

KALACC Submission to Productivity Commission Review of Closing the Gap

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This document is a submission to the Productivity Commission in regards to the current Inquiry relating to the review of Closing the Gap. In this submission we seek to primarily respond to the Commission's interests in regards to the Closing the Gap National Partnership Agreement Policy Priority Area #2 ie Building the Capacity of ACCOs.

The Kimberley Aboriginal Law and Culture Centre, KALACC, was incorporated on the 29th of November 1985 and since that date has operated as the Kimberley Region's Peak Aboriginal Cultural Authority, promoting the cultural interests of some 30 Aboriginal language groups. KALACC is today Australia's premier organisation for the maintenance and promotion of traditional cultural practices. We work with the very most senior cultural custodians across three jurisdictions ie Western Australia, the Northern Territory and South Australia.

Whilst this current Productivity Commission Review has its own function and purpose, KALACC does not view this consultation in isolation from other current processes. KALACC particularly notes the following processes:

- **Andrew Leigh, Assistant Minister for Competition, Charities & Treasury:** Building Community - Incorporating community building goals into the government's Blueprint for strengthening the capacity of our charity sector
- **Productivity Commission of Australia:** Indigenous Evaluation Strategy
- **NIAA, National Agreement on Closing the Gap:** Priority Reform #4 - Improve and share access to data and information to enable Aboriginal and Torres Strait Islander communities make informed decisions
- **AIATSIS:** Statutory obligation to report to Government on the status of Indigenous culture and heritage in Australia
- **Health Department/ NIAA:** Closing the Gap Policy Partnership on Social and Emotional Wellbeing;
- **KALACC:** Supported by the Commonwealth Government, and working in partnership with the ANU Centre for Aboriginal Economic Policy Research, KALACC is undertaking a major research project which will firstly develop a Kimberley Cultural Outcomes Framework and which will then apply that Framework to measuring the outcomes from a number of important cultural programs being delivered by KALACC.

- **Kimberley Co Design:** KALACC has between 2019 and the present time developed a number of key documents that provide detailed guidance to Government around the matters of Building the Capacity of ACCOs; Putting Culture at the Centre; and Co Design. These papers relate very much to Priority Area #2 Two within the **CTG National Partnership Agreement**.

From the above, KALACC would observe that the termination of the Aboriginal and Torres Strait Islander Commission came in to effect in 2005 and that between 2005 and 2020, a period of some 15 years, there existed in Australia a prevailing paradigm of ‘mainstreaming’ of Indigenous affairs in Australia. The Closing the Gap Partnership Agreement came in to effect in 2020, and one might reasonably anticipate that the current prevailing paradigm pertaining to Indigenous Affairs in Australia may also have a life of between ten and fifteen years. Thus, in late 2022 the current paradigm is still relatively new. Certainly what KALACC would observe is that there is a massive disjuncture at the present time between the rhetoric of Governments, State and Commonwealth, and the realities of implementation on the ground and in community. We readily observe this massive disconnect and disjuncture in the following domains:

- Building the Capacity of ACCOs that operate outside of the health services domain
- Co Design of Programs and Co- Commissioning of services
- ‘Putting Culture at the Centre’
- Implementing Culturally Based approaches to Social and Emotional Wellbeing
- Implementing Culturally Based research and evaluation methodologies.

In this present document KALACC seeks to share with the Productivity Commission some of the concerns we have about the slow, almost lethargic uptake of some of these principles by key Government agencies.

Prior to lodging this formal submission with the Productivity Commission, KALACC has in recent times provided you with the following associated correspondence:

- 24 December 2022, to the Hon Andrew Leigh, Assistant Treasurer: **KALACC RE: *Session Feedback - Andrew Leigh Building Community***
- 02 January 2023, to the Hon Tony Burke and the Hon Linda Burnie: **KALACC Further *Comments RE Development of the New National Cultural Policy.***

Kind regards



Wes Morris KALACC Coordinator

“To assist and promote the ceremonies, songs and dance of Kimberley Aboriginal people, to encourage and strengthen their social, cultural and legal values and ensure their traditions a place in Australian society.”

Review of the National Agreement on Closing the Gap

Review paper 2: Proposed approach and invitation to engage with the review

Excerpt from Page 9:

Questions relating to Priority Reform Two

- The Agreement states that Aboriginal and Torres Strait Islander community-controlled services ‘achieve better results, employ more Aboriginal and Torres Strait Islander people and are often preferred over mainstream services’ (cl. 43). – Can you provide examples of where Aboriginal and Torres Strait Islander community-controlled services provide better outcomes, compared to mainstream service providers? What are the main reasons for why better outcomes are achieved?
- Have you observed any changes in the way governments are providing funding to Aboriginal and Torres Strait Islander community-controlled organisations, or increases in funding?
- What funding models work well for ACCOs and why?
- What actions are governments taking that are making a difference to the community-controlled sector? Are there actions that are not working?
- What is working well in the community-controlled sector, and what barriers still need to be addressed to strengthen the sector?
- What are the lessons from the first round of Sector Strengthening Plans? Will they help strengthen the community-controlled sector? Why, or why not? And how?
- For sectors that have previously not had a strong community-controlled presence, what is needed to support and strengthen community control?
- How can we determine if the community-controlled sector is getting stronger? Are there factors to consider in addition to the elements of a strong community-controlled sector stated in the Agreement (cl. 45)?
- How does Priority Reform Two interact with the other three Priority Reforms?

Summary of KALACC Recommended Actions

For sectors that have previously not had a strong community-controlled presence, what is needed to support and strengthen community control?

- **National Indigenous Arts and Cultural Authority:** the creation of a structural mechanism ie a peak/ umbrella voice for Indigenous Arts and Culture in Australia is a high priority.
- **Standing Our Ground Cultural vibrancy:** an excellent Discussion Paper around cultural vibrancy already exists- Australia Council 2013 draft. The Government needs to take this golden gift and develop it in to a substantive policy plank that directly addresses Australia's commitments under the UNDRIP across articles 5, 8, 9, 11 and 12.
- **Case Study of KALACC as an example of a Sustainable ACCO operating in the Arts and Cultural Domain:**

The WA Government has developed a 30 page document using KALACC as an example of a Sustainable ACCO operating in the Arts and Cultural Domain. This document was created with input from key WA Government agencies and the intended audience is the WA Public Sector Leadership Council. KALACC invites the Productivity Commission and the Commonwealth Government to re-work this excellent starting point to reflect potential Commonwealth pathways for supporting ACCOs that operate in the Arts and Cultural services domain.
- **Harnessing Policies and Agreements In Order to Locate ACCOs as Being the Key Providers of Youth Justice Services in the Kimberley region:**

Employing the *Justice Policy Partnership* as a framework to interface with the *KAYW Co Design Guide* [endorsed] and the *KAYW Partnership Agreement* [currently draft/ not endorsed] to develop approaches by Government which seek to locate Aboriginal Community Controlled Organisations at the centre of justice initiatives in the Kimberley.
- **Employ the Emerging Kimberley Cultural Outcomes Framework Within the Closing the Gap Evaluation Strategy as it is applied in the Kimberley Region:**

Supported by the Commonwealth Government, and working in partnership with the ANU Centre for Aboriginal Economic Policy Research, KALACC is undertaking a major research project which will firstly develop a Kimberley Cultural Outcomes Framework and which will then apply that Framework to measuring the outcomes from a number of important cultural programs being delivered by KALACC. We invite the Productivity Commission to have a discussion with KALACC around this matter. Initial discussions have occurred between Romlie Mokak [PC] and Wayne Barker [KALACC] and we invite the Commission to have more detailed discussions with KALACC going forward.

1. The Invisibility of Culture At the Same Time As We Are Told that Culture Lies at the Heart.

- For sectors that have previously not had a strong community-controlled presence, what is needed to support and strengthen community control?

The ***Closing the Gap National Partnership Agreement*** is an Agreement between the Commonwealth, the States and the Aboriginal Community, as represented by the Coalition of Peaks. Currently the Coalition of Peaks has over 80 member organisations and only one of those member organisations has a primary remit around supporting Aboriginal culture [ie First Languages Australia]. This structural representation issue exacerbates pre-existing realities in which the First Nations Arts and Culture Sector is entirely and completely peripheral to discussions with Government around Indigenous policy and programs in this nation.

KALACC has in recent times provided the Productivity Commission with the following associated correspondence:

- 24 December 2022, to the Hon Andrew Leigh, Assistant Treasurer: ***KALACC RE: Session Feedback - Andrew Leigh Building Community***
- 02 January 2023, to the Hon Tony Burke and the Hon Linda Burnie: ***KALACC Further Comments RE Development of the New National Cultural Policy.***

KALACC then forwarded the 02 January correspondence on to the United Nations, stating as follows:

Australia has had no policy or programs around supporting Traditional forms of Indigenous expression – since July 2015.

This absolutely contravenes the articles of the UNDRIP.

Chapter Five within the ***Closing the Gap National Partnership Agreement*** is '5. PRIORITISING ABORIGINAL AND TORRES STRAIT ISLANDER CULTURES' and within that Chapter we read statements such as the following:

The Parties acknowledge that strong Aboriginal and Torres Strait Islander cultures are fundamental to improved life outcomes for Aboriginal and Torres Strait Islander people.

Similarly, if one looks at the Western Australian Jurisdiction then one can find the following words on page 24 of the ***WA Aboriginal Empowerment Strategy***:

Strategic Element One – Culture at the Heart

Culture is at the heart of a secure foundation for life, and provides the landscape in which futures are imagined, chosen and pursued.

But if one then enquires as to the existence of a ***National Aboriginal and Torres Strait Islander Cultural Plan*** one draws a blank – and the very question itself will elicit a querulous response from Government. And if one asks why there are no commissioning pathways for programs that operate in the social and cultural determinants of Health domain, despite the ***My Life My Lead Report*** having been published in

February 2018, the response one receives will contain an interesting mix referring to the impacts of COVID and now the extremely parlous state of the Commonwealth's financial position.

In May 2016 the WA Department of Culture and the Arts published a Discussion Paper *Investing in Aboriginal Culture: The role of culture in gaining more effective outcomes from WA State Government services*. That document states as follows, on page 19:

The Combined Federal and State Government funding on direct Aboriginal cultural activity in Western Australia was reported by the Productivity Commission at \$36.40 million.

This represents 0.74 per cent of the combined total Federal and State Government expenditure on Aboriginal services in 2012-13 in the state.

There is very little reason to suspect that the percentages have changed significantly since that time. It is extremely difficult to accept that culture lies at the heart of Government programs and policies when expenditure on direct Aboriginal cultural activity in Western Australia represents less than one percent of the combined total Federal and State Government expenditure on Aboriginal services in the state.

Current Social Justice Commissioner June Oscar puts it thus:

As First Australians, Aboriginal and Torres Strait Islander peoples have a remarkable living history. For 60,000 years plus we have sustained a cohesive and resilient society. We have the most extensive kinship network in the world and through a system of law, ceremony and song we have transferred a huge body of knowledge, including important principles of collective and common humanity, from generation to generation. There is much to celebrate but it is not celebrated – it is not even recognised.

<https://www.theguardian.com/australia-news/2020/jan/31/june-oscar-2020s-vision-reaching-our-potential-as-a-nation-begins-with-truth-telling>

Indeed yes, for 60,000 years plus Aboriginal people have sustained a cohesive and resilient society underpinned by most extensive kinship network in the world and through a system of law, ceremony and song. And, as Oscar puts it, "there is much to celebrate but it is not celebrated – it is not even recognised."

This sad reality then plays out across each of the four Closing the Gap Priority Areas and across all of the Outcome Areas within the *National Partnership Agreement*. We can see this writ large if we examine Australia's current approaches to improving the social and emotional wellbeing of first nations peoples.

The Hon Andrew Leigh, Assistant Minister for Competition, Charities and Treasury, has recently voiced his concerns about the decreasing levels of social participation and social cohesion in Australia. Where do we see the greatest impacts from the rapid decrease in levels of social cohesion and collaboration? We see the greatest impacts in Aboriginal communities because from late 2005 through to mid-2020 the Australian nation has embarked on a monstrous social experiment predicated around the single – minded commitment of successive State and Commonwealth Governments to 'mainstream' service delivery to Aboriginal communities. The very notion of 'mainstreaming' disempowers Aboriginal communities. And the very notion of 'service delivery' is itself predicated on a deficits discourse that positions Aboriginal society as being deficient at best and, at worst, negligent and self – destructive.

The greatest threat to Building Community between 2005 and mid 2020 has been the Government itself. Colonisation has had profound impacts on Aboriginal society and the policies and programs of the Commonwealth between 2005 and 2020 only served to amplify and exacerbate the impacts of colonisation.

We can illustrate this through reference to the connection between Aboriginal culture and wellbeing. In late 2017 Professor Michael Chandler wrote an article titled ***Cultural wounds require cultural medicines*** and in his introductory comments Chandler opines as follows:

while many of our ills are acknowledged to sometimes be social or cultural in origin, when moved to intervene, Western society has customarily proceeded by attempting to redeem one lost soul at a time. A prime example of this individualistic approach to ‘treatment’ is to be found in standard responses to the so-called “epidemic” of suicides ascribed to the residents of many Indigenous communities.... most suicide prevention efforts have been fishing in ‘the wrong pond.’

Chandler, a statistician by trade, then concludes with these words:

if suicide prevention is our serious goal, then the evidence in hand recommends investing new moneys, not in the hiring of still more counsellors, but in organized efforts to preserve Indigenous languages, to promote the resurgence of ritual and cultural practices, and to facilitate communities in recouping some measure of community control over their own lives.

Chandler is describing realities in the Canadian context, but we can rest assured that we in Australia are equally fishing in the wrong pond. In Australia there are significant investments in to various forms of service delivery to Aboriginal communities. The 2017 ***Indigenous Expenditure Report*** tells us as follows:

In 2015-16, total direct government expenditure on Aboriginal and Torres Strait Islander Australians was estimated to be \$33.4 billion, a real increase from \$27.0 billion in 2008-09.

We can be assured that a truly miniscule portion of that investment is directed towards ‘preserving Indigenous languages, promoting the resurgence of ritual and cultural practices, and to facilitating communities in recouping some measure of community control over their own lives.’ We can be assured that rather than Building Community, Australia is absolutely ‘fishing in the wrong pond.’ There are significant investments in to improving the social and emotional wellbeing of Indigenous people, but such investments are invariably made in to mainstream health programs or in to ‘culturally – appropriate’ health programs. Despite a raft of reports dating back to 2012, to this day there are in Australia no commissioning pathways for programs that operate in the Social and Cultural Determinants of Health Domain. To this day, culture remains a peripheral issue in regards to Government policies and programs.

One of the very first actions that needs to occur in order to move culture from the periphery of decision-making processes is to have cultural representation at the table. Currently the Coalition of Peaks has over 80 member organisations and only one of those member organisations has a primary remit around supporting Aboriginal culture [ie First Languages Australia].

In recent times there has been some movement and progress towards addressing this structural issue. Purrumpa was held in Adelaide between 31 October to 4 November 2022. One of the aims and objectives of Purrumpa was to prepare the groundwork for the formation of a long-held aspiration of Aboriginal people ie the formation of a National Indigenous Arts and Cultural Authority [NIACA]. But whilst Purrumpa was important, the actual creation of a formal NIACA remains at best and even under the most optimistic of scenarios, a couple of years away.

Beyond the structural representational issue vis a vis NIACA, the most important process that can have more immediate impact is the imminent release of the ***National Cultural Policy***. We are told that support for First Nations Arts and Culture will be the very first priority within the ***National Cultural Policy*** and we

are told that the NCP will seek to leverage outcomes across the whole of Government. This is a desperately needed measure.

However, in KALACC's correspondence of 01 January 2023 to Minister's Burke and Burnie we have asked the Commonwealth Government to clarify how the **National Cultural Policy**, to be released on 30th January 2023, will in fact address the fact that Australia today has no policy and no programs around supporting traditional cultural practice in Australia. In 2013 the Australia Council for the Arts released **Standing Our Ground Cultural vibrancy: a discussion paper for the Aboriginal and Torres Strait Islander Arts sector 2013**.

Nearly 10 years after that time, the Australia Council did not progress that body of work beyond the level of a conceptual Discussion Paper.

The **United Nations Declaration on the Rights of Indigenous Peoples** states as follows:

Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. Australia at present fails to meet its obligations under Articles 5, 8, 9, 11 and 12 the **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**. It is KALACC's sincere hope that the development of a **National Cultural Policy** [to be released on 30 January 2023] is taken as an opportunity for Australia to fulfil its obligations under the **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**.

For sectors that have previously not had a strong community-controlled presence, what is needed to support and strengthen community control?

- **National Indigenous Arts and Cultural Authority:** the creation of a structural mechanism ie a peak/ umbrella voice for Indigenous Arts and Culture in Australia is a high priority
- **Standing Our Ground Cultural vibrancy:** an excellent Discussion Paper around cultural vibrancy already exists- Australia Council 2013 draft. The Government needs to take this golden gift and develop it in to a substantive Policy Plank that directly addresses Australia's commitments under the UNDRIP across articles 5, 8, 9, 11 and 12

2. Building the Capacity of ACCOs – Moving to Co Design and Co – Commissioning Paradigms

- Have you observed any changes in the way governments are providing funding to Aboriginal and Torres Strait Islander community-controlled organisations, or increases in funding?
- What funding models work well for ACCOs and why?
- What actions are governments taking that are making a difference to the community-controlled sector? Are there actions that are not working?
- What is working well in the community-controlled sector, and what barriers still need to be addressed to strengthen the sector?
- What are the lessons from the first round of Sector Strengthening Plans? Will they help strengthen the community-controlled sector? Why, or why not? And how?

- For sectors that have previously not had a strong community-controlled presence, what is needed to support and strengthen community control?

The Discussion pointers from the Productivity Commission include the following question:

- For sectors that have previously not had a strong community-controlled presence, what is needed to support and strengthen community control?

As per the first section of this present KALACC submission, it is clear that – irrespective of rhetoric – the reality remains that first nations arts and culture remain peripheral to the Closing the Gap Agenda. We hear language like ‘strong Aboriginal and Torres Strait Islander cultures are fundamental to improved life outcomes for Aboriginal and Torres Strait Islander people.’ But there are very few, if any, tangible policies and programs around implementing support for culture.

In this context, we must seriously explore the role of Co Design and the role of Co – Commissioning of services. It is only through these methodologies that we will witness the development of credible pathways for Building the Capacity of ACCOs that operate in the Arts and Culture domain.

Co Design

On 28th of October 2022 the WA Government endorsed the **KAYW Co Design Guide**, which was written by KALACC on behalf of the Kimberley Aboriginal Regional Governance Group. There are within the Kimberley ongoing discussions about how to harness this Co Design Guide and to embed the principles, practices and processes of Co Design in to domains outside of and beyond the domain of youth wellbeing.

KALACC authored and wrote the **KAYW Co Design Guide** and one of the key external engagements and relationships that we have is with the WA Department of Communities. KALACC has had a series of meetings with Communities Director General Mike Rowe, and other senior officers of the Department. In these conversations KALACC seeks to engage with Communities around four areas of interest to Communities, these being:

1. Youth issues, including Target 120
2. Women’s interests
3. Aboriginal Family Safety and Wellbeing
4. Communities Cultural Competency.

And across each of these four areas KALACC seeks to have a conversation with Communities around Co Design processes and around Commissioning Strategies.

KALACC values and appreciates the relationship with WA Communities. We also believe that WA Communities is, in many ways, at the vanguard of progress in relation to Closing the Gap Initiatives. Within Communities we can identify an *ACCOs Strategy*; a *Commissioning Strategy* and a *Cultural Competency Framework*. Further, within individual programs and policies from Communities, we can time and time again identify references to the Closing the Gap policy frameworks. However, notwithstanding the leadership within Government that is being shown by WA Communities, most of these initiatives are ‘post – dated’ ie they are accompanied by *Implementation Plans* that indicate that key initiatives will take place across coming years. At the present time we can see that WA Communities has endorsed the **KAYW Co Design Guide**, but we are currently unable to identify ways that Communities seeks to apply the Co Design principles, practices and processes in the development of its own programs at this present point in time.

Commissioning Policies and Practices

In August 2022 the WA Department of Finance published the **WA State Commissioning Strategy**. The intention is that individual Government agencies will then develop their own *Commissioning Strategies*, and indeed vanguard agencies such as the Department of Communities has done precisely that. However, as noted above, most of these initiatives are 'post – dated' ie they are accompanied by *Implementation Plans* that indicate that key initiatives will take place across coming years. KALACC has sought to engage with Communities around Commissioning cultural programs that operate in these four areas:

- Youth issues, including Target 120
- Women's interests
- Aboriginal Family Safety and Wellbeing
- Communities Cultural Competency.

It is clear that at this present point in time, Communities is not yet ready to have these Co Design and Commissioning discussions with KALACC. KALACC has described the uptake of Closing the Gap by large Government line agencies, State and Commonwealth, as being lethargic. There is a mountain of evidence to support that claim, especially as it pertains to the arts and cultural services domain. Agencies such as the WA Department of Local Government, Sport and Cultural Industries has not currently engaged around any of the key structural processes relating to Closing the Gap. KALACC met with the WA Public Sector Leadership Council in September, as part of its Agency Performance Review of WA DLGSC. KALACC developed a 21 page critique of the work of DLGSC and we would be happy to share that critique with the Productivity Commission.

Switching the focus from the WA Government to the Commonwealth Government, on 30 January 2023 the honourable Tony Burke, Commonwealth Minister for the Arts, will release the new **National Cultural Policy**. Whilst we will have to wait until the end of January for details, Minister Burke has made it clear in speeches that he has delivered in recent weeks at Purrumpa [Adelaide] and in Darwin, that the following will be features of the forthcoming **National Cultural Policy**:

- **First Nations First:** There will be five 'pillars' or themes within the **National Cultural Policy** and the first of these will be First Nations First
- **Cultural Policy, Not Just Arts Policy:** The Minister has made it clear in his recent speeches that the intention is to harness a whole of Government approach towards supporting arts and culture in Australia.

KALACC absolutely applauds these key commitments from the Commonwealth Government. However, there are two very real and very sobering realities that need to be acknowledged and Minister Burke has been keen to manage community expectations around the **National Cultural Policy**. These sobering realities are:

- **Commonwealth Fiscal Position:** The Commonwealth has very little in the way of financial reserves and the new Labor Government has inherited a mountain of debt. Thus, there is no money with which to support increased expenditure on Arts and Cultural programs;
- **Coming off an Extremely Low Base:** The current Government characterises the previous 10 years of Conservative Government as being a 'war on culture.' What is irrefutable is that the previous government had little interest in cultural policy development and there exist today almost no machinery of Government processes to facilitate whole of government approaches. We can readily

see in the relatively simple State Government context, just how terribly difficult and challenging it is for Governments to work in whole of Government and cross – agency approaches. Thus, any new Commonwealth commitment to whole of government approaches to arts and culture in this country must bring with them realistic levels of expectation about what can be achieved in anything less than a 5 – 10 year time window.

In light of the lethargic uptake of Closing the Gap initiatives to date, and in light of the very sobering challenges that lie ahead, what can realistically be achieved in the short to medium term?

For sectors that have previously not had a strong community-controlled presence, what is needed to support and strengthen community control?

- **Case Study of KALACC as an example of a Sustainable ACCO operating in the Arts and Cultural Domain:**
The WA Government has developed a 30 page document using KALACC as an example of a Sustainable ACCO operating in the Arts and Cultural Domain. This document was created with input from key WA Government agencies and the intended audience is the WA Public Sector Leadership Council. KALACC invites the Productivity Commission and the Commonwealth Government to re- work this excellent starting point to reflect potential Commonwealth pathways for supporting ACCOs that operate in the Arts and Cultural services domain.

3. Juvenile Justice- what is needed to support and strengthen community control?

- For sectors that have previously not had a strong community-controlled presence, what is needed to support and strengthen community control?

In September 2006 the Law Reform Commission of Western Australia published the *Final Report on Aboriginal Customary Laws*. Recommendation #50 in that report is the establishment of Aboriginal – owned and controlled juvenile justice programs. In the intervening sixteen years we have witnessed the development of NACCHO and its 144 member organisations. But in the justice space, one would be very hard pressed to find more than 5 fully functional Aboriginal – owned and controlled juvenile justice programs across the nation.

Within Closing the Gap there is a commitment towards establishing a joined up approach to five policy priority areas. Justice is of those five policy priority areas, having been established in April 2021. But a key test of this particular policy priority area will be the extent to which we start to see the building of capacity for ACCOs to successfully deliver services in the Justice domain. The Kimberley ACCOs experience of the justice domain across 2016 to the present time is not at all encouraging. The WA Government has historically, and through to the present time, invested resources in to mainstream Government agencies ie Police, Courts, Child Protection etc, and has to date shown minimal inclination to build the capacity of ACCOs in the Justice space.

On 10 April 2019 KALACC was invited by the WA Department of Justice to be the ‘co – owners of the **Kimberley Juvenile Justice Strategy**.’ However, that experience was deeply disheartening for KALACC, and for the Aboriginal people of the Kimberley. KALACC is firmly of the view that in order to see a fundamental improvement in youth justice outcomes what is needed is a *WA Aboriginal Youth Justice Strategy*, along the lines of the excellent **Wirkara Kulpa Strategy** in Victoria

<https://www.aboriginaljustice.vic.gov.au/Aboriginal-youth-justice-strategy> But it seems clear that the WA Government at the present time has no appetite for any such thing within WA.

There is a potential pathway towards positive youth outcomes in the Kimberley. On 28th of October 2022 the WA Government endorsed the **KAYW Co Design Guide**. And at the present time the WA Government is giving consideration to a **draft KAYW Partnership Agreement** document. The Kimberley Aboriginal Youth Wellbeing processes are intended to encompass the following four domains of youth wellbeing:

- Social and Emotional Wellbeing
- Juvenile Justice
- Statement of Commitment on Youth Wellbeing [86 Recommendations]
- Empowered Young Leaders.

There is strong evidence to date of a reluctance on the part of major line agencies in the justice domain to want to participate in Co Design processes or to relinquish their control over policies and programs in the youth justice space. We can only hope that there is sufficient authority and sway from Government central agencies to overcome this stasis and this weddedness to the current status quo by large Government line agencies. Also, to date the Commonwealth has not been a party to the KAYW Partnership processes and this will change as of February 2023. Thus, with the Commonwealth now seated at the KAYW table, it can be hoped that the **Justice Policy Partnership** can be used as a framework to interface with the **KAYW Co Design Guide** [endorsed] and the **KAYW Partnership Agreement** [currently draft/ not endorsed] to develop approaches by Government which seek to locate Aboriginal Community Controlled Organisations at the centre of justice initiatives in the Kimberley.

For sectors that have previously not had a strong community-controlled presence, what is needed to support and strengthen community control?

- **Harnessing Policies and Agreements In Order to Locate ACCOs as Being the Key Providers of Youth Justice Services in the Kimberley region:**
Employing the *Justice Policy Partnership* as a framework to interface with the *KAYW Co Design Guide* [endorsed] and the *KAYW Partnership Agreement* [currently draft/ not endorsed] to develop approaches by Government which seek to locate Aboriginal Community Controlled Organisations at the centre of justice initiatives in the Kimberley.