positive example of this.

In Western Australia, most fixed-term agreements are for six or 12 months, although they can be for anytime. Further consideration could be given to longer (ie five and 10-year) rental lease options to provide for greater stability and security of renters. For example, In Britain, a “build to rent” concept has
emerged, where buildings constructed solely for rental accommodation are owned by a single institution. The British government established a private rented sector taskforce overseeing a £1 billion ($1.7bn) build to rent fund, which allowed for what was essentially a bridging loan repayable after the homes were built and rented out.

**Government, non-government and industry coordination of Housing and Homelessness**

Data

The Housing Industry Forecasting Group is a positive example of a joint industry and government body providing independent commentary on the housing sector in WA with collaboration between the Department of Planning and Housing.

A sound evidence base is needed for housing and homelessness policy. The service priority review should consider what data needs to be captured by agencies to inform a stronger evidence base, and develop strong data linkages between State Government agencies, the non-government sector and industry to inform policy and program development.

**Focussing on solutions not problems – maximising government investment**

**Strategic whole of government response to Homelessness**

Research indicates that millions of government dollars would be saved annually in health and mental health services, police, justice and prison services by providing social housing and supporting people to maintain and sustain tenancies. Policy settings that deliver affordable housing and government investment in well-designed social housing, with appropriate wrap around services, significantly reduces the costs to government of health and justice services, as well as community support services. AHURI research on the costs incurred by government in health and justice services shows that these are substantially greater than the costs of providing housing and support programs for people experiencing homelessness. A comprehensive Homelessness Strategy which enables the development of integrated, seamless service models that improve long-term outcomes for people experiencing homelessness and ensures service providers have contract periods that support service and workforce sustainability will address this.

**Mental Health and Criminal Justice**

- The cost of accommodating people with a mental illness in Graylands is approximately $265,000 per annum (or 3 people per million dollars). It is understood a Mental Health Commission (MHC) paper identified the cost for 112 inpatients over 4 years is approximately $120 million.
- Aboriginal and Torres Strait Islander peoples with mental and cognitive disabilities are significantly over-represented in Australian criminal justice systems.
- Lifecourse institutional costs of homelessness for vulnerable groups are massive. A 2012 Study from a cohort of 2,731 people who have been in prison in NSW and whose MHDCD diagnoses are known. The Lifecourse institutional costs for 11 case studies, aged between 23 and 55, range from around $900,000 to $5.5 million each.

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**Savings to Prisons:**

$60,400 saving per person per year through social housing and support services:

- $128,400 per year to house a person in prison compared to;
- $65,000 per year to provide social housing and support services.
There are significant savings to be made by a carefully developing housing and accommodation strategy that is linked to the implementation of the Better Choices. Better Lives. Western Australian Mental Health, Alcohol and Other Drug Services Plan 2015–2025.\textsuperscript{ix}

Maximise government investment in social housing

Growth of the Community Housing Sector

In 2015/16, there were 18,530 applicants on the public housing wait list, including 2,283 with a priority need, and an average wait-turn allocation time of 153 weeks\textsuperscript{v}. The extent of demand is likely to exceed these published figures as Western Australia maintains the lowest income eligibility of any jurisdiction\textsuperscript{xvi}.

In Western Australia, 80 per cent of social and public housing is owned and managed by the Housing Authority; with 20 per cent owned or managed by approximately 200 Community Housing Providers (CHPs)\textsuperscript{xii}.

The Productivity Commission’s Report on Government Services 2014, identified that Western Australia has the highest cost per public housing dwelling of all the mainland States\textsuperscript{xiii}. Despite ongoing State Government investment, supply does not meet demand.

Stock transfer of social housing to community housing providers, whether titled or management only, with leveraging commitments, has been identified as a key State Government lever to stimulate investment in social and affordable housing\textsuperscript{xiv}. AHURI research indicates that asset or title transfers will maximise the scope for community housing innovation and entrepreneurialism\textsuperscript{xv}.

Research indicates that growth of the community housing sector will facilitate greater economies of scale, enabling providers to attract private finance, and deliver efficiencies in stock provision, management and tenant support. Also, evidence indicates there are better outcomes for tenants as community housing tenants are generally more satisfied in relation to their housing arrangements than public housing tenants\textsuperscript{xvii}. This was reinforced by the Productivity Commission which highlights that community housing providers often outperform public providers on some indicators including tenant satisfaction and property maintenance.\textsuperscript{xvii} There is a critical need for a community housing growth strategy, with targets for long-term management and/or title transfers, developed in partnership with the sector.

Using the Community Housing sector to maximise Commonwealth funding opportunities

The 2017/18 Commonwealth budget outlined initiatives to deliver more affordable and social housing. New Federal funding commitments such as:

- A National Housing Finance and Investment Corporation\textsuperscript{xviii} will:

\begin{itemize}
  \item $16M annual saving to the Western Australian health system by providing stable public housing for people experiencing, or at risk of homelessness:
    \begin{itemize}
      \item $13,273 saving per person per year for those supported on NPAH;
      \item $84,135 saving per person per year saving for NPAH mental health program recipients;
      \item 19.5% decrease in the proportion of people accessing hospital emergency department;
      \item 24.7% decrease in overnight hospital stays;
      \item 6-day reduction in length of hospital stays;
      \item 57.8% decrease in proportion of people accessing psychiatric care; and
      \item 8.4-day reduction in average length of psychiatric care stay.
    \end{itemize}
\end{itemize}
- explore and develop a ‘bond aggregator’ to de-risk access to capital by community housing organisations; and
- Invest $1 billion over 5 years to support local governments to finance critical infrastructure such as transport links, power and water infrastructure and site remediation works.

- $10.2 million to trial the use of Social Impact Investments aimed at improving housing and welfare outcomes for young people at risk of homelessness.
- An additional 10 per cent CGT discount to resident individuals investing in qualifying affordable housing managed through a registered Community Housing Provider.
- New rules that enable Managed Investment Trusts (MITs) to acquire, construct or redevelop property to hold for affordable housing.

Continue to harness National Rental Affordability Scheme (NRAS) opportunities. NRAS, a Federal Government initiative that, through partnerships, significantly increases supply of new affordable rental housing. NRAS allows eligible people on low to moderate incomes the opportunity to rent homes at a rate that is at least 20% less than market value rent. NRAS homes are not social housing - they are affordable rental homes owned by private investors or NFP companies.

A strategy for ongoing collaboration between the State Government and the non-government housing sector will provide greater clarity to enable the sector to plan, invest, partner and innovate. This strategy needs to consider the benefits of large-scale stock transfers (with or without title), with clearly stated, measurable objectives, to ensure the additional social housing required to meet demand is developed and available to those in greatest need.

To maximise this strategy, it should be underpinned by the right planning frameworks, maximise underutilised government land and ensure that the mix of dwellings provided are diverse to meet the needs of the whole community.

**Strategic approach to tenancy management**

The lack of co-ordination between government agencies due to competing policy imperatives, different discourses and staff disciplines and professional approaches means that different departments are managing issues with inadequate coordination/collaboration which results in sub optimal outcomes and higher costs. For example, the intersection of the Housing, Department of Child Protection and Family Services and the Health and Mental Health disciplines when it comes to how they approach people experiencing homelessness.

The Housing Authority’s Tenancy Management practices is an example:

- Some families face eviction from public housing due to ‘disruptive behaviour’ or damage and ‘property standards’ arising from circumstances of domestic violence or serious mental illness;
- due to the lack of appropriate practices in response to domestic violence and mental illness, children are at high risk of being evicted from public housing;
- the Housing Authority could improve policy or practices to identify cases involving domestic violence or mental illness;
- where the Housing Authority does identify domestic violence or serious mental illness, in many cases the Authority still proceeds to Court to seek eviction, rather than engaging effectively with the community or government services to provide appropriate supports to sustain a tenancy;
Systemic solutions include an approach that focuses on maintaining and sustaining tenancies, focusing on the individual needs of the person or family and aligned departmental policies and KPIs to provide housing and end homelessness. Skilled staff, along with the legal and systems capacity, are required to enable this to occur. Immediate and longer-term solutions are outlined as follows. That the Housing Authority enhances existing or implements new actions to:

- identify and intervene before a situation deteriorates to the point where an eviction may have to be progressed;
- work in partnership with other areas of government such as the Mental Health and Disability Services Commissions and the Department for Child Protection and Family Support, (to ensure the needs of specific cohorts are considered) and the community housing and the social services sector, to co-design a shared assessment framework and joint waitlist. This could determine the tenants for whom the public housing system and its current level of support is appropriate and which individuals require more targeted support. This targeted, integrated housing support system will identify and facilitate the provision of specialist support to transition into and stabilise tenancies. It will provide a more coordinated and integrated model that supports long term stable housing outcomes;
- reinstate Regional Managers’ discretion to work with tenant advocates to seek practical resolutions for the underlying issues in a tenancy;
- not proceed with a termination application or eviction where the DCPFS advises that they are working with the family and that the current housing is important for the children’s protection and care, and similarly where the DCPFS advises that they have not previously engaged with the family and have not identified child protection concerns, but would be concerned that eviction would put the children at risk;
- adopt policies and train staff to be able to identify domestic violence cases and mental health, and to then screen these matters into a ‘support track’ rather than an ‘evictions track’ working in partnership with the NGO sector;
- reduce the high rate and cost of litigation by introduction of practical approaches and collaboration with DCPFS and the non-government sector to sustain tenancies;
- utilize termination applications as a last resort, after referral to support services:
  - attempts at collaborative work with community services;
  - if an eviction must progress, it must not be evicting into homelessness; and
  - an analysis of ‘whole of government cost’ demonstrates that the eviction is in the public interest. This analysis requires consideration of the likely impact on the community of the tenant and family being evicted from public housing.

- Stop the use of without grounds terminations, demonstrating that the termination is justified in accordance with the tests under s75A or s71 of the Residential Tenancies Act 1987 (WA)
- Pilot new approach by diverting funding of the Disruptive Behaviour Management Unit.

Unlike other Australian states, Western Australia does not have a specialist Tribunal to deal with...
tenancy disputes under the RTA\textsuperscript{xvi}. The Magistrates Court of Western Australia has exclusive jurisdiction to deal with any matter under the RTA for a claim less than $10,000 (a ‘prescribed dispute’)\textsuperscript{xvii}. Regardless of the professed informality of the Magistrates Court, research indicates that there are essentially no advantages to not having a tribunal, whilst there are several disadvantages including:

- Magistrates have no specialized knowledge of residential tenancies law;
- The physical spectre of the ‘court’ detracts from the informality of proceedings; and
- The court has a large workload and high turnover of cases\textsuperscript{xviii}.

Both owners and tenants in the Department of Commerce Review contended that a Tribunal would enable experts in residential tenancy matters to effectively adjudicate disputes and promote a more conciliatory approach to dispute resolution, and both groups suggested that tenants would be more likely to attend a tribunal than a formal court\textsuperscript{xix}. Tenant advocates and community housing providers continue to raise concerns with tenancy matters being heard at the Magistrates Courts. Concerns include the delays for final hearings and the quality of conciliation at pre-trial hearings which impacts on the quality of the outcomes achieved.

Since the 2008 Review of the Residential Tenancies Act 1987 (WA), the State Administrative Tribunal has been established. The feasibility of moving tenancy disputes to an independent residential tenancies tribunal or the State Administrative Tribunal should be investigated to determine if this remains a better and more cost-effective alternative to the current dispute resolution system.

**Conclusion**

Shelter WA has provided evidence that:

- housing has the potential and capacity to be a key driver to major cross portfolio reform and potential savings for the Western Australian government;
- the housing portfolio and WA government ‘land bank’ is a multi-billion-dollar asset that could be better optimised in the whole of government approach to housing and human services;
- the housing system is ready for major reform;
- there is an opportunity to facilitate private and institutional investment into affordable and social housing;
- there is an opportunity for significant savings to government through co-ordination and investment by agencies in implementing up-front solutions, rather than focusing on managing problems; and

**Policy Implications:**

- The atomised and singular manner in which people with complex compounded needs are addressed by most agencies is extremely costly and counterproductive.
- Early holistic support is crucial for disadvantaged children with cognitive disabilities and/or mental health disorders who are homeless or in unstable housing.
- Provision of skilled disability supported accommodation and education early in life would save significant spending on homelessness and criminal justice interventions later in life.
- System incentives to cost-shift should be eliminated.
- A significant change in the way government human service agencies approach a small but extremely costly group of persons is required. Evidence suggests that robust, holistic, cross portfolio support and intervention responses fit for purpose (e.g. appropriate and adequate disability support with housing) are needed.
• this will require strong leadership to implement reforms across some major systems of government.

The benefits of secure, safe and affordable housing chosen by the individual and augmented with suitable health and community supports as required are well documented. They include:

• improved health status, maintenance of symptom stability and overall functioning reducing demand for treatment and care;
• improved sense of belonging and self-worth;
• improved social and economic participation;
• reduced reliance on welfare support and reduced impact on homelessness services; and
• a significant reduction in hospitalisation. Housing is a better predictor of reduced hospital admission than clinical interventions. This delivers cost savings in the areas of crisis, police and ambulance call outs, emergency departments and hospital admission.

References


iv Western Australia. Mental Health Commission, Mental Health 2020: Making it personal and everybody’s business, p 20. Surveys estimate that in Western Australia, 43 percent of people in specialised mental health hospital beds could be discharged if housing and/or other appropriate supported accommodation services were available. Mental healthcare service costs for people experiencing homelessness dropped from $US40,451 to $US24,170 per housing unit per year when those experiencing mental illness were given permanent shelter, offsetting 94% of the costs of providing them with the housing in the first place. page 20


viii Baldry, E., McCausland, R., Dowse, L. and Clarence, M. 2012 Life-course institutional costs of homelessness for vulnerable groups. UNSW, Sydney.


Community Housing Coalition, (2015) Doing more with what we already have. page 3; This includes social housing for low income earners, affordable housing for people whose incomes do not fall within public housing income and asset eligibility limits along with crises/short term and transitional accommodation for people who are homeless or at risk of being homeless.


Australian Institute of Health and Welfare, National Social Housing Survey: State and Territory Results 2010, AIHW, Canberra 2012, page 15


NRAS homes are located where affordable rental accommodation is most needed, especially in areas where employment, schools and other services are available nearby. NRAS properties can remain in the National Rental Affordability Scheme for up to 10 years (provided they continue to meet eligibility requirements). NRAS rental homes are available to eligible low to moderate income earners.

Residential Tenancies Act, 1987 (WA) Section 12


WA Government Service Priority Review
Contribution to WACOSS Submission

On 4 May 2017, the State Government announced a wide-ranging review into the functions, operations and culture of the Western Australian public sector, aiming to drive lasting reform of service delivery, accountability and efficiency. The Youth Partnership Project has prepared the following document to contribute to WACOSS’s submission to the review. The YPP response is based on questions posed by WACOSS.

Customer Focused and Outcomes-Based Service Design & Delivery
What key outcomes should the public and community sectors be trying to achieve?

While the public sector has a key role in providing tertiary services (for example child protection intervention, police, the courts & detention), the Youth Partnership Project strongly believes that the public and community sectors should also be working together to prevent and reduce demand for tertiary services. If we intervene early to support those with complex needs, not only are there significant savings in expenditure on tertiary services, but more importantly, people will thrive in their communities – which is the ultimate vision we are all working towards.

What are the best opportunities for collaborative service design and delivery?

Co-Design provides an ideal model for the collaborative design of services which engages both the community services sector, service users, and other stakeholders. The Armadale Youth Intervention Partnership undertook a co-design process with both young people who are service users, and service providers to develop and trial a collaborative early intervention model to prevent at-risk young people coming into contact with the criminal justice system. Through the co-design process, young people from the Armadale area who have been in contact with the criminal justice system at all levels (from those who have been in Banksia Hill Detention Centre, in contact with police, and/or those who have witnessed others’ engagement with the system) have helped partner organisations to better understand the challenges that lead to disengagement and contact with the justice system. Consultation with young people through this co-design workshop has been essential in informing the operational components of the Armadale Youth Intervention Partnership (Youth Partnership Project, Armadale Youth Intervention Partnership Co-Design Workshop Report 2016). This process allowed for a much more sophisticated approach to collaboration, ensuring the right services are engaging with the right young people.
Are there examples of best-practice service design and delivery we should share and build on?

The Youth Partnership Project (YPP) has been an innovative approach to service design and delivery, and is a showcase site for the Aboriginal Youth Services Investment Reform. The YPP was created to address complex social issues being experienced by young people in the South East Corridor of Perth, while addressing segmentation and duplication amongst and between government and non-government services. Harnessing the learnings of collective impact and using a place-based approach, the Youth Partnership Project has developed a culture of collaboration between not-for profit community organisation, state agencies and local government, as well as developing a collaborative model for service delivery with a focus on early intervention for young people with complex needs. This collaborative model not only supports services working together towards a common goal, but facilitates the sharing of information, resources and training. Importantly, the project team is currently drafting a shared outcomes framework which enables all services to understand their role and responsibility in achieving the overall outcome of preventing young people engaging in the juvenile justice system.

Contemporary, Adaptable and High-Performing Workforce

How can the public and community sectors better share knowledge and expertise?

Intentional, structured spaces for collaboration between the public and community services sector provide ideal opportunities for the sharing of knowledge and expertise. The Human Services Regional Managers Forums are a good example of this.

The YPP has demonstrated that resourced collaborative initiatives focused on a targeted issue, which includes public and community sector staff at all levels (from operational to managers) to work together towards a common goal, provides a unique opportunity for sharing knowledge and expertise between sectors, as well as building strong relationships between relevant individuals, organisations and departments. The Youth Partnership Project has engaged both state government agencies, local government and non-government organisations looking to develop a better youth intervention framework for the South East Metropolitan region which is effective, aligned sustainable and scalable. Staff from all sectors have come together; with strategic leaders represented at the YPP Executive Committee, and operational staff in the Armadale Youth Intervention Partnership. Through this project, community sector staff have gained a better understanding of the work and priorities of government agencies, and public sector employees have benefited from greater understanding of the work of the community sector, and gained local insight from service providers. There is a shared agreement between partners and a coordinator for the project which enables and facilitates the sharing of knowledge, information, expertise and training.
How can the public sector performance management and accountability framework be strengthened to increase incentives for collaboration?

Collaboration is increasingly recognised as essential to the future of the public and community services sectors. However, engaging in collaborative initiatives is generally considered as an “extra opportunity”, rather than an essential part of work within public sector. When collaboration is a lower priority, engagement in such initiatives tends to drop off when work load increases, even if the outcomes of collaboration are likely to lead to greater efficient or reduction of workload in the long term. In order to provide increased motivation and incentive to engage in such collaborative work, it is necessary to see engagement in collaborative initiatives (both within the public sector, and between public and community sectors) identified in key performance indicators and in the position descriptions of public sector roles at all levels. It is also essential that collaboration is appropriately valued, within the sector and by relevant management, enabling greater engagement and commitment to such initiatives. Collaboration requires time and effort, and when this is recognised as a part of public sector roles, it helps public sector employees justify their time spent on this important work. Furthermore, the collaboration of the Youth Partnership Project has been made possible through the resourcing of a backbone organisation. This has provided dedicated resource to understanding the ‘whole service system’, and coordinate services effectively and strategically to a common goal.

Efficient and Effective Systems and Processes

What process and system changes could better enable targeted, flexible and innovative services and help us adapt to new economic and social conditions?

Placed Based Approaches

Taking a place based approach to complex social issues, allows for targeted and innovative solutions, which are flexible and responsive to the unique complexity faced by communities; harnessing community knowledge, strengths and capabilities and tailoring and aligning services to respond to specific challenges, needs and priorities (PricewaterhouseCoopers Australia, 2016; Gilbert, 2012; Centre for Community Child Health, 2011; Wise, 2013). The Partnership Forum’s ‘Principles for developing services for at risk young people in Western Australia’ (2016) and the Regional Services Reform Roadmap (2016), also support the place-based approach, highlighting that acting at a local level enables a better understanding of the community which supports the development of the service system in meeting local needs. Besides adopting place based approaches, one key challenge which could be addressed in order to strengthen place-based approaches is the variation between state government agency boundaries, which is especially relevant to how data is collected (see final question below).

Prevention/Early Intervention

Investment in early intervention services which prevent the need for tertiary engagement will enable the public sector to adapt to new economic and social conditions; addressing issues before they become more significant, and before more significant resources are required to address them. If we intervene
early to support those with complex needs, not only are there significant savings in expenditure on tertiary services, but more importantly, people will thrive in their communities.

What are the key barriers to more effective services, and how can we overcome them?
While collaboration is essential for ensuring a more effective and efficient public and community services sector, collaboration can be significantly hampered by barriers placed on information sharing. In the Youth Partnership Project’s experience, this can be especially relevant for collaboration and information sharing at the interface between crisis response and community services to enable early and targeted support for young people who are facing disadvantage. For genuine and meaningful collaboration in such settings, the public and community services need further flexibility to share information, supported by relevant policies which enable this in a timely and straightforward process while still providing necessary privacy protection.

Additionally, as mentioned above, engagement in collaborative initiatives needs to be specifically recognised as a part of public sector roles (in position descriptions and KPIs) to help public sector employees justify their time spent on this important work.

How can government contracting and purchasing practices be improved to get better results?
Co-Investment
Many of the complex social challenges facing our communities today are not the responsibility of any one government department or funding body. Responses to such issues, especially those which are collaborative and/or place-based, need to be adequately resourced. In the Change the Story Report, the Youth Partnership Project recommended the need to explore a mechanism for co-investment for these types of approaches which create cross-sector outcomes (for example, the YPP’s Youth Intervention Partnership model).

Sustainability of Funding
Through consultation, both service providers and young people have told the Youth Partnership Project that there needs to be greater sustainability in the funding of youth programs. With short-term funding contracts, young people feel that the services on offer are ever-changing and that good programs which have finally become established come to an end with the end of its funding, only to be replaced by a new program which has to “find its feet” before having an impact (Youth Partnership Project, 2015, Speak Out for Change Summit Open Consultation Data). Short term funding leads to constant turnover of staff which impacts the vision and continuity of youth programs and services. Youth programs and services need to have access to long term funding contracts of three years or more, as also highlighted by the Aboriginal Youth Investment Reform principles. This ensures the sustainability of youth programs and services for young people who need support (Youth Partnership Project, Regional Youth CAN Action Plan, 2015).
Flexibility in Contracted Services
Traditionally, funding contracts for community services have been rigid, which presents complications for services seeking to provide responsive and place-based services. Agencies need the ability to be flexible in delivering their services to ensure they can be responsive to the context and needs of the people and community in which they work. By having some flexibility with client groups, services are better able to meet the needs of particularly vulnerable young people who might otherwise fall between gaps in services.

How can we use data on service outcomes to drive investment in better services?
A key issue which the Youth Partnership Project has identified with data from the public sector is that it is often collected or organised within departmental district boundaries. This is an issue because these districts are inconsistent across departments. When data cohorts aren’t comparable, it makes it harder to get a good understanding of the real challenges being faced by the communities. It also prevents the public sector from investigating how issues addressed by different departments are interrelated, and as such the usefulness or impact of collaborative approaches are less clear.

Additionally, we believe it is important to collect data in a way that allows it to be disaggregated by a wide range of relevant factors, and by localised geographies (i.e. Local Government Areas, or ABS Statistical Area 1 (SA1)). This provides richer data and allows a better understanding of the communities, issues being faced, and potential approaches to help support the community. This is especially relevant when looking to address complex issues, which are highly contextual and where place-based approaches are critical for success.
Dear Iain, Margaret and Michael

**Service Priority Review – final submission**

The WA Council of Social Service (the Council) welcomes the opportunity to provide the Panel with additional feedback on the Service Priority Review interim report in preparation for the final report.

The panel rightly identifies fragmentation, risk aversion, duplication and the formation of siloes as key barriers to a better performing public sector in Western Australia.

The Council shares the view that breaking down these barriers is essential to enable the kind of collaboration that delivers the best community outcomes with the most efficient use of funding.

We recognise that the panel has taken the position that community-based organisations are beyond the scope of the review, with the understanding that they are likely to be affected by changes in the way the public sector operates.

The Council, however, maintains that it is crucial that the focus is on achieving community outcomes through public services (be they delivered by government alone or in partnership with community organisations) and not just outcomes from the public sector.

Partnership is fundamental to delivering the best possible outcomes for the community. Genuine and meaningful change to deliver better outcomes requires reforms are designed and implemented with service users and providers, rather than from the top-down.

While a high-level cross-sector partnership forum can play a key role in leadership and oversight of such reforms, coordinated engagement at the local level is critical to practical implementation, and change needs to be much more than just reform of service contracting arrangements.

Attached below is an updated version of the structure diagram for the relationship between the **Supporting Communities Forum** and other existing consultation and coordination mechanisms, including **Regional Managers Forums** as well as locally integrated initiatives such as **Child and Parent Centres** and **Family Support Networks**.

The Council is also concerned that the focus on how to improve public sector collaboration is dominated by the current machinery of government changes. While there are great opportunities emerging within the new Department for Communities (for instance) to have once disparate agencies such as housing, disability services and child protection more able to work together, there is a risk that other opportunities for whole of government reform may be sidelined.
On the one hand, there is a risk public servants are too caught up in structural and administrative changes to be open to or engaging with ongoing community service reforms. On the other hand, there is a risk that while collaboration within new departments will become easier, the siloes between other agencies (such as health, education or justice) may become more entrenched.

The Council has been particularly concerned by the a number of five-year contracts being rushed out to tender before there has been an opportunity to consider the cross-agency, cross-program reform opportunities offered by the machinery of government changes. We would prefer to see contracts being rolled-over to enable more time to explore these emerging opportunities to deliver more integrated service systems across existing programs and portfolios.

**Co-Design and Co-Production**

Co-design and co-production are integral to this concept of partnership. The Council was pleased to see reference and support for co-design processes in the Interim Report. A genuine commitment to co-design can enable the building of a public sector focused on community needs, if linked to capacity building and cultural change within the public service.

An understanding of co-design has to become embedded within the public service rather than given lip service or treated as an optional extra. Effective co-design takes time and resources. It is not necessary or desirable to co-design every service commissioning process, rather efforts should be focused in areas where existing service models appear inadequate because needs appear complex, disadvantage is entrenched, or participation is required across multiple disciplines and portfolios.

Co-design processes can and should involve both service users and service providers as well as funding agencies (in appropriate ways as part of a staged design process). Services that better meet the needs and aspirations of service users should be more engaging and hence more effective in delivering meaningful and sustainable outcomes.

We recognise there are significant challenges balancing the needs and interests of different stakeholders in service design processes in a manner that is appropriate, transparent and accountable. To this end, the Council recently developed a [Co-Design Toolkit](#) (in consultation with the Partnership Forum and WA Peaks Forum) and provides training and advice on co-design.

Co-design is not just limited to the design of community services but is equally valuable to the development of community strategies and initiatives, outcomes frameworks and evaluation.

**Place-Based Services and the Regions**

The Council is heartened to see a recognition in the Interim Report that metro-centric and ‘one size fits all’ models are failing our regions and not delivering outcomes for Aboriginal people.

There is significant need for more flexible service design and delivery, with investment made to enable greater participation of regional citizens and Aboriginal people in service co-design and the coordination of services. This in turn will create greater employment and economic opportunities.

The Council believes there must be a commitment to an *Aboriginal human services workforce development strategy*, as well as strategy to develop the capacity of *Aboriginal-controlled community services* including support for meaningful partnerships with mainstream services.
As stated in the Interim Report, regional workforces need devolved decision-making authority to design, develop and implement local solutions. *Regional Managers Forums* need to include local community sector leaders and be resourced to undertake planning and coordination effectively. This should include resources for coordinating and engaging regional community sector networks.

It is essential that the planning and design of place-based services is evidence-based and data driven. Data needs to be shared and quality analysis undertaken to ensure needs are understood, gaps identified, and existing service models and outcomes are taken into account in setting targets, designing service systems and measuring outcomes. This will require both some investment in building local and regional capacity and coordination in addition to that in central agencies.

Increased cultural awareness training and Aboriginal employment in the public sector (as discussed in the report) is necessary but is not sufficient to improve community outcomes. Effort is also needed to address structural and historical barriers to community engagement in public service decision-making processes and develop community capacity and trust.

The Council has made ‘Place’ the focus of its 2018 biennial conference, and invites the WA Government to join with us to use this opportunity to bring together local, national and international experts on making place and building community to build a common vision and understanding of our shared reform journey.

**Digital Service Delivery and Whole of Government Shop-fronts**

For many of the reasons stated in our first submission, the Council is has some reservations about the application of the digital service delivery concept. While there may be cost savings through moving services online, there is increased risk of digital exclusion for those who do not have access or lack the knowledge and skills to navigate an online environment. Consistently, we have heard from local community centres that the time of their staff and volunteers is increasingly taken up helping elderly and educationally disadvantaged people to access online service systems (particularly Centrelink).

New technologies and integrated service systems can provide opportunities for improving access to quality services that enable existing staff and services to become a point of access and support for whole of government solutions, while still providing a human point of contact and not excluding service users who are not online or digitally literate. Such an approach could be central to achieving the cultural change envisaged in a public service focused on putting the citizen at the centre.

**Whole of Government Targets and the Our Communities Report**

The Council believes it is essential the outcomes framework and whole of government targets that are developed measure outcomes across both the government and community services sector, so that they accurately reflect the impact that public services are having on the ground.

The Council recommends that the Service Priority Review links the development of whole of government targets to the *Our Communities* biennial report. This report should be a three-way collaboration synthesizing reporting and analysis from government departments, community sector peaks and independent research institutions.
Areas that the Council believes would be appropriate starting point include:

- Better life outcomes for at risk youth (education, employment, justice, child protection)
- Closing the gaps for Aboriginal people
- Reducing family violence and improving child safety
- Tackling the links between homelessness, mental health & AOD
- Improving financial resilience
- Diversifying the WA economy (employment and workforce development)

It is important that the *Our Communities* report outcomes are co-designed with communities and services to ensure that the support provided genuinely target community aspirations.

The proposed *Supporting Communities Forum* can play a key oversight and coordination role in developing and implementing a social policy and community service reform agenda to achieve these outcomes, and in evaluating progress against these targets.

It is critical the Forum is grounded in a relationship of partnership and mutual respect between the public and community services sectors that is focused on achieving better outcomes for the WA community (particularly our most vulnerable and excluded citizens).

In order to achieve this, the Forum needs to be actively involved in driving cross-government and community outcomes, as well as developing new opportunities for grassroots community participation. Our detailed first submission provides a series of recommendations about the structure of interaction between the Forum and other community engagement and consultation mechanisms, such as Regional Managers Forums (as attached).

Thank you for again for your engagement with the Council and the community services sector. Please do not hesitate to contact me directly if you have any questions or concerns.

Yours sincerely,

Louise Giolitto
Chief Executive Officer
WACOSS

Attached:

- Updated list of Recommendations
- Updated structure diagram from *Supporting Communities Forum* submission

Links:

- [First WACOSS submission to Service Priority Review](#)
- [Supporting Communities Forum Submission – Letter to Rae Markham](#)
- [Supporting Communities Forum Submission - Draft Terms of Reference](#)
WACOSS Recommendations – Supporting Communities Forum  
19 Sept 2017

CITIZENS AT THE CENTRE

- Put the citizen at the centre of whole-of-government reform processes
- Recognise that a focus on citizens is more than a focus on individuals and commit to community development processes that build inclusive and resilient communities, by facilitating and supporting local initiatives, active participation, volunteering and peer support.
- Provide simple, meaningful and effective mechanisms for service user feedback and evaluation of how effective services are in meeting their aspirations and agreed outcomes.
- Ensure service users, carers, families and those with lived experience are meaningfully engaged in the co-design and co-evaluation of services outcomes and support models
- Use the biennial Our Communities report as an opportunity for genuine community participation. Consider how to undertake a survey of community needs, priorities and aspirations as part of the report.

SERVICE INTEGRATION

- Put in place mechanisms for community service providers who are already delivering integrated service models based on funding from multiple programs, and departments to agree a single reporting framework and negotiate simpler funding arrangements moving toward a single contract.
- Review existing integrated services to see where there are opportunities to develop cross-government programs and (pooled) funding models that deliver better outcomes and reduce administrative complexity.
- Develop a whole-of-government service integration policy that puts in place agreed definitions, principles and practices.
- Develop a framework and practice guidelines for co-designing and jointly commissioning place-based service integration, through trials with Regional Managers Forums in partnership with local community services, building on the Co-design Toolkit.
- Ensure that all co-design and joint commissioning processes are data driven and based on the best information currently available on community and cohort needs and previous service evaluations, consistent with WA open data policy.
- Given the findings of the Aboriginal Youth Service Investment Review and the AYSIR about the fragmented short-term nature of youth services, lack of agreed outcomes and the number of government departments providing small amounts of funding, youth services should be a priority for trialling the joint commissioning of integrated service models (particularly for at risk cohorts).
- The early years (including early childhood development and care, parenting and family support services) is an excellent area to trial place-based joint commissioning approaches, given the existence of a well-developed outcomes framework (AEDC), strong community buy-in to initiatives and existing trials in Cockburn Kwinana local government areas.

PLACE BASED APPROACHES
1) **Supporting Communities Forum**
   - Responsible for the oversight of the Supporting Communities policy. At least one member of from the Supporting Communities Forum will be on each Working Group and Specialist Committee.

2) **Specialist Committees (Issues Based)**
   Focus on specific issues, for example NDIS implementation, housing and homelessness, whole-of-government youth policy and youth strategy. May include review and possible rationalisation and integration of existing Ministerial and Departmental advisory committees (e.g. potential merger of the Housing Advisory Roundtable and WA Council on Homelessness).

3) **Working Groups (Whole of Government)**
   Drawn from the Supporting Communities Forum members, consumers and experts within the public and community sectors. Working groups focus on a specific topic, such as developing the Our Communities outcome framework or improving joint commissioning and procurement processes. May include representatives of Government Departments not represented on the forum but who have a key role in the implementation of human service reforms.

4) **Place-Based Regional Governance Group**
   Pulls together the chairs of all the Regional Managers Forums with forum representatives and relevant experts to work on the co-design and joint commissioning of place-based, integrated services.

5) **Other Regional Networks**
   Existing community service networks, service integration initiatives and other cross-referral mechanisms (including Child and Parent Centres CPCs and Family Support Networks FSNs) would also benefit from information sharing and cross-coordination of activities and targets.
• Commit to and resource a series of trials of place-based joint commissioning, starting in one or two areas where there is local capacity, good-will and good information on community and cohort need.
• Ensure there is a strong governance model and community engagement process to drive trials and initiatives of place-based approaches in regional areas
• Address existing barriers to cross-government service integration and joint commissioning approaches, particularly decision making and accountability about program funds, service reporting and evaluation
• Build the culture and capability of the public and community sectors to develop and implement place-based integrated service models
• Ensure whole of government reforms including KPIs for Departments, Directors General [and Ministers] support and enable cross-government approaches, shared funding and accountability mechanisms
• Ensure service users and service providers are partners in the co-design and evaluation of place-based integrated services
• Partner with us to make the 2018 WACOSS Conference a summit on Place, bringing together local, national and international experts on making place and building community to build a common vision and understanding of our shared aspirations and reform journey.
• Empower Regional Managers Forums to become Supporting Regional Communities Forums:
  o RMFs to include local community sector leaders as equal partners (consistent with the partnership principles and behaviours
  o RMFs to be responsible for the oversight of place-based trials and reforms
  o RMFs to be resourced for collaboration, including appointment of senior managers with the capacity to enact cross-government decisions
  o Significant delegation to RMFs from Government to progress place-based regional service integration (i.e. pooled funding and shared accountability)
  o Share the learnings across RMFs through exchanges, case studies, networking and conferencing.
  o Ensure direct ongoing links between the RMFs and the Supporting Communities Forum
  o Ensure coordination of local service networks and initiatives, such as Child and Parent Centres and Family Support Networks.
  o Build on the example and learnings of the South West Metropolitan Partnership Forum

EARLY INTERVENTION

• Develop and resource a cross-government project on the evaluation of early intervention strategies and service models, to explore design, efficacy and effective targeting, quantify the long term savings, and identify the ‘sweet spot’ of when and with whom to most effectively intervene
• Prioritise efforts to reduce the number of Aboriginal children in out of home care and Aboriginal youth in juvenile justice in partnership with Aboriginal community-controlled services (ACCOs)
• Co-design an evidence-based strategy and pilot an intensive family support and diversion model to implement the WA Labor commitment to the 120 Families project
• Implement the recommendations from the Enhancing Laws Concerning Family and Domestic Violence Inquiry, including non-legislative recommendations.
• Develop a whole of government early childhood strategy to put in place the most efficient and effective combination of universal, secondary and intensive services and supports to best respond to developmental vulnerability and deliver the best return on investment through the life-course.
  o Build capacity and coordination across Child and Parent Centres (CPCs)
Fund the coordination of Early Years Networks to improve collaboration and outcomes across early childhood education and care services.
- Act on the review of parenting programs

- Trial an intensive family support strategy diverting youth from our justice system
  - Repeal mandatory sentencing laws
  - Provide alternative options for fine defaulters to reduce imprisonment for unpaid fines
  - Improve and increase access to rehabilitation services, including for those on remand or with short term sentences
  - Ensure timely access to effective post release services and continuity of care for people returning to communities
  - Implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody

OUTCOMES FRAMEWORKS

- Ensure the community sector is an equal partner in the co-design of outcomes frameworks
- Build the capacity of the public and community sectors to measure collective impact and evaluate service efficiency
- Implement funding and accountability processes within government to ensure that rigorous data-driven service evaluation drives funding decisions
- Create a cross-government social policy evaluation and research unit to drive consistency in reporting and evaluation of outcomes
- Put in place timelines and processes for service evaluation and commissioning processes that are transparent, timely and encourage continuous service improvement
- Ensure outcomes frameworks are evidence-based
- Ensure the Our Communities biennial report is an open collaboration synthesizing reporting from Departments, Sector Peaks and independent research institutions
- Extend the Partnership Forum EIFS Outcomes Framework from its application in earlier intervention family support to provide a guiding and reporting framework across all human services

RELATIONSHIP WITH GOVERNMENT

- Ensure high level leadership of engagement with the sector at a Supporting Communities Forum directed and supported by the Premier or Treasurer, with a strong independent chair and a key role for central policy leadership in DPC.
- The overarching purpose of the Supporting Communities Forum is to develop and implement a social policy and community service reform agenda that is grounded in a relationship of partnership and mutual respect between the public and community services sectors and focused on achieving better outcomes for the WA community, particularly our most vulnerable and excluded citizens.
- The terms of reference for the Supporting Communities Forum should task the forum with reviewing the DCSP and the Supporting Communities policy and making recommendations to Cabinet through the Community Safety and Family Support Sub-Committee.
- A renewed ‘partnership’ forum is only one of the mechanisms through which the relationship is manifest and reform progressed. There needs to be a range of mechanisms to enable more effective engagement and implementation at regional and local levels, and with a wider range of stakeholders (see Supporting Communities Structure diagram below).
- A core problem is that the existing Forum has become increasingly less effective due to the combination of lack of capacity to drive change across Government, not having key players at table,
and lack of capacity and resourcing to enact decisions. A new model for the Forum needs to address these issues.

- Develop KPIs for the Forum linked to the DG’s and Departmental KPIs (and vice versa) consistent with Mark McGowan’s 20/20/20 reforms and the Our Communities reporting framework.
- Continue and build upon existing agreed principles and behaviours within the existing partnership policy, but with increased commitment to cross-government implementation, including in all contract and tendering processes.
- Incorporate a range of workshop and facilitated discussion processes to support wider engagement across both sectors in addition to the current meeting format.
- Get the right balance in Forum membership – target diversity, capacity and merit, while ensuring the Forum isn’t too large to be effective.
- Provide sufficient resources (secretariat and project), including for Peaks to engage more broadly with their sectors on initiatives and policy development.

WORKFORCE DEVELOPMENT

- Develop a community services workforce development strategy in conjunction with the community sector, unions and teaching institutions that addresses the growing demand for services and workers.
- Develop an Aboriginal workforce development strategy that provides incentives and support to increase Aboriginal employment in human services contracts.
- Develop a whole of government strategy to build the capacity of Aboriginal community-controlled organisations ACCOs to deliver a greater proportion of services in areas of greatest need.
- Ensure service procurement processes support the development of ACCOs and that service contracts enable partnerships between ACCOs and mainstream service providers to build capacity and transfer responsibility for service delivery over time.

WHOLE OF GOVERNMENT REFORM

- Develop guidelines and resources for cross-agency and cross-disciplinary co-design.
- Build the culture and capability of the public and community sectors to develop and implement place-based integrated service models.

DATA LINKAGE

- Release the WA Open Data Review Report by the WA Chief Scientist.
- Pursue reforms to make data more accessible and affordable for researchers, government and the community, including legislative changes to establish an independent authority and a centralised data repository or data commons.
- Fund data collection on service outcomes as part of service contracts.
- Use shared outcome frameworks to drive cross-government outcomes as part of the Our Communities reporting and place-based integrated service reforms.
- Ensure data linkage and analytics is central to the reformed Partnership Forum / Supporting Communities Forum.
- Facilitate the better sharing of experiences across different programs, services and portfolios through the development of good practice guides.

CONTRACTING FOR COLLABORATION
• Put in place clear KPIs at both upper and middle management levels in the public service to drive a genuine commitment to the Delivering Community Services in Partnership Policy, place-based reforms and co-design processes.

• Implement whole of government Partnership Principles for Aboriginal services based on the Principles for a Partnership-centred approach when designing initiatives or commissioning services for Aboriginal cohorts or in Aboriginal communities.

• Review current contracts to assess the likely effect of the ERO on service delivery levels, sustainability of programs and service providers and seek to reduce the risk to sustainability of organisations.

• Adopt the recommendations of the Curtin NFP Initiative report on the ERO that provide practical guidance on assessment, including the use of an indicators of sustainability tool.

• Identify and commit funding to ensure continuity of service delivery where necessary, particularly for after-hours and 24/7 services such as women’s refuges.

SOCIAL HOUSING AND HOMELESSNESS

• Continue to encourage and support innovation in homelessness services, including better integration between short-term and longer-term housing solutions.

• Develop a community housing policy and growth strategy that provides greater strategic direction to enable specialisation, innovation and investment

• Co-design in partnership with the community housing and service sector a one-stop shop for all housing and homelessness assistance and tenancy support needs with a shared assessment framework and database at its core.

• Set targets for the developers for the provision of social housing and affordable rental for low income households as part of MetroNet transport hubs, leveraging the uplift of property values.

DISABILITY SERVICES

• Develop an outcomes framework that influences funding allocations.

• Develop a strong evidence base to support the delivery of better disability services outcomes in through data linkage policy.

• Partner with the WA disability sector in the co-design and implementation of quality services including embedding a high-level mechanism to oversee reform in the sector and aligned sectors.

• Focus on developing service integration across key related portfolio areas of health, disability, justice, housing, education, training and employment.

• Invest in collaborative service models that integrate services and pilot them in priority areas.

• Explore opportunities for co-location of human services and government facilities.

• Invest in a disability services workforce development strategy to meet projected need, particularly in relation to the delivery of the NDIS in WA.

• Build a strong disability sector that provides choice for people with disability across WA, including regional and remote, through the WA Disability Services Industry Plan to provide a clear transition to the full roll out of NDIS in WA.

• Invest in partnership with the Commonwealth to implement the agreed national NDIS Quality and Safeguarding Framework and supporting ICT system infrastructure.

CONSUMER PROTECTION AND ADVOCACY
• Fund independent energy consumer representation in Western Australia, with a focus on undertaking research, policy and advocacy work that promotes the wellbeing of particularly disadvantaged and vulnerable people.
Supporting Communities Forum Structure

Premier and Cabinet

Cabinet Community Safety and Family Support Subcommittee

Supporting Communities Forum

Specialist Committees and Reference Groups
  eg. Youth Advisory Committee

WA Peaks Forum

Working Groups
  eg. Outcomes Frameworks Procurement Processes Client Centred Care

Place-Based Regional Governance Group

Regional Managers Forums

CPCs, FSNs & other local service networks
Ms Michelle Andrews  
Secretary  
Service Priority Review  
By email: michelle.andrews@dpc.wa.gov.au  

30th July 2017

Dear Ms Andrews,

Re: Reducing costs associated with the publicly-owned timber industry

I am writing on behalf of the WA Forest Alliance to request that the Service Priority Review Panel consider the potential financial benefits to the State presented by transitioning out of the loss-making native forest logging industry and amalgamating the Forest Products Commission (FPC) with the Department of Primary Industries.

The Australia Institute’s recent report *Barking up the Wrong Trees* (2016) found that:

“FPC native forestry is now in decline and running at a loss, creating a need for a transition plan... The WA FPC has received more in government financial support than it has generated in profit. Its native forestry operations have posted repeated losses, and log quality and forest values have steadily declined. Native forestry employs relatively few people. A plan for transition would protect both forests and state finances.”¹

Between 2013 and 2016 approximately 2 million tonnes of native forest logs were sold for an accumulated after-tax loss of $34 million. The before-tax loss was even greater at over $40 million.² These losses take into account the declining asset value, or biological revaluations, of the native forests (see Figure 1 below).

In operating terms, there has been a steady decline in profitability since 2007 and recurring losses in the past 3 financial years (see Figure 2).

Since 2005 the State Government has given FPC $106.4 million. These amounts have been recorded as equity injections but as the Government owns 100 per cent of FPC the amounts have in fact been gifts, enabling FPC to avoid insolvency.

² See Forest Products Commission Annual Reports and Lane, P. 2017 *A Critique of Western Australian Native Forestry* (attached).
FIGURE 1: FPC native forest operations after tax equivalent and biological revaluation
Reproduced from The Australia Institute's Barking up the Wrong Trees 2016, p17.

FIGURE 2: FPC Native Forest Operating Profit Before Tax and Biological Revaluations
Reproduced from The Australia Institute's Barking up the Wrong Trees 2016, p16.
The FPC’s profitable plantation and sandalwood sectors are improving in value. The plantation industry is disadvantaged by the very low, competitively unfair prices FPC charges for native forest logs. Both the public and private plantation sectors would benefit substantially from a transition out of native forest logging.

**FIGURE 3: FPC Plantations, Native Forests (SW Forest) and Sandalwood Revenue Reproduced from The Australia Institute’s Barking up the Wrong Trees 2016.**

Furthermore, native forest logging degrades and destroys a vital resource of beekeepers causing them significant losses and may also have a negative financial impact on tourism and recreation. These industries would undoubtedly benefit if native forest logging were to end.

WAFA recommends that the native forest logging industry be wound down in the financial, social and environmental interests of the State and that support instead be provided to a profitable and sustainable plantation and farm forestry industry. WAFA further recommends that the Forest Products Commission be dissolved and the Department of Primary Industries manage the Government’s sandalwood and plantation interests.

WAFA is able to provide further information in the event that the Service Priority Review has any questions or requests for detail.

Yours truly,

Jess Beckerling
Convener
WA Forest Alliance
*jessbeckerling@wafostalliance.org*
A Critique of Western Australian Native Forestry
Peter Lane, June 2017

Over the last four financial years the FPC has produced two million tonnes of native forest logs for the audited loss of $47 million.

Summary

Native forestry in Western Australia is conducted at a substantial financial loss, is a cost to the state, a loss of opportunities, is unsustainable and presents unfair competition to the private plantation sector. It is a very small employer and releases an increasing amount of greenhouse gasses.

The government needs to decide whether the FPC is to operate its native forestry division as a commercially viable entity, to continue it as a charitable corporation providing low cost timber to subsidise inefficient industries and prop up technically obsolete mills, or to cease operations.

Note, this analysis does not consider many financial and environmental benefits that would flow from a significant reduction/cessation in logging our native forests.

- Western Australia’s south-west forests have been renowned for production of jarrah sawlogs (“Swan River Mahogany”), by far the most important of forest products. Following FPC’s acquisition of the forests, in its first full year of operations (2002) jarrah sawlog production was 345,000 tonnes. It has now fallen to 157,000 tonnes in 2016, 2014 production being only 104,000 tonnes. Despite this more than 50 percent decline in production, and arguably a far steeper decline in quality of logs, FPC considers the forests have in fact increased in value, from $0 on acquisition to $78 million today. Extraordinarily this increase, achieved solely by changes in accounting policy, has been booked as profit.
- The 2004 Forest Management Plan doubled the area of the forests in reserves (advice from Minister, 14 April 2015), resulting in a reduction of both the quantity and quality of loggable forests. Yet over that period FPC claimed forest values increased from $66 million (2003) to $120 million (2005), adding $54 million to FPC profit.¹
- As well as the decline in the production of quality sawlogs, there has been a decline in actual and predicted rainfall, the value of the $A has increased (from $US0.52 on acquisition of the forests), each of these effectively reducing the value of forest production.
- Even though FPC has counted this (supposed) increased value of the forests as profit, FPC’s cumulative profit (including plantations and sandalwood) since formation has been only $37 million (in 2016 alone sandalwood accounted for $20 million of this amount).
- In 2016 financial year native forestry was conducted at loss of $6.9 million.
- Since 2011 the FPC valuation of the native forests has fallen by $42 million, but on allowing for the reduced discount rate applied in recent years, the actual decline in
value is approximately $64 million, a decline from the 2011 value of $120 million of 53 percent. This demonstrates the unsustainability of native forestry.

- Since 2005 the state government has given FPC $106.4 million which FPC has recorded as *equity injections*. As the government owned 100 percent of FPC no equity has been involved. This amount has been a gift, enabling FPC to avoid insolvency.
- No-cost forests and government cash support are huge subsidies and result in unfair competition against private sector agroforestry.
- The federal Department of Environment reports that to June 2015 national CO$_2$ emissions from deforestation increased by 11.2 percent from the previous year.
- WA native forestry and support services directly employ no more than 300 people (full time equivalent).

*Note. Stating native forestry post-tax profit (loss) is unrealistic. The only benefit of native forestry losses is that this gives the corporation a tax benefit. If native forestry was a stand-alone operation there would clearly be no such benefit, and post-tax losses would be the same as pre-tax losses.*

**Critique**

The principal reason FPC has been able to claim that native forestry has been profitable is that, under provisions of Australian Accounting Standard AASB 41, the forests have been revalued each year and the change in value has been incorporated into the profit/loss account.

1. **FPC’s “Profit”**

**Biological Asset Valuations**

At the end of each financial year FPC revalues its biological assets. These include state-owned south-west native forests which the FPC has the right to exploit. The only value ascribed to these forests is that of timber. This value is assessed by predicting logging rates over 50 years and discounting the resultant cash flow. Any change, for whatever reason, in the value of the south-west forests has been incorporated into the FPC’s profit/loss.

On formation, the FPC was given state-owned native forests and, for no stated reason recorded their value as zero, $0. This meant that any value subsequently ascribed to the forests could (not necessarily “should”) be recorded as profit for the FPC.

In 2002, following changes to the accounting procedures, the FPC valued the forests at $67 million. This bookkeeping increase, from $0 to $67 million, was called “profit”. (*Note, these forests were transferred from CALM, yet that corporation did not record the equivalent loss.*)

In 2005 the FPC again increased the value of native forests, on this occasion by a further $33 million. This was due to “exclusion of an allocation of Corporate Overheads” from the 50-year cash flows, again a simple change in accounting policy. After allowing for the reduction in discount rates, the impact of removing these overheads from the cash flows was in the order of a $75 million increase in the FPC’s value of native forests.
Both the 2002 and 2005 increases in forest values were due to a change in accounting practices. Both increases were recorded as profit, yet it is patently clear that such increases could not be reasonably considered as profit. They were at best bookkeeping entries.

Over the last four financial years the FPC has produced two million tonnes of native logs for the audited loss of $47 million. Had discount rates over this period not been reduced (from 11.7 percent p.a. to 9.5 percent p.a.) the loss would have been materially greater (an additional loss of > $20 million).

In 2016 financial year native forestry was conducted at a loss of $6.9 million. FPC now values native forests at $78 million.

It has been the revaluations of the forests that have disguised the true performance of FPC, but as the reality of the impact of poor forest management comes home to roost this practice no longer serves that purpose.

FPC claim the value of the forests has increased despite:

a) A decrease in the area available for logging (2004 FMP).
b) Decreases in the production of jarrah sawlogs, especially quality sawlogs
c) Demonstrated unsustainability of karri sawlog production,
d) Declining actual and predicted rainfall. This will reduce growth rates, increase the risk of fire (for which FPC is not insured) and of biological infestations.
e) A material increase in the value of our currency (at the time of FPC acquisition of the forests the exchange rate was approximately $A = $US0.52). This has had a detrimental impact on the profitability and value of all agricultural products, and

FPC have advised they do not compare the projected cash flows with actual performance and that they do not intend to do this“. In view of the operating losses incurred over recent years it is not possible that the earlier valuations based on projected cash flows could be verified by actual performance. These long-term projections are essentially FPC’s strategic plans, yet clearly they are not used for this purpose, only for one restricted, yet critically important purpose: the reporting of claimed profit. Testing projections against reality would lead to far more reliable projections, business plans and forest management.

2. FPC Dividends, Government Return on Equity and Government “equity injections”

The Forest Products Act 2000 Section 3 states: “profit, in relation to the exploitation of forest products produced on public land, means an appropriate return to the State for that exploitation” and Section 12 states: “The Commission (FPC) in performing its functions must try to ensure that a profit that is consistent with the planned targets is made from the exploitation of forest products ... “. This is an unambiguous directive. Yet since formation
FPC has paid cumulative dividends (in respect of native forests, plantations and sandalwood) to the state of only $16.8 million, ie. an annualised return on equity of about 0.4 percent.

Since 2009 the state has given FPC $106.4 million in cash. This amount was given in a series of so called “equity injections”, but as the state owned 100% of FPC there was no equity involved. These “injections” were simply gifts. Allowing for these gifts, the net return to the state has been negative $89 million. Annualised, this is a net “return” to the state of negative 2.5 percent. Note also, the forests were given at no cost to FPC.

Despite being given a major publicly owned asset, the FPC has been running at a cash loss since its incorporation.

3. Impact on Plantation Industry

The FPC operates as a government subsidised corporation (in terms of both cash contributions and its original “no-cost” native forests). The plantation industry, which includes many farmers, suffers from this unfair competition. With the range of products now being made from plantation timbers this competition is becoming more acute.

Investments in new plantations and maintenance of existing plantations have come to a standstill. Since 2001 Western Australian annual hardwood plantings have fallen from 18,140 hectares to 360 hectares and softwood plantings from 3,440 hectares to nil in 2012 (ABRES) and have shown no signs of recovering. While this has been due to the collapse of tax effective investment schemes, unfair native forest competition has played a significant role. A way forward for plantation and farm forestry is best outlined in WAFA’s Forests for Life proposal, http://forestsforlife.org.au/.

4. Greenhouse Gas Emissions

In December 2015, the Australian Government Department of the Environment reported that to June 2015 national CO$_2$ emissions from deforestation increased by 11.2 percent from the same period of the previous year.

5. Native Forestry Employment

The impact on employment is often put as an argument to continue logging native forests. The government must reject the view that subsidised, loss making, environmentally destructive work justifies protection of jobs. The numbers of employees in native forestry is small. Hansard 18 September 2014, re SW native forestry and plantations, reveals that there are 734 “registered” loggers and truckers. Assume 80% of these work full-time-equivalent, ie. 587 workers, and (noting that 2.5 times more tonnes of logs are taken from plantations than from native forests) assume 50% of these workers are employed full-time-equivalent in native forestry, this then results at most 300 full-time-equivalents employed in native forestry.

The Australian Institute’s “Barking up the Wrong Tree” concludes that WA native forestry employment, including support services, is between 170 to 330 people.
An Observation

Following the 2001 State election Old Growth Forests (OGF) were protected from logging. The definition of an OGF is absurdly restrictive, and as it was then, it remains of deep concern that trees more than 400 years old are still being felled. As a geologist, I am even more appalled that the south-west eucalypt forest ecosystem, an ecosystem that is considered to have taken up to 180 million years to evolve (that is from when Antarctica split from SW Australia, India drifting off 135 million years ago and Australia commencing its northward drift, progressively isolating the SW with oceans to the west and south and deserts to the north and east), one of extraordinary biodiversity and speciation, has been and continues to be so thoroughly trashed by logging.

Conclusion

Native forestry as practiced in Western Australia is loss making, a financial cost to the community, exclusive of other forest business opportunities (again refer http://forestsforlife.org.au/), unfairly competitive, a small employer, destructive of our environment, and there is weak demand for its products. Rather than benefits to balance against environmental damage, there are costs, and it is difficult not to conclude that there are no plausible reasons for continuing the current practices of managing our forests.

The government must “bite the bullet” and take immediate action to reverse this situation.

Qualifications of author

Peter Lane is a petroleum geologist. He has been conducting project and company valuations by the discounted cash flow method for over 40 years, he has written numerous independent valuation expert reports, in respect of project valuations has been an independent expert witness and has given talks on company and project valuations. Peter has been a member of the Audit Committee of an ASX listed company for 16 years, six of which he was chairman, and has been on the WAFA executive committee for 15 years.

Note. Unless otherwise noted, all the above information has been sourced from FPC Annual Reports.
<table>
<thead>
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<th>Year</th>
<th>value $m</th>
<th>impact on profit $m</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>0</td>
<td>n/a</td>
</tr>
<tr>
<td>2002</td>
<td>67</td>
<td>+67</td>
</tr>
<tr>
<td>2003</td>
<td>66</td>
<td>-1</td>
</tr>
<tr>
<td>2004</td>
<td>72</td>
<td>+8</td>
</tr>
<tr>
<td>2005</td>
<td>120</td>
<td>+48 (first full year of 2004 FMP which reduced loggable forests)</td>
</tr>
<tr>
<td>2006</td>
<td>108</td>
<td>-12</td>
</tr>
<tr>
<td>2007</td>
<td>109</td>
<td>+1</td>
</tr>
<tr>
<td>2008</td>
<td>107</td>
<td>-2</td>
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<td>2015</td>
<td>86</td>
<td>+2</td>
</tr>
<tr>
<td>2016</td>
<td>80</td>
<td>-6</td>
</tr>
</tbody>
</table>

i Annual native forest asset valuations and impact on FPC profits:

ii As advised meeting 2/9/2015.

iii Awaiting more recent statistics

iv As for employment statistics for any industry this number refers only to those directly employed in the industry and not downstream from it. It therefore excludes those employed in milling. The WA milling industry is based on old to obsolete technology and it is irrational to keep doing what we have done to stave off modernisation of this industry. As well, transferring from native forests to plantation timber will see many and perhaps the majority of these jobs maintained.
Submission to Service Priority Review:

Interim Report to the Western Australian Government
About WANADA

The Western Australian Network of Alcohol and other Drug Agencies (WANADA) is the peak body for the alcohol and other drug education, prevention, treatment and support sector in Western Australia. WANADA is an independent, membership-driven not-for-profit association.

WANADA is driven by the passion and hard work of its member agencies, which include community alcohol and other drug counselling; therapeutic communities; residential rehabilitation; intoxication management and harm reduction services; peer based; prevention; and community development services.

Alcohol and other drugs are a health and social issue that impacts the whole community. The alcohol and other drug sector provides specialist services to meet the diverse needs of people in Western Australia. WANADA aspires to drive across sector solutions that focus on a whole of community approach to addressing health and wellbeing issues associated with the use of alcohol and other drugs. WANADA is uniquely place to coordinate sector and non-government service user engagement.

The specialist alcohol and other drug service sector is uniquely placed to address alcohol and drug related harms. The service sector understands better than most the cross-sector complexities needing to be addressed. As a result it is well placed to provide coordination and capacity building support to other sectors, including health and human services, providing services to people with alcohol and other drug related problems.

Western Australian Network of Alcohol and other Drug Agencies

WANADA
PO Box 8048
Perth
WA 6849

P: 08 6557 9400   W: www.wanada.org.au   @WANADAFYI
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Recommendation

WANADA recommends the Service Priority Review acknowledges the State Government’s responses to alcohol and other drug associated harms within the implementation of its reform agenda.
Foreword to WANADA’s Response

WANADA supports the direction proposed by the Service Priority Review Interim Report (Interim Report).

Organisations outside of the State Public Service have expressed an appetite for change. The non-government specialist alcohol and other drug service sector in particular seeks improved State Public Sector coordination, partnerships and practices to deliver improved community outcomes.

There is pressure for non-government service providers to increase their rigour in demonstrating value for money and delivering outcomes. There must be a commensurate expectation of government agencies to role model a commitment to continuously improving efforts to realise and demonstrate outcomes.

The Service Priority Review is being undertaken alongside multiple government reviews and Machinery of Government changes. In addition, State Government Departments are planning and delivering the new State Government’s election commitments. While this environment of change provides opportunity to progress substantial reform, the breadth of concurrent activities also risks reducing strategic clarity, or complicating responses to entrenched issues.

To realise the benefits and actively manage the risks of the current reform environment, the Service Priority Review should identify those government initiatives that are optimally placed to champion the proposed reform agenda. WANADA considers the State Government’s response to alcohol and other drug associated harms to be one such example.

Recommendation:

The Service Priority Review acknowledges the State Government’s responses to alcohol and other drug associated harms within the implementation of its reform agenda.
Identifying Opportunities – Alcohol and Other Drugs

The election of a new State Government in March 2017 has had significant implications for how State Government agencies approach and address critical cross-portfolio issues. Policy direction from the new State Government outlines the need for strategic, coordinated responses that deliver better outcomes for the community. Recent departmental amalgamations as part of Machinery of Government changes are a further example of the intention to realise more networked solutions.

The Service Priority Review Interim Report reinforces the need to improve outcomes – particularly for the State’s most critical issues – through structural, cultural and policy change. There is potential for the Final Report to build on this direction, by identifying key options to progress reform as part of its roadmap for implementation.

WANADA considers existing government responses to alcohol and other drug associated harms are well placed to benefit from the reform direction outlined in the Interim Report:

- Key government initiatives are in the early stages of the project development cycle, and are well placed to integrate reform
- There is a need for additional strategic clarity and networked solutions to address the critical issue of alcohol and other drug associated harms at a systems level
- The complex, systems impacts of alcohol and other drug associated harms requires robust co-design and co-production of government initiatives to ensure consumer, community and service needs are addressed, and cross-portfolio impacts managed
- The State Government has committed to developing key performance indicators and outcomes to measure progress in addressing alcohol and other drug associated harms across multiple government portfolios. WANADA also believes that there is a high likelihood that a cross-government key performance indicator will focus on reducing the harms associated with methamphetamine use.

Draft Western Australian Alcohol and Drug Interagency Strategy 2017-2021

The draft Interagency Strategy was recently released for consultation by the Mental Health Commission. The intent of the document is to outline a cross-agency approach to addressing alcohol and other drug associated harms in the community. Its governance process that includes the measuring of key performance indicators and outcomes.

In its recent submission to Mental Health Commission, WANADA identified the Interagency Strategy as an ideal vehicle to leverage the current reform agenda, and to demonstrate the State Government’s evolving response to critical issues. WANADA recommended the Interagency Strategy is delayed and revisited to best reflect the Service Priority Review reform, in particular the need to establish a stronger strategic, whole-of-government response to a complex/critical issue.

Methamphetamine Action Plan 2017

The intent of the Methamphetamine Action Plan 2017 is to provide an improved cross-portfolio response to methamphetamine-related harms:
“A McGowan Labor Government will break down the silos across government and ensure that there is a coordinated plan to tackle the methamphetamine crisis facing our community.”

The coordination of the Methamphetamine Action Plan 2017 includes new governance arrangements, and the development of key performance indicators and outcomes. WANADA understands these arrangements are currently being established. This presents an opportunity to integrate the reform direction outlined by the Service Priority Review.

Co-design

WANADA strongly supports the need to improve State Government agencies’ recognition of community needs when designing and delivering services.

Rigorous co-design must underpin the development and implementation of all government initiatives, particularly those intended to address critical and entrenched issues such as alcohol and other drug associated harms. These co-design processes need to ensure consumers, communities, and specialist service providers are effectively engaged in equal partnerships with State Government to support the development and implementation of strategies, action plans, programs and services.

WANADA notes the Interim Report’s recognition that undeveloped relationships with businesses and the community services sector contributes to sub-optimal performance in the Western Australian Public Sector.

Peak bodies in the community services sector are optimally placed to coordinate independent co-design in support of government initiatives. These specialist skills and connections could be more effectively recognised and utilised by State Government agencies.

Business sectors have a role in contributing to community outcomes. Coordination across community services, business sectors and government is essential to address the complexities of the State’s most critical issues. For example, areas of relevance between industry sectors, the specialist alcohol and other drug service sector and government include:

- Construction – volatile substance handling
- Commerce – employee assistance programs
- Mining and resources – Fly-In-Fly-Out and Drive-In-Drive-Out workforce
- Alcohol and hospitality – alcohol accords

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1 WA Labor, Methamphetamine Action Plan. WA Labor, 2017, Pg.3
Demonstrating Reform

Whole of Government Targets

WANADA supports the implementation of cross government targets. To be effective, WANADA considers that these targets must:

- be linked to both existing government policies, programs and governance systems to ensure alignment and to avoid duplication
- balance the need for realistic targets that provide aspirational goals and demonstrate State Government leadership on key issues
- support the demonstration of systems-level progress.

Data

WANADA supports the Interim Report’s recommendation for a clearer legislative framework for data sharing and information privacy. Addressing this legislative gap will support the delivery of human services and address privacy concerns, particularly where data and reporting has the potential to contribute to stigma and discrimination.

WANADA considers data to be central to improving service delivery. WANADA is of the position that any data system and supporting legislation must be subject to thorough co-design process, to ensure that it meets the needs of service users, government procurement and non-government services for informed improvements and planning. Of particular importance is clarity of data ownership and custodian rights and responsibilities.

WANADA also considers an effective data and outcomes system (and legislation) as necessary to drive the attraction and retention of alternative funding arrangements. A robust data system would enable services to quantify the impact and outcomes of its services, and present a defined value proposition to potential funding bodies.

Any measurements need to address the following:
- Confidentiality and privacy concerns
- Existing data and outcomes measurement and infrastructure limitations
- Resource and administrative burden on reporting entities
- Data integrity
- Co-design
- Clear policies and procedures governing data ownership, informed consent, and the appropriate use of data
To: Pip Strempel  
Department of Premier & Cabinet  
Dumas House  
2 Havelock St, West Perth WA 6005

Re: Service Priority Review (Email 4th July 2017)

Dear Pip,

Please find attached a ppt presentation of Yaandina’s Community Services Ltd operations. I trust the information contained meets your requirements. In respect of the ‘Terms of Reference’ used for the Service priority review, Yaandina supports the terms, specifically those around the consolidation of departments/programs. The beneficial effect of doing so, may be a review of how funding is distributed and consequently how many funding bodies/Departments and organisations like Yaandina has to deal with from an acquittal and reporting point of view. Currently, Yaandina may have to report and or acquit to multiple agencies for the one service provision. Obviously resulting in time, resources engaged and ultimately expense.

I would be happy to meet with you if a suitable time can be arranged. At this stage I am likely to be in Perth between 21st and 25th August

Your Sincerely,

Nick Furnivall  
Chief Executive Officer
Yaandina’s Vision

To be a leading and trusted organisation providing required, innovative and responsive services to the community.
About Us

Yaandina Community Services has been delivering community services to the most disadvantaged and vulnerable people in the region for over 42 years. We are the largest locally based Not for profit organisation in the Pilbara. We cater for a range of people throughout the lifespan from early years through to aged care. We currently operate youth & family services, child counselling, residential aged care, home care and drug & alcohol services including residential rehabilitation.

Yaandina has changed considerably over the last two years through a conscious decision by leadership and management to change “service silos” to integrated wraparound support services from which we are able to successfully build trust and connections within the community.

Our structure allows us to interact with local community and families across generations. Yaandina seeks to be known and respected for the service it delivers and one which is willing to collaborate at all levels in the best interests of the community.
Yaandina’s network of services work as a wrap-around group of programs & services to allow us the ability to provide the best possible care for our clients needs.

ALL YAANDINA SERVICES HAVE THE ABILITY TO REFER CLIENTS TO EACH OTHER.

YAANDINA IS GOVERNED BY A CENTRAL ADMINISTRATION HUB
Business Operations

Youth and Family Services

All support services in one area/facility with increased focus on quality program delivery. PM&C funding June 2017 will provide funding for extra youth staff for the children's service component of the Roebourne Youth Centre.

➢ Family Support Program – Roebourne and surrounds

Provides holistic support services to individuals and families through a range of activities, case management, workshops and practical assistance to help improve social, emotional, health and wellbeing, develop life skills and decrease social isolation.

➢ Youth Services – Roebourne and Karratha

Roebourne Youth Services – Roebourne and surrounds

Provides a Centre based, safe nurturing environment for at risk and disadvantaged children and young people aged 5 – 18 yrs. Activities include sport & recreation, teen space, music, movies, life skills, school holiday programs and health and wellbeing programs. Meals and healthy snacks provided.
Business Operations

Youth and Family Services Cont.

➢ Karratha Youth Services – Karratha

This service provides outreach programs and case management to at risk and disadvantaged young people aged 12 – 18 yrs to strengthen the role of young people through the development of life skills and experience. Programs and activities include: employment and training support, sport and recreation, health and wellbeing workshops, young men's group, young girls group, cooking and nutrition classes.

Yaandina Youth Services expands on formal education with our children and young people. We seek at all times to provide a structured environment and collaborate and partner with other agencies to add benefit for our clients.

➢ Child and Family Counselling Service – Roebourne and Karratha

This Program based in Roebourne, provides a specialist sexual abuse therapy service for children, young people (aged 5-18 yrs) and their families effected by child sexual abuse. The service provides case management, healing, support and counselling, and artistic therapies which are provided in individual or group sessions. A range of therapeutic responses are utilised to assist children and families express thoughts and feelings, resolve conflicts and process traumatic experiences.
Business Operations

Drug and Alcohol Services

- Turner River Rehabilitation Centre – South Hedland
- Sobering Up Centre – Roebourne
- Detox Centre – Roebourne

These services deliver support through treatment, assessment, case management, crisis support, education, life skills and therapy.

Our drug & alcohol services work collaboratively with community AOD providers, hospitals & law enforcement to provide long term sustainable health and safety benefits.
# Yaandina Drug & Alcohol Service ‘Client Pathway’

<table>
<thead>
<tr>
<th><strong>Turner River Residential Rehabilitation Centre (TRRC)</strong></th>
<th>‘Rehab Ready’ Detox</th>
<th><strong>Roebourne Detox Centre</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>TRRC is a Residential Rehabilitation Centre delivering the Therapeutic Community program</td>
<td>Rehab Ready, Low Medical Detox</td>
<td>Low Medical Detox</td>
</tr>
<tr>
<td>Expected Duration is <strong>Four (4) – Nine (9) Months</strong>, dependent on individuals capacity to complete the therapeutic community program</td>
<td>Expected Duration is <strong>Ten (10) – Thirty (30) Days</strong>. Where required, clients admitted to Detox prior to entering TRRC. Length of stay is determined by the Physical and mental strength to succeed at TRRC</td>
<td>Expected Duration is <strong>Five (5) – Ten (10) Days</strong>. Traditional Detox and the length of time required to cleanse the body of drugs and alcohol</td>
</tr>
<tr>
<td>Referrals are accepted from: Community AOD Services, Doctor/Medical Professional, Prison System, Court System and or Self-Referral</td>
<td>Referral to Rehab Ready detox is a decision for TRRC Management and Community AOD Service provider or Doctor/Medical Professional where applicable</td>
<td>Referral to detox is by a Doctor/Medical Professional Community AOD Service provider or self-referral need to obtain a Dr’s referral prior to admission</td>
</tr>
<tr>
<td>The intake and Assessment process is as follows: <strong>Acknowledgment of referral – One (1) Business Day Process – One (1) to Four (4) weeks</strong> dependent on availability and validity of information required. Unsuccessful clients referred back to referrer or alternative solution/provide. <strong>Responsibility: Julie Mobbs TRRC 91724490</strong></td>
<td><strong>Intake process is as follows:</strong> <strong>Acknowledgment of referral – Four (4) hrs Process – Eight (8) hrs</strong>, dependent on availability of referring Doctor <strong>Responsibility: Sharon Compass 9182 1363</strong></td>
<td></td>
</tr>
<tr>
<td>Program completion activities includes a Client introduction to Community AOD provider a minimum Four (4) weeks, prior to program completion</td>
<td></td>
<td></td>
</tr>
<tr>
<td>After rehabilitation care is the responsibility of the relevant Community AOD Service provider. TRRC remain as part of the aftercare process by establishment of a TRRC Alumni where practical and through the activities of the TRRC Aboriginal Liaison Officer</td>
<td>After Detox care is the responsibility of the Community AOD Service provider or referring entity</td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** Admission into TRRC is dependent on a detailed intake and assessment process. Clients are generally refused access if they have a history of aggressive or violent behaviour or have severe mental health issues. More information on the Therapeutic Community program can be found at [http://www.aoda.com.au/wp-content/uploads/2012/07/Therapeutic-Community-Model-of-Treatment.pdf](http://www.aoda.com.au/wp-content/uploads/2012/07/Therapeutic-Community-Model-of-Treatment.pdf)
Business Operations

Aged Care Services

- Accredited Residential Aged Care Centre, Roebourne
- Home and Community Care (HACC) – Pilbara

These services combined deliver much needed support in numerous ways to enhance the wellbeing of older Aboriginal and non Aboriginal people in the Pilbara. Our continued objective is to support the growth of community aged care services in the region.
Business Operations

Other Services

- **Home Care & NDIS services – Pilbara Based**

  Provides assistance to clients to stay living at home to enable them to participate in community life where it would otherwise be challenging. This could include but is not limited to assistance with daily personal care & daily life routines including lower, standard and higher needs to assist clients in living as independently as possible. These services are delivered under the consumer directed care model empowering clients the ability to choose their provider.

- **Mingga Patrols – Roebourne & surrounds**

  Mingga patrol plays a vital role in ensuring the safety and security of vulnerable or intoxicated people who may be at risk of harm, by transporting them to a safe place. It is also utilised collaboratively during the day by services and external providers as transport for programs, the community & youth.
Strategic Direction

Governance

Our organisation operates as a Company Limited by Guarantee and is managed by a Board of Directors comprising: Chairperson/Director, Vice Chairperson/Director, Director, Secretary & 2 members. Local community representation is included at board level.

The Board of Directors is responsible for ensuring our company operates within its approved Constitution, budget, and within the requirements of ASIC & ACNC. It also works in accordance with the policies and procedures set down by the Board.

The Board of Directors meets these responsibilities by working in partnership with the Chief Executive Officer who is responsible for implementing the directions and decisions of the Board and for providing the Board with the information necessary to effectively monitor the operations of the company.
Strategic Direction

*Community Engagement*

Yaandina Family Centre understands and engages with the community in which it operates and reflects this in service planning and development.

We review and plan our services according to community needs and with input from staff, clients and other stakeholders including community leaders & regular attendance at Elders Yarns.

The Board and service management are actively involved with other relevant organisations and in community planning processes. This includes engagement with Funding bodies and other stakeholders being consulted in regard to the scope of support and identified community needs.

Community understanding and engagement processes are regularly reviewed and improvements identified on an ongoing basis.
Strategic Direction

Community Engagement

Yaandina has and actively encourages their staff to have direct meeting and contact with community leaders and regular attendance at Elders Yarns and community meetings.

Service field trips are taken place to other providers delivering similar services in the Pilbara and surrounding regions to assists with optimizing the service delivery of current services and to enable Yaandina to analyse and potentially address where gaps may be evident.
Strategic Direction

Sector Development

Yaandina advocates for the services people need to build a strong community services sector in the Pilbara and we seek collaborative opportunities and partnerships to deliver a better and more substantive service.

Yaandina seeks to be known and recognised by the service outcomes it delivers; in essence its success will be determined by the end users. Yaandina’s future growth and development will be organic in nature and driven by the needs of the community. We have developed a quality, structured organisational model that can be replicated easily into any community with minimal time constraints.
Strategic Direction

*Workforce Capacity Building*

We develop and enhance skills, knowledge and expertise of Yaandinas’ workforce by providing:

- Training and professional development systemised and linked to performance management
- Innovative talent sourcing, on boarding and induction
- Skill capability forecasting and gap analysis
- Integrated cross business competency and cross business opportunities and pathways
- Opportunities for local traineeships and professional development
Strategic Direction

**Continuous Improvement**

Yaandina has quality systems and auditing protocols in place to ensure we are continuously improving systems and processes to monitor and meet the accountability requirements of funding providers, ASIC & the ACNC.

We strive to continually improve our services through seeking feedback about our services from all stakeholders including clients, their families and advocates, staff and the community. We conduct ongoing quality reviews of our policies, procedures and processes to ensure they are meeting the requirements of the clients and our organization and ensure our practice is reflective.

In many of our services there is a requirement to be reviewed and audited to comply with Accreditation and standards.
Future Projects

Thanks to the Department of Health, Lotterywest, Pilbara Development Commission and Royalties for Regions, the new Home and Community Care (HACC) building in Roebourne is a step closer to fruition. Together with the proposed ‘Aged Care gardens”, also a part of the project and the existing Aged Care facility this becomes a place to meet for our aged clients and their family and friends.

The new HACC building will be purpose built with day rooms, male and female showers/amenities, activity room, kitchen and offices and will back onto the new ‘Aged’ gardens to be constructed to complement the HACC facility and Aged care facility.

The Aged Care gardens will serve as a meeting place with the purpose to re-engage generations with various shaded areas amongst native plants and trees with wheelchair friendly access and pathways. This will provided a much needed area for the community to come and connect with the Elders in a more relaxed and welcoming environment

Construction is expected to commence in July with an early 2018 completion
Future Projects

- Recent changes in Home Care delivery moving to consumer directed care, the introduction of the NDIS and the upcoming changes in Home & Community Care we see a need and an opportunity for expansion of our existing services. Yaandina’s key goal with the introduction of Consumer directed care services, is to establish ourselves as a NDIS/ Home Care provider of choice in the Pilbara.

- Potential expansion of our Residential Aged Care Facility, and the introduction of providing short term restorative care. The Short-Term Restorative Care (STRC) Programme aims to reverse and/or slow ‘functional decline’ in older people and improve their wellbeing. This is for people that are not currently under a Commonwealth home care package or Residential Aged care. There are currently no short term restorative beds in the City of Karratha and people needing this service are sent to Perth for recovery, taking them away from their family & community.

- Relocation of the Sobering Up Centre & Detox to a fit for purpose facility that better caters for the contrasting needs of both sets of clients.
Future of Funding

Yaandina are cognisant of the need to minimise costs whilst continuing to deliver the best possible outcome for money spent. Being Pilbara based we face significant challenges in respect to employment, the tyranny of distance & housing that metro service providers do not face.

When developing budgets Yaandina seeks to ensure that the money goes to program delivery and to provide this Yaandina operates with limited overheads including management and administrative costs to ensure the majority of funds reach grass roots level and secure service delivery.