

Questions arising from public hearings in the Kimberley – WA Government

Question No	Hansard Page No.	Summary of request	Hansard transcript
1.	HC p5-6	Please provide a response from the WA Government regarding the Shire of Halls Creek business plan entitled 'Regularising Local Government Services in Halls Creek Shire' which outlines a proposal to provide services to the Tjurabalan communities. The committee are specifically interested in the WA Government's response to the Shire's proposal to directly employ CEOs of the outlying communities	<p>Mr Olsen—One of the reasons is that a lot of them are not really meeting the market. They recruit CEOs and pay them what I would pay a really experienced rates clerk. They are out there in these communities basically working 24 hours a day and trying to be all things to all people. They have no support really. Since I have been here we have had a bit of a support network with the Tjurabalan CEOs and have tried to have regular meetings to share a problem. Before that I do not know who they called. If they had a problem I guess they had to carry it themselves. Three of the Tjurabalan communities do not provide their CEOs with a motor vehicle, so they are confined to the community. They can walk around the community, but they are confined to the community. If you invite them to a meeting, they have to get a ride with somebody else.</p> <p>I guess there is the potential for them to upset people on their boards or something if they do not give them everything they want. The CEO has a bit of a problem in that they are meant to be running some sort of credible administration but often they will have demands put on them that they feel they need to rightly refuse. That puts them in a very difficult situation. Often agencies will come along and say, 'This community needs a youth worker'—and it probably does need a youth worker—they fund a youth worker, pay them \$10,000 a year more than the CEO and give them a motor vehicle.</p> <p>I understand you have a copy of our business plan. To provide local government services to the Tjurabalan communities, one of our proposals was that those CEOs would essentially become our employees and we would properly remunerate and resource them. They would still of course have to service those communities and those boards, and that means maintaining good relations with them, but there would be some sort of arbiter in the case of a dispute. This is in much the same sense that in local government there will often be a mayor's secretary. The mayor's secretary works for the mayor, takes instructions from the mayor and has to maintain good relations with the mayor obviously, but they are actually an employee of the local government, not directly the mayor's employee.</p> <p>CHAIR—This is obviously quite a comprehensive proposal. Who is it targeted at? I</p>

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			<p>understand that it is supposed to be a stand-alone business model. The local government business model would be based on an invoicing rates basis but, given what you have said, my assumption is that that is not the thrust necessarily of the proposal. It is laid out that these are the sorts of services and this is how much they are going to cost. Who have you sent that to? Have you sent it to the Commonwealth? I understand that you have sent it to the Western Australian government. Have you sent it to FaHCSIA?</p> <p>Mr Olsen—I understand the study was funded indirectly by the federal government. The money came through the state government and there was a senior officers committee that I reported to, which comprised representatives of state and federal departments—FaHCSIA, DIA, the Department of Local Government, the Department of Main Roads—</p> <p>CHAIR—Where is that up to?</p> <p>Mr Olsen—We have given them the report and the report is now in their hands.</p> <p>CHAIR—About how long ago was that submitted?</p> <p>Mr Olsen—Two or three months ago.</p> <p>CHAIR—If I want to talk to them would they be identifiable as a committee or a group?</p> <p>Mr Olsen—The secretary of the group is Michaela Maine at the WA Department of Local Government and Regional Development.</p> <p>CHAIR—It might be useful for the committee to write to them and say, ‘When you have made a decision about these matters, it is quite clear that this would be a very good model. It is a plan and has been submitted.’ We would be very keen to hear, no doubt not before you do. We will be in touch with them to see what they are doing and see if we can get some direct feedback.</p>
2.	FC p89–94 HC p38–39	<p>The committee heard evidence from the Kimberley Aboriginal Law and Culture Centre that they were concerned a regional alcohol management plan may take the WA Government months or even a year to enact. The committee is seeking a response from the WA Government regarding KALACC's calls for diversionary programs, and the</p>	<p>Fitzroy Crossing, 24/8/09:</p> <p>Mr Morris—...A couple of weeks ago we put in a submission in relation to alcohol. In that we said that this organisation strongly supports alcohol restrictions, but you would have to think that the state government thinks that alcohol restrictions in and of themselves are a magic bullet and a solution to all the woes and all the ills in Aboriginal communities, and clearly they are not. We were aware then that on 7 November last year the Queensland government, at the cost of \$109 million, instigated a Queensland Indigenous communities alcohol management plan. On 19 November last year, we wrote to the state and Commonwealth governments saying that Western Australia, and the Kimberley, in</p>

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	<p>proposed timeline for regional alcohol management plan.</p> <p>At the Halls Creek hearing on 25/8, Jamie Elliot of the Halls Creek People's Church also spoke of the need for alcohol and rehabilitation diversionary programs following the alcohol bans. The committee agreed to request a response from the WA Government about what diversionary programs are in place, and any that are planned.</p>	<p>particular needs a whole range of support programs and mechanisms to support and to build on the positive gains that have come as a result of those alcohol restrictions.</p> <p>...</p> <p>Mr Morris—We had a meeting with the state minister, who has portfolio responsibility for this, Dr Graham Jacobs, just two weeks ago. He came to town two weeks ago, and the reason he came to town was to release the results of the 12-month evaluation of the alcohol restrictions at Fitzroy Crossing. That was his main business in town. But following that official duty, he then met with a number of different organisations, community groups in town. He was with KALACC for an hour. He made it abundantly clear to us just two weeks ago that the state was months away, if not years away—certainly he said months away—from developing a regional or a state alcohol management plan.</p> <p>CHAIR—So from that you have gleaned that they believe that that was the end of the story, rather than it just has not happened yet? There is a long divide.</p> <p>Mr Morris—We see the enthusiasm with which the state embraces the alcohol restrictions. Elders like Mr Brown have been quick to support the women of the valley when they first called on these restrictions some while ago. They came to the men and they gained the support of the elders, and so we see the benefits of those restrictions, we see the investment that the state government is putting into those processes associated with putting in place those restrictions. But we struggle to describe any process to you in relation to how a broader alcohol management plan is being conceived and developed.</p> <p>CHAIR—In your discussions with the minister you say that he said it would be months to years before that is implemented. Can I take it from that that there was to be an alcohol management program sometime in the future?</p> <p>Mr Morris—Yes. In fact we have written correspondence from the Premier from 26 November last year. Dr Hames wrote to us in February this year and Minister Jacobs wrote to us in April this year. All three of those gentlemen have written to us confirming that. Indeed, Senator Macklin also wrote to us saying the same thing in about March or April this year. So we have four letters all saying that there will, at some indefinite point in time, be an alcohol management plan, but we do not know what those words mean. We do not know what things, what sorts of programs, would be brought within the compass of such a plan. We can describe what happened in Queensland and we think that what happened in Queensland is a tremendous outcome, but we do not know what the state or the</p>
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			<p>Commonwealth mean when they use the words ‘alcohol management plan’. We do not know what those words mean because we have never had any detailed discussion.</p> <p>Halls Creek, 25/8/09:</p> <p>CHAIR—The stuff you have been telling us, Mr Elliott, has the common theme we have heard in terms of the need for a diversionary program. Now the restrictions have worked, there is definitely a need for a program. Yesterday, Wes Morris gave some evidence that he was disappointed that the Western Australian government did not appear to be right on it, but there is a time frame of about three months to a year. I am quite sure that will be reflected in this committee’s deliberations. That has been the common theme and we will be writing to the Western Australian government asking for some clarification about where they are up to, given the evidence that has been provided to us. We will give them an opportunity to correct that.</p>
3.	HC p76 & p83	<p>The committee is seeking a response to Dr Shepherd's statement about land availability and water shortages and to what extent these are a factor in the government's delivery of housing.</p>	<p>CHAIR—Does the shortage of water extend to not having showers and plumbing?</p> <p>Dr Shepherd—It is used by the state government who have come up here—Alannah McTiernan and Robyn McSweeney et cetera—as an excuse for not being able to expand their housing. Their two excuses are that there is no land available—which seems to me utterly ridiculous given that you just have to look out the window and see that there are vast tracts of the stuff—and that there is a shortage of water and they are trying to work on the water shortage but that they find it difficult to build more houses while there is no guarantee of water supply.</p>
4.	HC p76 & p83	<p>The committee is seeking a response to Dr Shepherd's statement that Commonwealth and state pharmacies are maintained separately in hospitals</p> <p>The committee would appreciate information on the actual turnover of the WA government run pharmacy at Halls Creek hospital and clarification of the policy rationale.</p>	<p>Dr Shepherd—...As far as government policies go, I think there are a few very poor organisational things. I cannot help but mention the split between Commonwealth and state. There have been plenty of recommendations around it. I think that is being reconsidered. I would urge the Commonwealth to take over the hospitals. In this hospital here we run two complete pharmacies. It is one of the most time-consuming things for us, ordering all the drugs and everything in. We have to have one pharmacy for the people who come in and want drugs as outpatients and another pharmacy for people who are inpatients in hospital. There is an enormous amount of paperwork attached to that. We lose two rooms and it is an absolute shemozzle. I think there are a whole bunch of other areas where the state—</p>

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		<p>Please note a similar request for clarification of the current policy is being sent to the Commonwealth government.</p>	<p>CHAIR—Why are there two pharmacies? Dr Shepherd—Because people who are outpatients are Commonwealth funded. So if you get sick now and you go to hospital and you need some antibiotics the Commonwealth will pay for that; but if you are so sick you need to come in then the state government will pay for that. The main thing is the state government is paying a pittance. We are probably handing \$250,000 worth of drugs out of the Commonwealth pharmacy. We would only be handing \$2,000 or \$3,000 worth of drugs out of the state pharmacy, but they still refuse to come to the party. I have said to them a few times, ‘Why don’t you give them five grand and be done with it?’ We are spending far more than that on the paperwork attached to the whole business of splitting the two pharmacies up.</p> <p>...</p> <p>CHAIR—Dr Shepherd, what we try to do as a committee when we need a bit more information about something, we would normally undertake to write to the state or territory government responsible, or the Commonwealth. ...With respect to the pharmacies, perhaps they can provide us some rationale. We will ask for the turnover of the actual pharmacy responsible in the state, and we will give them the opportunity to respond.</p>
5.	<p>HCpp8 0–81 & p83</p>	<p>During a conversation about Foetal Alcohol Spectrum Disorder (FASD) with Dr David Shepherd, he made the comment that teachers may not have the time or permission to attend talks on FASD by visiting experts. The committee wishes to seek clarification from the WA government whether any policy exists that would allow teachers to benefit from such opportunities, or otherwise learn about FASD related issues.</p>	<p>Dr Shepherd—...I might have mentioned foetal alcohol syndrome in the media, but you will find that I mentioned a whole bunch of stuff and they have just picked that out. I do not have a particular interest or knowledge or expertise around foetal alcohol syndrome other than that I see it a lot so I am aware of it. But I do not know that there is an enormous amount that can be done. They always say it is 100 per cent preventable, and 100 per cent untreatable once you have got it.</p> <p>There might be slight things you can do. The most important one is that those kids need different teaching methods. They need much stricter boundaries. They do not understand ‘one, two, three—time out’ because by the second time they have forgotten what the first one was for. There are some strategies around that that I think should be implemented. I do not know whose responsibility it would be, but someone within Health or Education would find that it would be well within Education’s best interests to have someone in the school to talk to them about it. Visiting experts have come here, but when they give their talks I do not know that the teachers have got the time to go to the talks and the teachers have not</p>

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			<p>been given protected time to go to those sorts of interactions. But I think that would money well spent.</p> <p>...</p> <p>CHAIR—.... We will also mention whether there is any policy with regard to allowing teachers to attend FAS lectures, given the emerging importance of this area.</p>
6.	HC83	<p>Dr David Shepherd, appearing in Halls Creek, alleged that it was a policy of the WA government to allow teachers to stay in Halls Creek for only two years. The committee would like clarification as to what the policy on postings to remote areas is, and whether teachers are required to leave after a certain time, regardless of their wishes.</p>	<p>Dr Shepherd—...</p> <p>The other thing that I think works really badly is the education department policy whereby school teachers are only allowed to work in Halls Creek or other remote towns for two years and then, whether they like it or not, they are forced to go back to a metro area. I do not know what the thinking behind that policy is.</p> <p>...</p> <p>There have been plenty of cases of people who have come up here and really enjoyed the job. Obviously, there are people who do not and who burn out quickly and then they want to leave, but there have been plenty of people who come up here and enjoy the job and have some idea about it and then are forced to leave because they are only allowed to stay here for two or three years.</p>
7.	HC83	<p>Please provide clarification of WA government policies that offer staff housing to non-residents who move to remote communities for work, while not providing staff housing for locally engaged workers and the rationale for any such policies.</p>	<p>CHAIR—Yes. In terms of completeness that gives us a lot more information. It is not only for our benefit but for yours, because you brought the issues up. We will provide a copy of the letter to the Western Australian government—</p> <p>Dr Shepherd—The other one would be the one about housing for nonresidents. I know for a fact that the Department of Child Protection, on that day in particular, will offer housing to people who are nonresidents in Halls Creek but will not offer housing to people who do work in Halls Creek.</p>
8.	BR p1–14	<p>At the hearing in Broome on 26 August, the Aboriginal Legal Service suggested to the committee that there is a lack of diversionary programs aimed at drug and alcohol rehabilitation in remote WA.</p>	<p>Senator SIEWERT—... There are a thousand questions I could ask but I am particularly keen to follow up the issues around resources and the comments that were made in terms of diversionary programs. We heard evidence in Fitzroy Crossing around the drug and alcohol support services that they have got \$300,000 and they were told basically, ‘That is it, you have to manage on that.’ I presume when you have been talking to government around issues you have been talking around resources. What has been the government’s reaction to</p>

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		<p>The committee would appreciate a response to the ALS claims, including details of diversionary programs run by the WA government, including the geographic spread of individual programs, details of the funding for each program and whether and how these programs link to the judicial system.</p> <p>In addition, the committee visited the community of Balgo in 2008 and seeks specific information on what diversionary programs are currently operating there and the details of any such program.</p>	<p>the fact that there are totally inadequate support services?</p> <p>Mr Collins—Almost nonexistent. There is always an acknowledgement that there is a problem. This issue was raised consistently by me in the Indigenous taskforce meetings which occurred every two weeks for nearly 18 months. They were attended by senior bureaucrats from the Department of Corrective Services and the Department of the Attorney-General. They knew of the problem. They acknowledged that there was a problem which needed to be addressed, but it is not being translated into action on the ground, as Dominic’s evidence indicates. That is a tragic state of affairs in my book for not only the offenders themselves but for their communities, because if we are on about trying to protect communities, which we all are, it is not going to happen if Joe Bloggs goes to jail for an alcohol related offence and does not have anything done for his problem in jail and then gets out on a parole program which does not have any programs to address it back in the community. We all know what they are going to end up doing, and they do it regularly. It ends up in death, which is awful.</p> <p>CHAIR—... Given that quite extensive aspects of your evidence deal with policies and programs that are laid out by the Western Australian government, it is the convention of this committee to not so much test the evidence but, with the support of my committee, I will be writing to the West Australian government asking them to identify the exact spread geographically of the programs, what programs are delivered where and what funding has been provided to those programs, the diversionary programs inside and outside of the custodial system in terms of access to legal aid where the legal aid lawyers go and where you go. If there is a disparity, why aren’t they funding them. We will be putting those questions and others to the West Australian government. We will provide you with the letter we sent to them as well as a response. We will make that clear that we will doing that to them. So thank you again for your evidence today.</p>
9.	BR p74 & p76	<p>Father Matthew Digges of the Broome Catholic Diocese presented evidence that the Catholic Church was to lose 16 Aboriginal teaching assistants due to the removal of CDEP by the Commonwealth and subsequent</p>	<p>Father Digges—...CDEP is a particular program that will not be missed particularly by the likes of me. Yet there needs to be some initiative to pick up those areas that CDEP covered, such as occupation diversion. The other spin-off is that CDEP also supplied labour for certain areas around the community that were never going to be funded. The Catholic Church has 70 Aboriginal teaching assistants working in our remote schools across the Kimberley. We are going to lose 16 of those very soon. That is 16 people in the remote</p>

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		<p>responsibility by the WA government for employing teacher assistants.</p> <p>Please clarify whether this is the case.</p>	<p>communities in which we have schools which will not have employment because their positions were financed under the CDEP program. I have been given anecdotal evidence from other places that extra workers that have served in community clean-up areas, clinics, art centres et cetera will finish. So there needs to be some way of compensating for that in communities. There will be a social fallout from that if that is not done.</p> <p>...</p> <p>CHAIR—In regard to the 13-odd teachers aids that you think we are not going to have in the future, perhaps you can clarify why you think that?</p> <p>Father Digges—Because they were funded under CDEP.</p> <p>CHAIR—The Commonwealth said to the Western Australian government that they would assist the Western Australian government and provided them millions to offset their responsibility of providing teachers aids, because you cannot pay them on CDEP as it is not the program. We should pay them directly and make them real jobs.</p> <p>Senator SIEWERT—And the state government said that it would put extra money in.</p> <p>CHAIR—The state government was to match the Commonwealth—that was the deal. I do know that the Commonwealth money all went over, but perhaps it is something worth inquiring into. In fact we are in the habit of writing letters.</p>
10.	FC11	<p>Following evidence presented at the Fitzroy Crossing hearing by Mr Joe Ross, a member of the Fitzroy Futures Governing Committee, the committee agreed to ask for an explanation of the process used by the Departments of Planning and Infrastructure and Housing and Works to determine in which communities refurbishments and construction of new housing will occur.</p> <p>Please provide a response to the statements made by Mr Ross in relation to this issue as well as details of what</p>	<p>Mr Ross—<i>[Referring to a map of the Fitzroy Valley Area]</i> Have a look at this slide here. See all those scattered communities there? Other than the three up top, and maybe that one, they are probably the most vocal. If people wanted to work together, those would probably be the places where we would say we need housing. There is a recognition by the Department of Housing and Works that that is the case. They see it happening out of Fitzroy Crossing in waves. The waves could be in decades, or it could be in a managed approach.</p> <p>I have been giving it some thought. I think we need to negotiate to try and literally stop being speared from the bottom group, because they currently see that Bunaba—because there are traditional lands there—Gooniyandi and the town site are stealing the cake from them. Those are the rumblings in the community at the moment. Through the Fitzroy Futures process, we have slowly been trying to settle that down and say, ‘We are yet to negotiate,’ and DHW tentatively say they want to negotiate the process. Logically, I reckon</p>

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		<p>guidelines or process will determine how sites for refurbishment and construction will be selected.</p>	<p>the refurbishments could happen across all of those communities. Do you understand that there are two parts to the housing process, refurbishments and new housing? Senator ADAMS—Yes, we are fully aware of that. Mr Ross—Refurbishments should happen to all of those communities. The cost is negligible. Access is easy. Building companies can either go out to Noonkanbah, on the far east over there, or be in Fitzroy Crossing at the same cost. They turn up here with their caravans and dongas and just feed themselves, so it does not matter about cost. You would do the refurbishments right throughout the community.</p> <p>New housing has to have scale in it and costs, so you would probably pick the big ones—Wangkatjungka, Yiyili, maybe Noonkanbah, Yakanarra, Bayulu and a couple or three in town here. You would use them as the epicentre for new housing, to get scale. But we have to push very hard, because the process is being currently negotiated in Perth. We hear snippets of it at this end. At some point in time, someone is going to be turning up here to refurbish the houses, but they do not have any directions as to where to go other than a rule of thumb or a set of indicators that have been established by the Department of Planning and Infrastructure. You should ask for that, request it— CHAIR—We will. Mr Ross—because that is the guiding line for the question that the public servant uses—not this public servant behind me but the public servants from the Department for Planning and Infrastructure and the Department of Housing and Works. That apparently is the guiding tool at the moment, and a very coarse tool it is.</p>
11.	FC43	<p>The evidence given by various organisations across the Kimberley, including Kurungal Council and the Shire of Derby/West Kimberley, suggested widespread confusion as to the chain of responsibility for rubbish tip management. This confusion over responsibility was of concern to the committee, which resolved to establish</p>	<p>Senator ADAMS—My second question is about rubbish. We had some photographs tabled of three communities and their rubbish dumps, showing the mess that is lying around and the rubbish blowing all over the place. In the shire do you have earthmoving or ditch-digging equipment that could dig a large pit to cope with that? Mr Burge—No. We would contract that if it was required. Senator ADAMS—Are there contractors around that could deal with the quick fix of digging a large hole? Mr Burge—Yes, I assume there would be. Mr Twaddle—There are contractors around. They come from Derby or surrounding towns</p>

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	<p>the exact responsibilities of each level of government for rubbish tip management in remote communities in the Kimberley.</p> <p>The committee is seeking information from the WA government as to what the state responsibility is for environmental health issues and compliance generally, and rubbish tip management specifically. Please outline the state's understanding of the chain of responsibility for ensuring environmental health standards are upheld in remote communities, and any further information the WA government considers relevant to this matter.</p> <p>The committee would also appreciate advice on how any tender process for rubbish tip services is managed.</p> <p>See also attached correspondence from the Centre for Appropriate Technology</p>	<p>like Halls Creek, Broome and so forth. On an annual basis or when funding is available they do go out to these communities and tidy up their tips. Some of it is on the recommendation of the environmental health officers from the shire. Somehow the information filters from the shire, through wherever, to the company that provides the regional services for most of the Aboriginal communities here.</p> <p>I work on the lot of the communities around the place. Looking at their tips and how they are managed, some of them are fairly poorly managed. Some of them could quite easily be cleaned up through a bit of self-help by members of the community instead of just throwing things around the flat. They do allow us to put a small amount of builders' waste within their tips so we are not clogging up their tips. During 2007-08 we did 14 house upgrades at Ngalinkadji community and we had to get a dozer out there to dig a hole for all the builders' waste.</p> <p>CHAIR—But as you would have seen for yourself, Mr Twaddle, and according to the information we have received, their biggest and angriest thing is a bobcat. You can see from the photos and the width of the hole that it has been done by a bobcat. It is a little scrape, basically.</p> <p>Mr Twaddle—Yes. Sometimes, depending on the funding, we get 30-tonne excavators or a D6 or D7 dozer out there.</p> <p>CHAIR—So what we have heard in some of the evidence may not be representative of all the communities? Are you saying they are different?</p> <p>Mr Twaddle—Each individual community have their own different ways of doing things. I know that over the last couple of years the regional service provider that comes around the communities has been doing a lot of work in cleaning these places up—power, water, sewerage and so forth.</p> <p>CHAIR—Do you know who would be a regional service provider?</p> <p>Mr Twaddle—KRSP from Broome. They are called the Kimberley Regional Service Providers.</p> <p>CHAIR—Do you know who pays them, who they are contracted to? I know it is difficult because we do not have it in front of us, but it would be very useful.</p> <p>Mr Burge—Through FaHCSIA.</p> <p>Mr Twaddle—It is coming through either the Commonwealth or the state.</p>
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			<p>CHAIR—We will ask them. It is just good to get an indication. Thank you, Andrew.</p> <p>Mr Burge—The other one within the shire of Derby is CAT, the Centre for Appropriate Technology. It does municipal services as well.</p> <p>Senator ADAMS—I want to go on with the health and environmental issues—the rubbish and everything else. If that is reported, do you send someone out from the shire to visit the communities?</p> <p>Mr Burge—Yes. As I said before, our Aboriginal environmental health officers visit Aboriginal communities about every three months and they assess some of those things. I guess they would report back through the Department of Health. Whether that goes through to FaHCSIA I am really not sure.</p> <p>Mrs Archer—We do not actually do it ourselves. We do not go out and dig the hole.</p> <p>Senator ADAMS—No, no. I am trying to come back to the health and environmental issues. All the rubbish around can cause a problem for the community’s health, so someone really should be fixing it. I am trying to get to the end of the trail. So it is reported by your health and environmental person and that written report gets sent where?</p> <p>Mr Burge—I would need to clarify that.</p> <p>Mrs Archer—It would go to the ICC, the Indigenous Coordination Centre, where they have FaHCSIA and all those different organisations, in Derby.</p> <p>Senator ADAMS—We will have to follow that up.</p> <p>CHAIR—We will.</p>
12.	N/A	<p>At a private meeting following the hearings, the committee agreed to follow up on correspondence sent by Senator Johnston to the WA government in regard to mortuary facilities in remote communities and specifically in Balgo.</p> <p>The committee requests information on any further developments</p>	<p>Please see attached correspondence from Senator Johnston to Dr Hames and Dr Hames' response.</p>