

SUBMISSION TO THE SELECT COMMITTEE

ON

**THE ADMINISTRATION OF  
INDIGENOUS AFFAIRS**

**Submitted by**

**The Wunan Regional Council  
Kununurra WA**

# **SUBMISSION TO THE SELECT COMMITTEE ON THE ADMINISTRATION OF INDIGENOUS AFFAIRS**

The Wunan Regional Council, on behalf of the Aboriginal people of the East Kimberley, would like to express its concern and disappointment about the abrupt and ill-considered decision of the government to abolish ATSIC. While there may be some legitimate concerns about the operation of ATSIC, the precipitant action that led to the mainstreaming of ATSIC programs and administrative staff without proper consultation or satisfactory arrangements being put in place, has created considerable confusion and anxiety amongst the Aboriginal community. This could easily have been avoided if a more orderly process of change was put in place.

The purpose of this submission is to address the terms of reference of the Select Committee on the Administration of Indigenous Affairs with reference to a proposal that is currently being developed in the Kimberley for a new model of regional governance. While consideration of this model is still in early stages and has yet to be approved, several matters arise from the process that have relevance to the Select Committee's deliberations.

Matters arising from the Select Committee's terms of reference that have significance for the Kimberley regional governance model are:

## **a) the provisions of the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004**

The Wunan Regional Council feels very strongly that Aboriginal people should have the opportunity to participate actively in the decisions that affect their future. Just as passive welfare has been recognized as a problem, so too will passive policy processes lead to worse outcomes for Indigenous people. The abolition of ATSIC will disempower Indigenous people and create a passive policy process in which we have no voice. For this reason we have begun a consultative process to establish a new model of regional governance for the Kimberley.

We seek to create a new basis for Indigenous participation in strategic planning to combat the systemic disadvantage that is manifested in our communities. We want to establish a model of governance that will allow our communities to build capacity and work with government, business and community organisations to find new solutions to the problems we face.

There are a number of issues arising from the Select Committee's work that have a bearing on this process:

- The Kimberley proposal requires an ongoing legislative basis for a structure of regional governance, as it seeks to build upon the current ATSIC Regional Councils arrangements. The proposed abolition of the Regional Councils in June 2005 would be problematic. The

Wunan Regional Council seeks to preserve a mechanism in the Act through which its model of regional governance could be given formal recognition by government.

- The Kimberley proposal requires variations to the responsibilities of Regional Councils as they are defined in the current legislation, for example, in relation to the hiring and supervision of administrative staff. It also requires the establishment of additional tiers of governance at Kimberly-wide and community levels. It would be helpful and constructive if the legislation included a formal mechanism for the minister to approve specific regional variations to the ATSIC structure, for example the recognition of Regional Authorities..

**b) the proposed administration of Indigenous programs and services by mainstream departments and agencies**

The current arrangements for the mainstreaming of ATSIC programs and budgets have been implemented in a hasty way that lacked transparency to legitimate stakeholders, including Aboriginal community organisations. This has resulted in unnecessary anxiety about on-going funding for community based programs in particular.

COAG has made a commitment to improve coordination of Indigenous policy and programs, yet the mainstreaming of ATSIC's programs works against this objective in important ways. First, it disaggregates responsibility for existing Indigenous programs to multiple service delivery agencies, destroying the coherence that control by a single agency can achieve. Second, with the redeployment of ATSIC policy staff, especially those in the crucial State policy offices, an important point of oversight and focused scrutiny has been lost. Third, the proposed abolition of ATSIC's elected arm will remove an effective mechanism for the incorporation of local Indigenous representative perspective into planning processes.

The proposed model for Kimberley regional governance seeks to create a forum in which Aboriginal representatives can come together in partnership with government agencies and businesses, together with significant Aboriginal organisations in the region, to put in place a strategic plan. If ATSIC programs continue to be mainstreamed then it is imperative that a new process is put in place to ensure that Indigenous input can be made in the identification of local objectives and priorities. It would be inefficient and ineffective for mainstream agencies to put initiatives in place without consulting Aboriginal communities.

- In recognition of the COAG commitment to achieve better coordination of Indigenous programs and to address Indigenous disadvantage through strategic planning, the Wunan Regional Council proposes that all government agencies commit to working through an Indigenous governance model, such as the Kimberley Council (see attached documents). We propose that government agencies should enter into a partnership arrangement to work through the Kimberley Council (or other regional bodies) and that their priorities and resource allocation are determined according to a regional plan negotiated with an Indigenous representative body.

**ATTACHMENTS:**

- A) Summary of the proposal for a new model of Regional Governance in the Kimberley**
  
- B) Discussion Paper: *Building a Future Together: A Proposal for a Kimberley Council & A Three Tier Model of Regional Governance.***

This submission is sent on behalf of the Wunan Regional Council; representing the Aboriginal people of the East Kimberley and is endorsed by the ATSIC Zone Commissioner for WA North, Mr Ian Trust:

**Commissioner Ian Trust**  
**ATSIC Commissioner for the Kimberley**

**Chairman George Hamilton**  
**Wunan Regional Council**

## ATTACHMENT A

### **SUMMARY OF THE PROPOSAL FOR A NEW MODEL OF REGIONAL GOVERNANCE IN THE KIMBERLEY**

For more than a decade there have been discussions amongst the Indigenous organisations of the Kimberley about the need for a peak representative body for the region. The announcement of the dismantling of ATSIC and the mainstreaming of its programs has added a new dimension to this process. We are determined to use this development as a positive opportunity to initiate a new structure of Indigenous governance for the region – one that is committed to the development of a strategic vision for our people.

The Indigenous communities of the Kimberley are some of the most disadvantaged in the country. The lack of social and economic development opportunities is exacerbated by the extreme remoteness and vast size of our region. The reversal of these conditions is a challenging task, but it one that we are committed to.

We are proposing the establishment of a new model of governance that will provide a basis for strong, dynamic participation in decision-making by the Indigenous people of the region.

Underpinning this proposal for a structure of governance are three principles:

- We want to take responsibility for setting the goals and strategies that will improve the conditions of our communities and the lives of our people:
- We want to work in partnership with governments and business to achieve a strategic vision;
- We accept the need to work with our own communities to change attitudes and values through the development of our own capacity and local initiative.

## **A new approach to Aboriginal governance in the Kimberley**

At the recent ATSIC Kimberley Zone Executive meeting held in Broome on 10-11 June 2004, a resolution was passed endorsing a three-tiered model of representative regional governance, including the establishment of a peak body – the Kimberley Council. The purpose and structure of this model is outlined in the attached Discussion paper.

The Executive believe this is a model which will find strong community support as it reflects the resolutions passed at large community meetings such as the one held in 2003 by the Kimberley Land Council (KLC) – the Wuggubun Statement.

The Executive intends to seek support and input from the Indigenous communities in the Kimberley by circulating the Discussion Paper widely and by calling a community meeting to endorse the proposal.

## The proposal in brief

The Discussion Paper proposes a 3-tier structure of representation:

Kimberley as a whole:	Kimberley Council
Local Regions:	3 Regional Councils
Community level:	Community Working Parties

The starting point of this proposal is the ATSIC Regional Councils – these bodies have existing recognition, authority, track record and a legitimacy worth preserving and building on. Under this proposal, however, the work of Regional Councils will take on a new emphasis. Their role will be to become proactive in planning: identifying opportunities to develop regional initiatives with business and community groups and working cooperatively with government partners in setting strategic goals.

In addition, the proposal incorporates important new structures of governance – a peak body that can represent the whole region, integrating and advocating the interests of the three Regional Councils. A further important component is a network of community-based planning committees, to provide accessible opportunities for participation and capacity building at grass-roots level. This is an emphasis missing from current representative structures in the ATSIC arrangements.

These tiers will establish a structure of representation that can respond to the diversity and geographical vastness of the Kimberley, but, at the same time, provide a process for the integration of the varied needs and interests of its communities into a single Kimberley plan.

Whilst this proposal relates to a preferred structure for the Kimberley, it should be noted that it could easily be adapted with a further tier to establish a State-wide model of Aboriginal representation and governance.

## Role and responsibilities of the representative structures

Each of the three tiers of representation will have a primary focus on planning and the articulation of a strategic vision to address the needs of their constituencies. They will not be funders in their own right (although it is suggested that a modest allocation to support community capacity-building activities would be appropriate – i.e. a community development fund) but will work with government, business and community agencies to achieve improved outcomes for the Indigenous communities of the Kimberley. All government agencies will be asked to enter into a commitment

to work through the Kimberley Council in determining their own strategies and program allocations in line with the COAG 'whole of government' resolution.

This model is predicated on the principle of Aboriginal participation in policy and planning processes that affect our communities. Just as passive welfare has been recognized as detrimental to our community health and well-being, so too is passive policy-making detrimental to the development of our communities' capacity. We seek to engage in the processes that determine our future in a constructive and effective manner.

The Kimberley Council will have the following responsibilities:

- To develop a vision for the Indigenous people of the Kimberley;
- To establish and authorize a strategic plan to achieve that vision, integrating Regional Council plans;
- To identify goals, benchmarks and performance indicators and priorities for social and economic development ;
- To work with government agencies and their service providers to coordinate their activities with the principles of the strategic plan;
- To negotiate partnerships, regional agreements and MOUs to further the objectives of the Kimberley regional plan;
- To monitor the implementation of policy and service delivery across the whole of government and evaluate outcomes against key indicators;
- To work with non-government and community organisations to further partnerships which are to the benefit of the Indigenous population;
- To identify and facilitate opportunities for community capacity building and the development of social capital in Indigenous communities.

Regional Councils will be responsible for developing Regional plans at local level, identifying relevant local indicators, goals and priorities. They will work with local businesses and Shire Councils and local government service providers to further productive partnerships to improve the opportunities available to Indigenous people and suggest new initiatives for economic and social advancement. They will work cooperatively with the Kimberley Council to draw up an integrated Kimberley Strategic Plan.

The Community Working Parties will be initiated by Regional Councils in the first instance, and may be established on a variety of bases – towns or communities of reasonable size or those which act as a service hub, Traditional Owner groups, language groups or clans. The Kullarri Regional Council is working on a scheme loosely based on Wards, which coincides with clan groupings of significance.

The Community Working Parties will provide important opportunities for community participation in the identification of significant issues and strategies. They will develop community capacity and nurture leadership. Community plans will be drawn up which identify priority issues and goals and set indicators for measuring progress. These plans will be submitted to the Regional Councils for integration in to the Regional plan, but will, in their own right, be the basis of community planning and development. Service providers will be asked to work in partnership with the Community Working Parties in implementing programs.



# Resourcing the new structures

State and Federal governments are requested to support this model of regional governance in the following ways:

## 1. Short term

- Providing a budget that will allow appropriate community consultation to take place and a put in place a process for community approval of the model.
- Provide advice and support to identify a legal or legislative basis for the model.

## 2. Long-term

Once the model is approved, support is requested for:

- Salaries and meeting support for the representative arm, including travel and expenses;
- The establishment of a secretariat and administrative support (see Discussion Paper for details\*)
- A budget for community development and research purposes.

\* The secretariat required under this proposal will include a different skill-profile to that which operated under ATSIC, however it is envisaged that it might be appropriate to consider some of the existing ATSIC staff and possibly also DIA staff (WA State government) for transfer to secretariat positions.

# Why government should support the proposal

The Kimberley Zone Executive has endorsed the Kimberley Council model as its preferred option for representative regional governance and sees it as a more effective and appropriate successor to the ATSIC arrangements.

The existing *Statement of Commitment to a New and Just Relationship between the Government of Western Australia and Aboriginal Western Australians* acknowledges the role of ATSIC representative structures and recognizes ATSIC as a party to the Agreement. This proposal will establish a successor body that can participate in State government partnerships and cooperative activities for the Kimberley region.

The structure of the Kimberley Council and three-tiered model of Regional governance will provide an effective basis for achievement of many of the stated objectives and principles of COAG and the WA State government in addressing Indigenous disadvantage, namely:

- It establishes a model of Indigenous regional governance that has effective strategic planning as its primary purpose;

- It will provide a basis for a ‘whole of government’ approach in the Kimberley consistent with the COAG determination, and will give Aboriginal people a dynamic and participative role in that process;
- It will be committed to the development of key indicators, benchmarks and quality controls to support the achievement of specified outcomes for Kimberley Aboriginal communities, consistent with the approach expressed in the WA government’s Gordon Inquiry process and in COAG’s initiative *Overcoming Indigenous Disadvantage: Key Indicators*;
- It is consistent with the Australian and WA governments’ objective of a process that can facilitate negotiated agreements at local and regional level;
- It is a tangible expression of the principle of regional and local approaches to address issues that impact on Aboriginal communities, families and individuals articulated in the *WA Statement of Commitment*;
- It is consistent with the commitment to democratic processes and structures expressed in the *WA Statement of Commitment*;
- It provides a mechanism through which local community participation and initiative can be nurtured and given expression, consistent with the Australian and State government policy objective of strengthening communities and building capacity;
- It provides an interface through which government can liaise with a range of Aboriginal organisations in the region through the cooperative forum to be established by the Kimberly Council;
- The preservation of the Regional Councils in an expanded structure will provide ongoing support for existing good initiatives including the MOUs with the Shire government in the Kullarri region and numerous successful projects such as the Kimberley Group Training organization and the Derby Road maintenance project. These are many strong achievements that should be built on and developed.
- The model recognises the need to work with businesses and community organisations as well as government, in developing innovative ideas to provide economic and social opportunities for Aboriginal people. This is consistent with the concept of *Social Coalition* adopted by the Australian Government;
- The proposal embraces the need for a high standard of organizational ethics and accountability and the need for leadership training.

### **A commitment to building a future together**

This is a major step for the Aboriginal people of the Kimberley and is the outcome of many years of discussion. The establishment of the Kimberley Council as a peak body to oversee policy initiatives and set directions for the whole Kimberley region

will provide a positive new dynamic which, we believe, will be effective in addressing the intolerable disadvantage suffered by our community members.

We also have confidence that the establishment of Community Working Parties will provide an important new mechanism through which community needs and initiatives can be expressed at grass-roots level. It will provide a focus for new and established community leaders to engage constructively in decision-making and provide a channel through which ideas and solutions can be developed.

The details of this proposal can be found in the attached Discussion Paper which has been endorsed by the ATSIC Kimberley Zone Executive and which is currently being circulated to key Aboriginal organisations in the region.

We ask for your support to develop this proposal and request your endorsement of the model in the COAG and MCATSIA forums.

**Ian Trust, ATSIC Kimberley Zone Commissioner**

On behalf of the Kimberley ATSIC Zone Executive.

24/6/04

# **DISCUSSION PAPER**

## **BUILDING A FUTURE TOGETHER**

*A PROPOSAL FOR A*

### **KIMBERLEY COUNCIL**

**&**

**A THREE-TIER MODEL OF REGIONAL GOVERNANCE**



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## **1. A NEW VOICE FOR THE KIMBERLEY – THE KIMBERLEY COUNCIL**

This proposal builds upon many years of discussion in the Kimberley about the need for a body or authority that can represent the whole region. Many will remember the 1992 meeting at Crocodile Hole that endorsed the concept. Over the years there have been many more meetings, the most recent at Wuggubun, which supported the development of a model of regional governance (See Appendix for chronology). There has been wide participation in this debate and a range of views has been expressed about the shape and role such a structure might take.

There is strong support for the idea of establishing a peak body that can put forward the views of the whole Kimberley – a body which can talk to government effectively and, by presenting a united voice, achieve better outcomes for our people. This concept has many strengths.

There is a difficult task to be achieved. Social and economic indicators show that our Kimberley Indigenous communities are amongst the most disadvantaged in the country. We have lower educational, income, health, employment and housing outcomes than almost anywhere else in Australia (see Appendix). This must be changed.

If we are to fulfill this task we need a body with the capacity to develop a strong vision for the Kimberley, build a Kimberley-wide regional plan, identify strategic goals and targets and set performance indicators. It must be capable of negotiating with government to put initiatives in place to address the disadvantage experienced by our communities. It must ensure that responses are coordinated across government agencies. It should work with government to identify key indicators to make inroads into the problems facing our communities, especially our young people.

We also need to accept that we have to work with our own communities to bring about change in attitudes and values. We need a forum in which we can come together to discuss our needs, identify priorities and design appropriate solutions, drawing on community expertise and knowledge. We need a body that can act as a voice for the Aboriginal people of the Kimberley and advocate our interests.

In the pages that follow there is a proposal to establish a 3-tier model of regional governance that would establish a strong basis for action and link communities and regions under a new peak body – the **Kimberley Council**.



## **2. A NEW MODEL OF REGIONAL GOVERNANCE**

A decision to set up the Kimberley Council will establish a new peak body to act as a unified voice for the people of the Kimberley. It will not replace existing ATSIC Regional Councils, but work with them. It is also proposed that working-groups or planning committees be set up at community level to strengthen grass-roots consultation and participation and feed their local knowledge into regional planning processes.

With the establishment of this 3-tier planning process – Community Working Groups, Regional Councils and Kimberley Council - the building blocks of an effective regional governance model will have been put in place.

The energies and knowledge of local community leaders can be used to identify priorities and opportunities for development at grass-roots level.

The Regional Councils' regional planning activities will be strengthened by the input from the community working parties. It will enhance their capacity to identify regional needs and design focused responses. By harnessing the capacity of community leaders Regional Councils will be able to facilitate partnerships between community groups, business and government to find innovative solutions to local requirements.

Similarly, on a Kimberley wide basis, the Kimberley Council will have the authority and political status to negotiate directly with government. It will integrate the significant aspects of each Regional Plan to develop a unified Kimberley development plan. It will have the capacity to nominate priority goals and strategic targets and to work in partnership with government and business to achieve designated outcomes. It will act as a coordinating body, negotiating with government agencies at national, state and shire levels to achieve coherent and integrated responses relevant to the needs of our communities.

A number of initiatives have been put in place in recent times which have the capacity to make a difference to the future of Aboriginal people in this region. We need to continue this work, liaising with government agencies in processes such as the Interagency committee, Kimberley Primary Health Care Advisory Program (KPHCAP) and the Key Indicators process established under the Gordon Inquiry.

### **3. WHY THERE IS A NEED FOR THIS PROPOSAL**

#### **The need for a new body**

This proposal is being made at a moment of crisis for the Indigenous communities of the Kimberley – we face the imminent shutdown of ATSIC. It has been announced that the National Board and ATSIC Commissioners will conclude at the end of June and the Regional Councils twelve months later. While there have been many criticisms of the ATSIC model there is no doubt that ATSIC has been the voice of Indigenous people – especially in negotiations with government. Without that voice it will be very hard for the Aboriginal people of the Kimberley to play an effective role in planning for our own future.

ATSIC does not only provide funding for services and projects – it also acts as an advocate for the needs of Aboriginal people in the region. Once ATSIC has gone who will raise concerns about the conditions in our communities, or negotiate for improved services with State and Federal agencies? If ATSIC’s responsibilities are mainstreamed there will be no opportunity for an Aboriginal voice to be heard – no way of putting forward our own priorities or planning for better outcomes for our own communities.

This is a return to old attitudes. For many generations the rights of Aboriginal people were denied and we were an administered people with no say in the decisions taken about our lives. We believed those days were over, but without a forum through which we can express our goals and our vision, we will return to the paternalistic regime of the past.

#### **A stake in a regional planning process**

We need a representative structure through which we can express a vision for the Kimberley – a body that can act in partnership with government to develop active strategies for improvement to our living conditions and life chances. We are all aware of the destructive nature of passive welfare – in a similar way passive policy processes are equally damaging. We need a stake in the policy process that will give us the opportunity to contribute constructively to better outcomes for our children and our communities.

Here in WA we have begun to develop a constructive relationship with the State government through the Statement of Commitment. We need to strengthen our input to cooperative planning processes with government agencies and service providers. For this to happen we need a forum that

can create an interface between the Indigenous communities of the Kimberley and Commonwealth and State agencies. The Kimberley Council will provide that interface.

At local level the three Regional Councils have each developed agreements that strengthen service delivery arrangements and have sponsored innovative programs to strengthen economic development, such as the Wunan Foundation. These are positive developments that should be built on, not abandoned.

We should seize the opportunity offered by the wind-down of ATSIC to develop a new model of regional governance. This model should build on existing structures but should also develop a capacity for planning and development on a 'whole of Kimberley' basis.

The model that is described in the following pages retains the ATSIC Regional Council concept but, in addition, creates a new Kimberley Council. It is a model designed to establish a strong organisation with chains of communication that stretch from grass roots Community Working Parties, through the Regional Councils to the 'peak' body, the Kimberley Council, which can represent the interests of the whole Kimberley.

This is a structure which can work effectively with other community based organisations, such as Aboriginal Medical Services, Law and Culture organisations, Kimberley Land Council and Traditional Owner groups to develop a coordinated Kimberley plan.

The goal we share is to create a base for effective planning and strategic development for our long-term future. The Aboriginal people of the Kimberley are amongst the most disadvantaged in the country (see Appendix) and we need an urgent approach to find solutions to these problems. The purpose of this proposal is to establish an organisational structure through which this future building can take place. We must take the initiative and set up a new body to advocate our vision — or we will once more become an administered people with decisions made on our behalf by mainstream government agencies.

#### 4. FUTURE BUILDING - DEFINING WHAT IS NEEDED

The objective of this proposal is to establish a new Kimberley Council that can represent the Aboriginal people of the Kimberley, communicate our needs to government and exercise strong planning and target-setting capacities. It should be able to define a vision for the future and identify opportunities and strategies to achieve its goals, working together with regional Councils and community working groups.

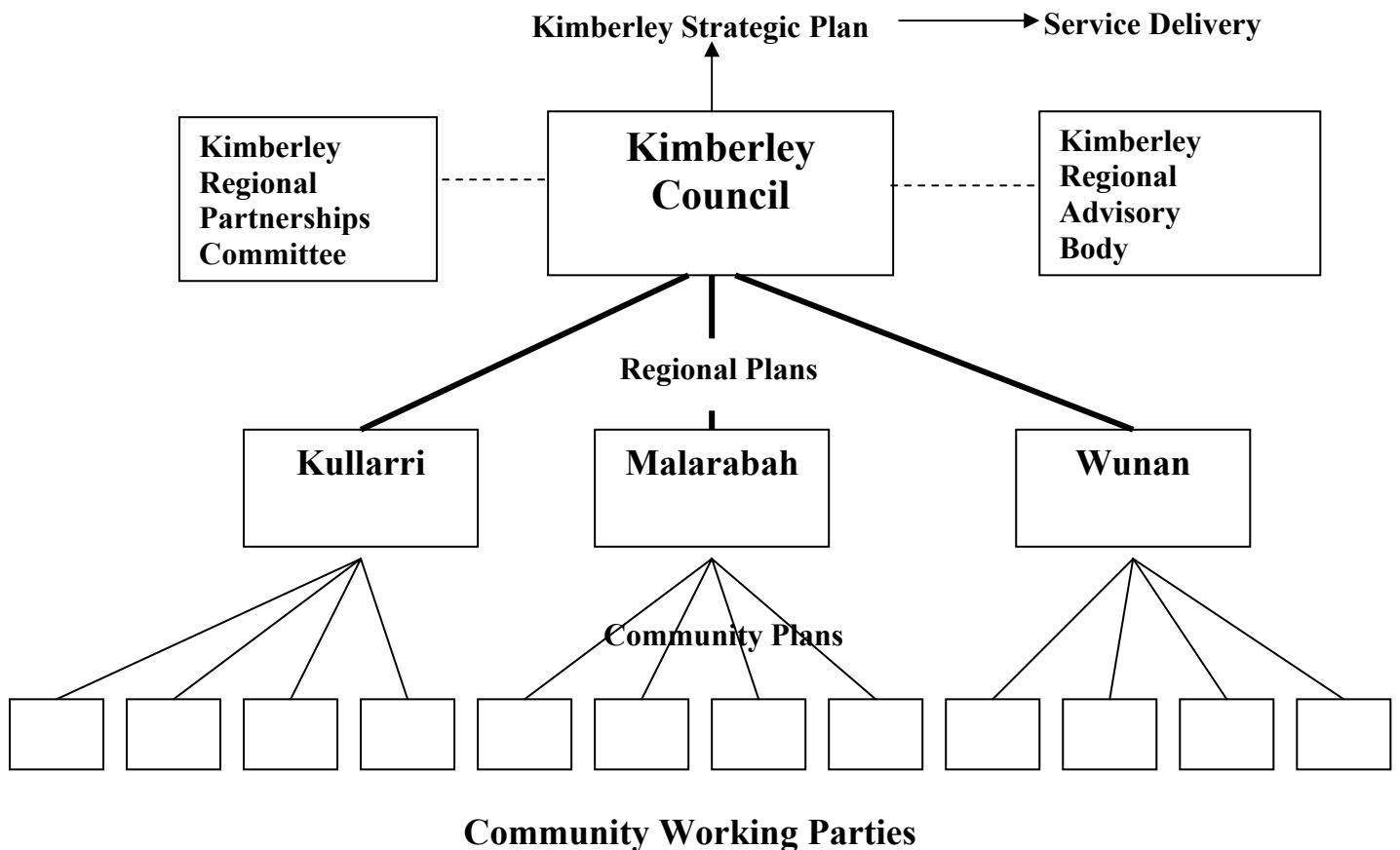
The characteristics necessary for this task include:

- **Capacity to develop strategic direction:** the ability to set a positive agenda. It must be proactive not just reactive and take the lead in establishing strong goals to address the need of our people. It must be capable of identifying the capacity within our communities and building on that. It must also be capable of working in partnership with government to achieve improved conditions and opportunities across the region. Above all, it must work to create a vision for the future and set targets in order to achieve its goals.
- **Representation:** to speak authoritatively on behalf of all Aboriginal people the new body must have a representative base. ATSIC has operated on an elected representative basis for 14 years and before that the NAC and NACC were elected bodies. This is a process that has been accepted and which confers legitimacy on the elected representatives. The proposed Kimberley Council model builds on the existing Regional Council structure and extends it.
- **Consultation:** to work effectively as the peak body for the Kimberley the new body must establish strong links with other community groups and provide a forum in which their views can be heard. Its goal will be to work cooperatively with other Aboriginal organisations to develop a strong planning capacity through which strategic priorities can be achieved.

- **Participation:** to harness the expertise and knowledge of our communities opportunities for local involvement are required. The Kimberley Council and Regional Councils will establish forums and working groups to allow communities and individuals to put forward their ideas and develop local initiatives. Not only will this increase the effectiveness of planning processes it will also provide opportunities for leadership experience and capacity building.
- **Accountability:** to overcome the disadvantage faced by the Aboriginal people of the Kimberley the institutions of governance must be held accountable. The most effective form of accountability is a requirement to ‘deliver the goods’ by achieving stated targets and goals. This requires the establishment of a regime of strategic planning, objectives, performance indicators and benchmarks. This expectation will be applied not only to the Kimberley Council and the Regional Councils but also, through a monitoring process, to government agencies as well.
- **Partnership:** to achieve equality and justice for the Aboriginal people of the Kimberley a coalition is required that brings together the resources and strengths of government and business as well as those of Aboriginal people themselves. The new body must work with each of these sectors to facilitate partnerships at local regional and Kimberley level to achieve lasting benefits for our people.
- **Code of Ethical Conduct:** we need to establish an organisational culture of good practice and ethical conduct. As community leaders members of the Kimberley Council should commit to responsible and ethic behaviour at all times and act as role models for our people. The new body should develop clear protocols and organisational practice manuals to facilitate appropriate conduct.
- **Training and Capacity Building:** to succeed as an effective agent of change it is important to establish a strong organisational culture of training and staff development. We need to ensure our leaders have governance training and other practical skills.

By adopting these approaches the Kimberley Council will be responsible for ***FUTURE BUILDING*** – creating better outcomes for the Aboriginal people of the Kimberley.

## 5. THE PROPOSED MODEL OF REGIONAL GOVERNANCE



### A 3-tiered model of Regional Governance

As the diagram indicates, the proposed model centres on the creation of a new peak body – the Kimberley Council. It also builds in the existing ATSIC Regional Councils and the current regional boundaries. In addition, each Regional Council should develop a system of Community Working Parties, based in each of the key communities or wards, responsible for drawing up a community plan for each local area.

The aim of this model is to create an effective planning process that reaches from grass-roots communities and Regional Councils to government, with the Kimberley Council as key negotiator and coordinating body.

The three-tier structure reflects the vast geographical size of the Kimberley Region (see map in appendix). Local communities need to have real opportunities for participation and the chance to propose relevant priorities: the Community Working Parties will provide this. There is also a need for local analysis of social and economic conditions and the identification of key indicators and targets. This is best done at Regional Council level. At the same time, the Kimberley needs a peak body – the Kimberley Council- which can represent the interests of the whole Kimberley and which has the authority to negotiate with governments.

In brief, the responsibilities of each tier would be as follows:

### **Kimberley Council**

The core purpose of the Kimberley Council is to develop a Kimberley Strategic plan, identifying regional priorities and proposing responses to address regional needs. It will establish links with Commonwealth and State agencies and develop an interface through which integrated strategies and partnerships can be implemented in line with the Kimberley Strategic plan. It will work to identify appropriate goals and performance indicators, working within a framework such as the Key Indicators suggested in the document *Overcoming Indigenous Disadvantage*.

The Kimberley Council will also develop forums in which other Indigenous organisations and non-Indigenous organisations can participate to work cooperatively in planning for the region. It will seek opportunities for partnership arrangements or regional agreements which provide an effective foundation for strategies to reverse Indigenous disadvantage. It will also promote an agenda of community development and capacity building in the region.

*(For further details of the proposed structure and responsibilities of the Kimberley Council see further sections)*

### **Regional Councils**

This tier is based on the existing ATSIC Regional Council structure. They will be elected on the same basis as current ATSIC Regional Councils and have a salaried Chairperson. These are bodies that are familiar to the Aboriginal communities of the region and have authority and legitimacy. They also have a considerable record of positive

achievement that it is important to perpetuate, such as the MOUs negotiated between Kullarri and the Shire Council.

In the three-tier model the Regional Councils role will have a new emphasis and role. Their primary function will be to work with Community Working Parties to produce an integrated Regional plan. They will support the Community Working Parties in the identification of local needs and facilitate the establishment of initiatives for community development.

There will be a strong focus on research and planning to identify regional opportunities for social and economic development. Local partnerships and agreements will be sought with appropriate local bodies, such as Shire Councils, to improve the quality of services delivered to Aboriginal people in the local area.

### **Community Working Parties**

Regional Councils will establish a number of Community Working Parties or groups to form a 'grass-roots' tier of participative community based forums that can develop local plans and priorities. This will feed into and strengthen the regional planning process.

Community Working Parties could be established on a range of bases, depending on local circumstances. They could, for example, be based on significant localities or communities, or on Prescribed Bodies Corporate (PBC), representing Traditional Owners, or on family, linguistic or clan groupings in a region. A different concept is to establish Community Working Parties on the basis of expertise in service issues such as health, education or housing. The representatives may be chose through traditional structures of decision-making or by election.

The Community Working Parties will provide easily accessible forums for local participation – a 'grass-roots' concept. They will provide a focus for local issues to be identified and channeled into the Regional Councils' planning processes. They will be encouraged to pursue opportunities for community development and capacity building, encouraging community partnership activities with the support of the Regional Councils.



### **A Whole of Government Approach**

In order to enhance the Kimberley Council's capacity to perform its planning, advocacy and partnerships work, one of its priorities should be to establish forums in which it can engage with other key players in the region. These are:

#### **Kimberley Regional Advisory Body**

The Regional Councils and the proposed Kimberley Council are not the only significant Aboriginal organisations in the Kimberley. There are many key bodies with important roles such as AMS, Law and Culture bodies, Women's organisations, Garnduwah, KLC, CDEP organisations, Kimberley Group Training, Wunan Foundation, Leedal to name but a few. Effective planning and goal setting can only be possible if the Kimberley Council develops effective channels of communication with these bodies. In order to share views and develop cooperative action it is proposed that a regular forum be set up in which Kimberley community organisations can meet with the Kimberley Council.

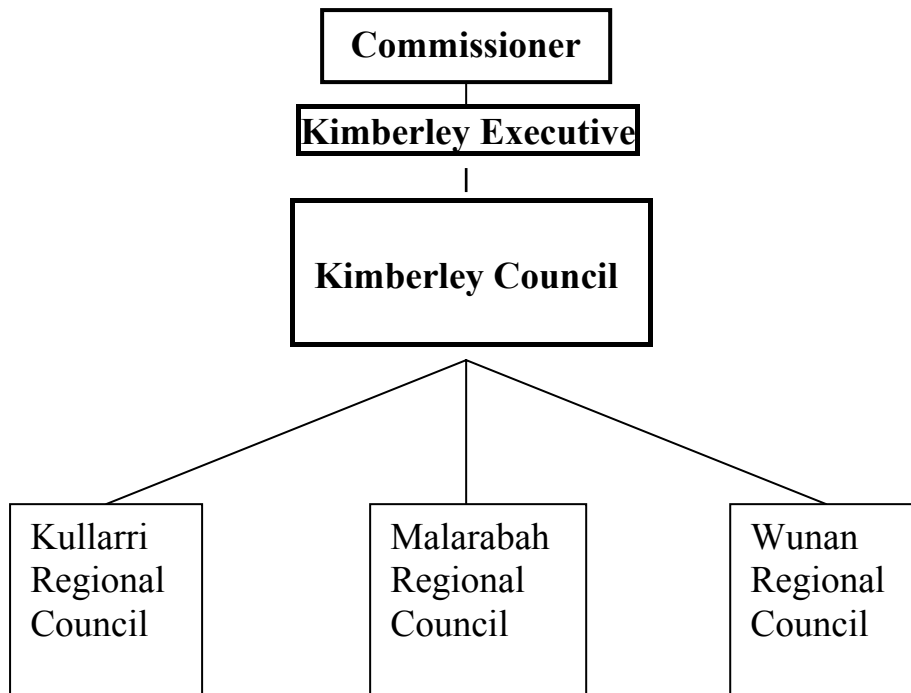
#### **Kimberley Regional Partnerships Committee**

A primary aim of the Kimberley Council is to work in partnership with governments both at the level of Kimberley-wide regional-agreements but also with individual service providers on specific projects at local level. To enhance these cooperative activities it is proposed that a regular forum be established in which government agencies meet with the Kimberley Council to identify strategic goals, along the lines of the current Inter-Agency Committee.

The Kimberley Regional Partnerships Committee will provide an interface with government in which the Kimberley Council can explain its strategic vision for the Kimberley and negotiate a coordinated partnership approach to achieving outcomes.

This forum will also allow the Kimberley Council to develop a monitoring and reporting role in respect of the responsibilities of government agencies to meet objectives.

## 6. STRUCTURE OF THE KIMBERLEY COUNCIL



### **Kimberley Council**

It is proposed that the membership of the full Kimberley Council comprise the elected Regional Councillors of the three Regional Councils, and that:

- It meets at least twice a year, but more often if deemed necessary;
- It elects the Kimberley Commissioner following the Regional Council elections;
- It must approve, on an annual basis, the Kimberley Strategic Plan put forward by the Kimberley Executive.

### **Kimberley Executive**

It is proposed that the membership of the Kimberley Executive comprise the Chairpersons and Deputy-Chairpersons of the three Regional Councils and the Kimberley Commissioner, and that:

- The Kimberley Executive is responsible for the day-to-day business of the Kimberley Council;

- That it meet at least 8 times a year and more often if deemed necessary;
- That the Kimberley Commissioner is the Chair of the Kimberley Executive;
- That it take responsibility for developing a Kimberley Strategic Plan;
- It liaises with other community organisations and with government agencies to develop partnerships and agreements;
- It represents and advocates the interests of the Aboriginal people of the Kimberley.

At this stage it is expected that the dismissal of the National ATSIC Board will mean that there is no position of Commissioner for the Kimberley. The Kimberley Council model requires a strong leadership capacity and a well-organised management structure. For this reason it is recommended that the Kimberley Council, of its own initiative, establish the position of a Kimberley Commissioner (or Chairperson) to chair the Kimberley Executive. It is suggested that the Kimberley Commissioner should be elected by the Kimberley Council from its own membership. This should take place as soon as possible after the Regional Council elections. A replacement Councillor should then be appointed to the position vacated by the Commissioner.

## 7. THE ROLE OF THE KIMBERLEY COUNCIL

As the diagram indicates, the Kimberley Council will be the kingpin of the model of Regional governance. Its role will be

- To facilitate and oversee the development of a vision for the Aboriginal people of the Kimberley and to work for better outcomes for our people;
- To develop a Kimberley regional plan with a strong strategic focus and identified priorities, goals and outcomes;
- To work with Regional Councils and Community Working Parties to develop an ongoing planning process capable of producing and refining a regional plan;
- To work with other Aboriginal organisations in the Kimberley to integrate their views and knowledge into the strategic planning process;
- To work with governments and agencies to negotiate partnerships and agreements in line with the priorities of the Kimberley Strategic Plan;
- To monitor the effectiveness of programs of all agencies relevant to the objectives of the Kimberley Strategic plan;
- To liaise with non-government organisations, including business, to develop initiatives in line with the priorities of the Kimberley strategic plan.

## DISCUSSION

### **To facilitate and oversee the development of a vision for the Aboriginal people of the Kimberley and to work for better outcomes for our people**

We have known for many years that Indigenous people are the most disadvantaged of any population group in Australia. Our average life expectancy is approximately 20 years less than that of mainstream Australia and on a range of socio-economic indicators including

education, health, housing, employment and income we come way behind the rest of the population.

Here in the Kimberley we have some of the highest rates of disadvantage in the country – our communities are suffering as a consequence. Welfare dependency, unemployment, suicide, domestic violence and poor health are some of the consequences of this situation.

To overcome this situation we need to become more assertive in defining a way forward – we need to take responsibility for setting the goals that will make the most difference to our communities and identify strategies that will achieve these goals.

The Kimberley Council will have responsibility for developing a progressive vision based on sound economic development, law and culture preservation, youth development, and education for our people – ***FUTURE BUILDING.***

**To develop a Kimberley Regional plan with a strong strategic focus and identified priorities, goals and outcomes**

If we are to be effective in achieving our vision for the Kimberley we need to set in place some clear objectives. There are many urgent needs, but we need to think and act strategically and innovatively in order to achieve the best results for our people. The way forward involves some methodical planning, based on sound research and information. We should adopt a framework that sets goals against measurable outcomes, using an approach such as the *Key Indicators for Overcoming Indigenous Disadvantage* produced by the Steering Committee for the Review of Government Service Provision, or the Gordon Inquiry approach used by the State Government.

**To work with Regional Councils and Community Working Parties to develop an ongoing planning process capable of producing and refining a Kimberley Regional Plan**

The strength of the Kimberley Council model lies in the links it has with the Regional Councils and grass-roots communities. The Kimberley is a vast place with many local differences and situations. A Regional focus will only be effective if it can build on and integrate the varied needs and preferences of the communities. This is not a proposal for a ‘one size fits all’ approach. The key is to emphasize participation in planning at Community and Regional Council levels. The development of

community plans will be a priority. These should be integrated into Regional Council plans. A primary responsibility of the Kimberley Executive will be to negotiate an integrated Kimberley Strategic Plan, to be approved annually by the Kimberley Council.

**To work with other Aboriginal organisations in the Kimberley to integrate their views and knowledge into the strategic planning process**

It is important to acknowledge the role played by other Aboriginal organisations in the Kimberley. Their knowledge and views must be recognized and cooperative action should be pursued through the Kimberley Advisory Committee (see p. 10). Where possible the Kimberley Executive will encourage partnerships and agreements between government agencies and Aboriginal community organisations. It will act as a facilitator and monitor the outcomes of such partnerships.

**To work with governments and agencies to negotiate partnerships and agreements in line with the priorities of the Kimberley Strategic plan**

Government agencies control resources that can be used to improve the conditions of our people, but it is we who have the knowledge and skills to identify the best way to use those resources. We should set ourselves the goal of working constructively with Commonwealth, State and local government through partnerships and agreements. We need to build on initiatives already in place such as the COAG East Kimberley trial, the Interagency Committee process and the Kimberley Primary Health Care Access Program. In this way we can shape the programs that are implemented for our communities. We can also hold governments accountable for meeting agreed goals. The Kimberley Regional Partnerships Committee (see p. 10) is intended to establish a forum where cooperative action can be negotiated on a regular basis and where we can advocate our own vision of the future. Government agencies would be expected to make a commitment to work in partnership with the Kimberley Council on all matters relevant to Kimberley communities.

**To monitor the effectiveness of government agencies relevant to the objectives of the Kimberley Strategic plan**

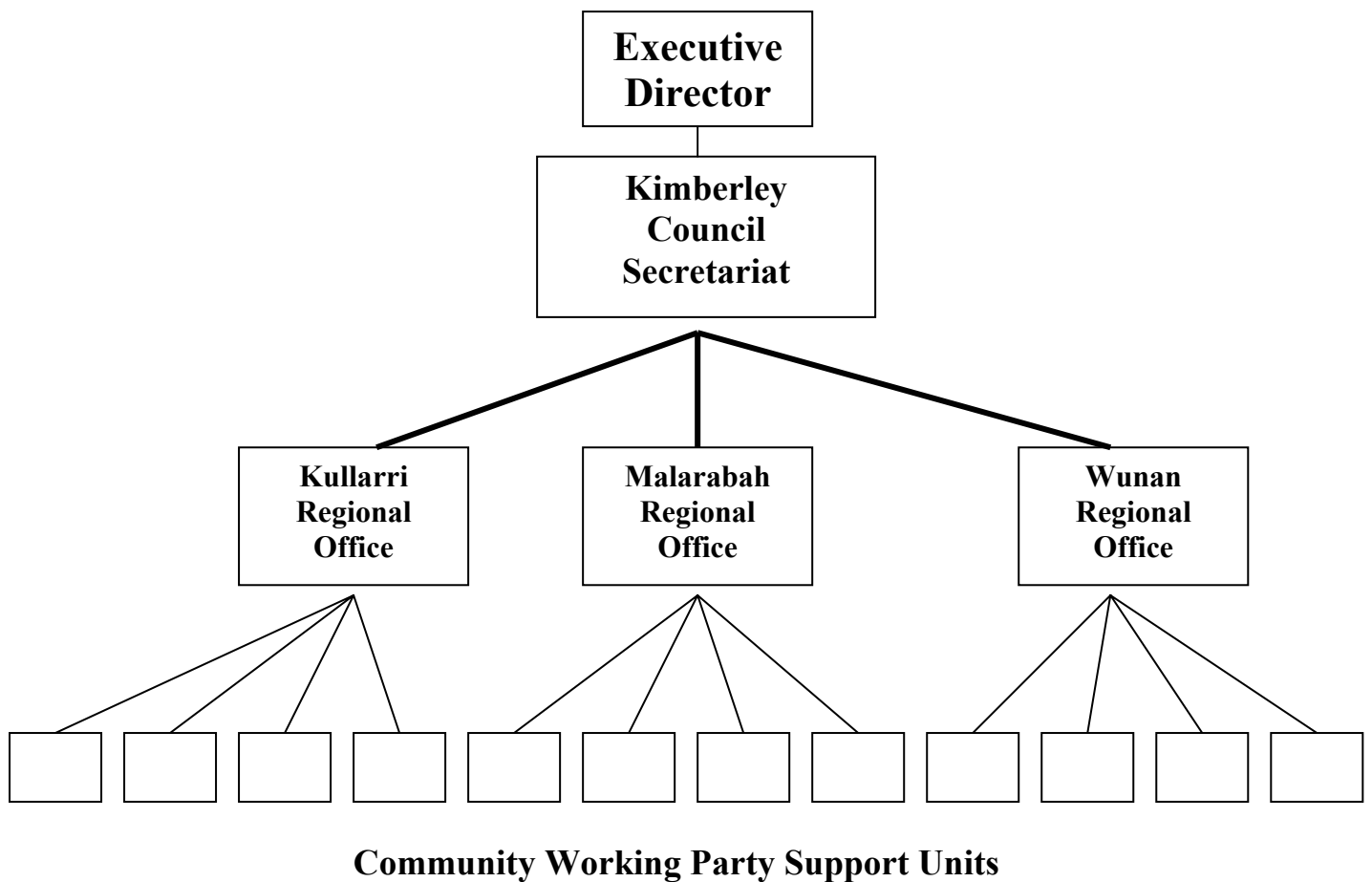
The statistical information included in this discussion paper (see Appendix) shows that the Aboriginal people of the Kimberley continue to suffer severe disadvantage in economic, social and health outcomes. This

is an intolerable situation that must be given urgent attention. The role of the Kimberley Council will be to identify appropriate strategies to address these conditions, but also to hold government departments and the service delivery agencies they employ accountable for improving outcomes. An important aspect of this work will be to develop local performance indicators and quality controls. A reporting regime will be established through the Kimberley Regional Partnerships Committee.

**To liaise with non-government organisations, including business, to develop initiatives in line with the priorities of the Kimberley strategic plan.**

There are many areas in which partnerships with business can provide essential opportunities for social and economic development. The Kimberley Council and the Regional Councils will work to identify such opportunities and to facilitate partnerships between Aboriginal organisations and non-government organisations. Successful local initiatives such as Kimberley Group Training (an initiative of the Wunan Regional Council), which provides trainees to Argyle Mines, will be encouraged.

## 7. ADMINISTRATIVE SUPPORT



The Kimberley Council and the three tier model of regional governance will require administrative support in order to be effective in their planning and monitoring roles. The core activities and the focus of the new Kimberley bodies should be reflected in the staffing profile of the secretariat, especially strategic planning, research and policy development capacities. It is particularly important that the new body is resourced to attract staff capable of providing innovative ideas and with the ability to think strategically. The Kimberley Council and the Regional Offices will require staff with sound research abilities, especially in statistical and data analysis, who are willing to engage in cooperative teamwork with other agencies and community bodies.

The number of positions will ultimately rely on support from government. The current Kimberley ATSIC Executive has undertaken to seek a commitment from State and Federal government to resource the



administrative requirements of the new model. It is proposed that the following staff would be required:

### **Kimberley Council Executive Director**

In order to assist the Kimberley Commissioner and the Executive on a day-to-day basis an Executive Director of the Kimberley Council should be appointed. The duties will include:

- Implementing the decisions of the Kimberley Commissioner & Executive;
- Assisting in the preparation of the Kimberley Strategic Plan;
- Organising meetings and consultations;
- Liaising with community organisations and government agencies on behalf of the Kimberley Executive;
- Providing leadership and supervision of the Secretariat staff of the Kimberley Council.

This position will be supervised by the Commissioner on a day-to-day basis and ultimately be accountable to the Kimberley Executive.

### **Kimberley Council Secretariat**

The Secretariat will work under the direction of the Kimberley Executive Director, who, in turn, will take direction from the Kimberley Executive through the Commissioner.

The secretariat will require staff with the following skills:

- Policy advice and development;
- Research and statistical skills;
- Strategic planning and monitoring capacity;
- Administrative and clerical skills.

The responsibility of the secretariat staff will be to:

- Assist in the development of the Kimberley Strategic Plan;

- Work with the Commissioner and Executive to develop strategic goals, strategies and performance indicators;
- Liaise with the Regional Councils to develop an integrated Kimberley wide perspective and plan;
- Provide high level advice on regional development opportunities;
- Provide analysis of regional socio-economic patterns and suggest ways of improving Indigenous outcomes;
- Advise the Executive and Commission on the activities of other agencies relevant to the Kimberley Strategic Plan;
- Assist in the monitoring of a range of programs to achieve a coordinated ‘whole of government’ approach.
- Provide secretarial, clerical and administrative support to the activities of the Kimberley Council, Executive and Commissioner.

### **Regional Council Offices**

The Regional Council Offices will provide support to Regional Councils with an emphasis on Regional planning activities. Each Regional Office will require a manager. Staff skills required include:

- Provision of policy advice and strategic planning with a local focus;
- Research and statistical skills to analyse local trends and socio-economic indicators;
- Monitoring local activities of government agencies against performance indicators;
- Identification of opportunities for regional partnerships between community, business and government;
- Secretarial, clerical and administrative support.

### **Community Working Group Support Units**

One of the most important areas of administrative work will be to support development at community level. The staff of the Community Working Group Support Units should be highly motivated and have the cultural skills to work in a community setting. They will encourage and support local groups in the identification of community priorities, developing a local plan and encouraging community participation in initiatives.

Staff skills required at this level will include:

- Community development experience;
- General planning and report writing skills;
- Administrative and clerical support.

## **APPENDIX**

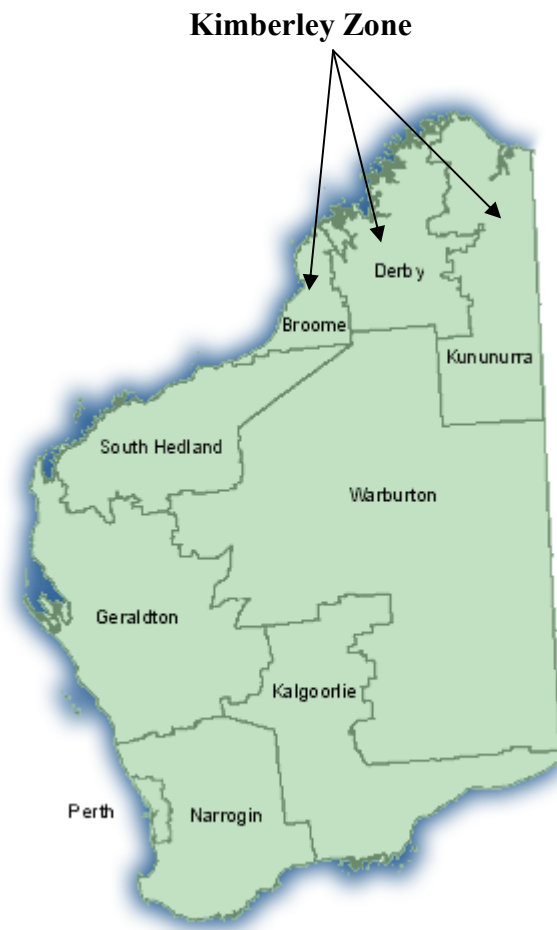
### **KIMBERLEY REGION: SOCI-ECONOMIC & STATISTICAL INFORMATION SUMMARIES**

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## **CHRONOLOGY OF KIMBERLEY REGIONAL GOVERNANCE DISCUSSIONS AND DEVELOPMENTS**

Early 1990s	Coalition of Kimberley Aboriginal Organisations formed
1992	Crocodile Hole Meeting
1993	KLC commissions Crough & Christophersen study, <i>Aboriginal People in the Economy of the Kimberley</i>
1994	ATSIC Kimberley Zone Executive establish working party to promote partnership and regional autonomy
1995	Kimberley Executive circulate draft terms of reference on Regional Autonomy
1995	Fitzroy Crossing meeting of working group of Coalition of Kimberley Aboriginal Organisations to discuss Regional Agreements
1998	Kimberley submission to Sect 26 Review of ATSIC proposing a Regional Authority
1998	KLC Our Place Our Future Conference, Broome
2000	Kimberley Executive discussions on Regional Autonomy
2000	Zone meeting approves consultations on Regional Autonomy concept
2001	Commissioner Bedford facilitates forming of Kimberley Indigenous Think Tank on Regional Agreement with State Government
2002	Kimberley Executive discusses Regional Autonomy
2003	KLC Wuggubun meeting endorses Regional Autonomy concept
2004	June, Kimberley Executive endorses <i>Building a Future Together</i> Discussion Paper as preferred model

## ATSIC Regional Councils WA



**Source: ABS catalogue no. 4706.0.30.001 Australian Indigenous Geographical Classification Maps and Census Profiles**

# Kullarri Regional Statistical Summary 2001

## Population

The Indigenous population of Kullarri in 2001 was 4,179, representing 23% of the total population of the Region. The Indigenous population had grown by 22% (756) since 1996. This growth was considerably higher than the expected growth rate.

The median age of the population was 21 years compared to 41 years for the non-Indigenous population of the Region (ie half of the Indigenous population in the Region is 21 years old or less). The Indigenous median age was one year higher than in 1996 while the non-Indigenous median age was 2 years higher than previously reported.

## Education

12% (312) of Indigenous people aged 15 years or over indicated they had tertiary qualifications compared to 44% of the non-Indigenous population of the Region. The Indigenous figure had risen by 90 since 1996 with the rate rising from 11%.

A further 147 Indigenous people aged 15 years or over were studying for a tertiary qualification. The number of Indigenous people studying was almost double the 1996 figure, indicating a continuing increase in qualification rates in future years.

## Employment

142 Indigenous people in Kullarri were unemployed and 1,308 people were employed, giving an unemployment rate of 10% for the Indigenous population (compared to 5% for the non-Indigenous population of the Region). The Indigenous rate was 3% points lower than in 1996.

Employment participation rates for Indigenous people were lower than for the total population (57% compared to 62%). Participation rates were 2% points higher for the Indigenous population and 7% points higher for the non-Indigenous population.

Note that CDEP participants (670 from the census) are counted as employed! The census significantly undercounts CDEP participation especially in urban areas.

## Income

The median Indigenous family income was \$579 per week compared to \$1,168 for non-Indigenous families. The lower incomes are the result of lower employment rates, employment in lower paying occupations, a reliance on CDEP for employment opportunities and the younger age of the Indigenous population.

## Housing

In Kullarri, 16% of Indigenous people owned or were purchasing their homes compared to 47% of non-Indigenous people. The Indigenous rate was down from 18% in 1996, while the non-Indigenous rate was 5% points higher than previously reported.

For households with Indigenous occupants, the average household size was 4.1 persons per dwelling compared (4.2 in 1996) to 2.6 for dwellings with no Indigenous occupants (2.6 previously).

Note: The Indigenous population referred to in this document covers those people who indicated they were of Indigenous origin on the Census conducted by the Australian Bureau of Statistics in August 2001.

# Malarabah Regional Statistical Summary 2001

## Population

The Indigenous population of Malarabah in 2001 was 4,661 representing 47% of the total population of the Region. The Indigenous population had grown by 18% (703) since 1996. This growth was higher than the expected growth rate. The median age of the population was 21 years compared to 40 years for the non-Indigenous population of the Region (ie half of the Indigenous population in the Region is 21 years old or less). The Indigenous median age was unchanged since 1996 while the non-Indigenous median age was 4 years higher than previously reported.

## Education

5% (155) of Indigenous people aged 15 years or over indicated they had tertiary qualifications compared to 47% of the non-Indigenous population of the Region. The Indigenous figure had risen by 44 since 1996 with the rate unchanged.

A further 49 Indigenous people aged 15 years or over were studying for a tertiary qualification. This figure represents a small rise (31 Indigenous people indicated they were studying for a tertiary qualification in the 1996 census), indicating a continuing increase in qualification rates in future years.

## Employment

104 Indigenous people in Malarabah were unemployed and 1,654 people were employed, giving an unemployment rate of 6% for Indigenous people (compared to 3% for the non-Indigenous population of the Region). The Indigenous rate was 2% points higher than in 1996.

Employment participation rates for Indigenous people were lower than for the total population

(62% compared to 72%). Participation rates were 4% points higher for the Indigenous and non-Indigenous populations. Note that CDEP participants (1,229 from the census) are counted as employed! The census significantly undercounts CDEP participation especially in urban areas.

## Income

The median Indigenous family income was \$482 per week compared to \$1,175 for non-Indigenous families. The lower incomes are the result of lower employment rates, employment in lower paying occupations, a reliance on CDEP for employment opportunities and the younger age of the Indigenous population.

## Housing

In Malarabah, 8% of Indigenous people owned or were purchasing their homes compared to 37% of non-Indigenous people. The Indigenous rate was down from 9% in 1996 while the non-Indigenous rate was 3% points higher than in 1996. For households with Indigenous occupants, the average household size was 4.7 persons per dwelling compared (5.1 in 1996) to 2.6 for dwellings with no Indigenous occupants (2.4 previously).

Note: The Indigenous population referred to in this document covers those people who indicated they were of Indigenous origin on the Census of Population and Housing conducted by the Australian Bureau of

Statistics in August 2001.



# Wunan Regional Statistical Summary 2001

## Population

The Indigenous population of Wunan in 2001 was 4,715, representing 36% of the total population of the Region. The Indigenous population had grown by 15% (627) since 1996. This growth was around the expected growth rate.

Census migration data identified a net migration from the Wunan Region of 181 people. The most significant population flows occurred between Western Australian Regions, most notably Derby, Perth and Broome. A further 105 people moved inter-state to the nearby regions of Katherine and Darwin.

The median age of the population was 20 years compared to 41 years for the non-Indigenous population of the Region (ie half of the Indigenous population in the Region is 20 years old or less). The Indigenous median age remained unchanged between 1996 and 2001, while the non-Indigenous median age was 5 years higher than previously reported.

## Education

Five percent (143) of Indigenous people aged 15 years or over indicated they had tertiary qualifications compared to 46% of the non-Indigenous population of the Region. The Indigenous figure had risen by 37 since 1996 with the rate rising from 4%.

A further 64 Indigenous people aged 15 years or over were studying for a tertiary qualification. This figure represents a small rise, (53 from the 1996 census) indicating a continuing increase in qualification rates in future years.

## Employment

2001 employment data indicates that 125 Indigenous people in Wunan were unemployed and 1,289 people were employed, giving an unemployment rate of 9% (compared to 3% for the non-Indigenous population of the Region). The Indigenous rate was 2% points higher than in 1996.

Employment participation rates for Indigenous people were lower than for the total population (51% compared to 69%). Since the 1996 census participation rates have fallen by 2% points for the Indigenous population and risen by 1% point for the non-Indigenous population.

Note that CDEP participants are counted as employed! The census significantly undercounts CDEP participation, especially in urban areas. The census identified 907 CDEP participants in 2001, which accounts for almost three quarters of the employed.

## Income

The median Indigenous family income was \$459 per week compared to \$1,197 for non-Indigenous families. The lower incomes are the result of lower employment rates, employment in lower paying occupations, a reliance on CDEP for employment opportunities and the younger age of the Indigenous population.

Census data revealed that there were 270 (38%) households in the Wunan Region living below the poverty line. Ten percent of these households were forced into poverty as a result of housing costs. Further analysis indicated that 56% (798) of Indigenous children were living below the poverty line.

# Housing

In Wunan, 5% of Indigenous people owned or were purchasing their homes compared to 39% of non-Indigenous people. The Indigenous rate was 4% points lower than in 1996 while the non-Indigenous rate was 9% points higher than previously reported.

For households with Indigenous occupants, the average household size was 4.8 persons per dwelling compared (5.2 in 1996) to 2.6 for dwellings with no Indigenous occupants (2.4 previously). An analysis of the census data revealed that 316 (39%) households were overcrowded, requiring an additional 2 or more bedrooms to meet the occupancy standard.

Further examination of the data showed that 44 (13%) low income households were paying over a quarter of their income in rent, which classifies these households as having a housing affordability problem.

Note: The Indigenous population referred to in this document covers those people who indicated they were of Indigenous origin on the Census of Population and Housing conducted by the Australian Bureau of Statistics in August 2001.