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Dear Mr Cansdale and Ms Hunt

Thank you for your letter of 17 July 2024 to the Chief Minister regarding ACT Labor's Aboriginal and Torres Strait Islander Affairs policy platform. I am responding as ACT Labor's spokesperson for Aboriginal and Torres Strait Islander affairs.

Strengthening the Community Controlled Sector

ACT Labor recognises that community control is an important form of self-determination, and that Aboriginal Community Controlled Organisations (ACCOs) are critical partners in improving outcomes for Aboriginal and Torres Strait Islander people. We acknowledge that services delivered by ACCOs are often more trusted, employ more Aboriginal and Torres Strait Islander people, and deliver better results compared to mainstream services. ACT Labor remains committed to progressing Priority Reform Two of the National Agreement on Closing the Gap.

During this term, the Government has made significant investments to strengthen the ACCO sector in the ACT. This includes \$19 million to build a new purpose-built facility for Gugan Gulwan Youth Aboriginal Corporation, partnering with Winnunga Nimmityjah through the construction of a dedicated Aboriginal and Torres Strait Islander residential rehabilitation facility in Watson, and the establishment of a \$3.86 million ACCO Establishment and Expansion Fund to support ACCOs build organisational capacity and capability. The Government has also established the Aboriginal Service Development Branch (ASD) in the Community Services Directorate, which is dedicated to strengthening linkages and partnerships between government and the ACCO sector.

I have been pleased to see the emergence of new ACCOs and the expansion of existing organisations over this term of the ACT Legislative Assembly. This includes the first ACCO registered as a Care and Protection Organisation in the ACT – a prerequisite for transferring responsibility for children and young people in contact with the child protection system to community control, as discussed further below.

A re-elected Labor Government will continue to work in genuine partnership with the ACCO sector, and will engage with the wider Aboriginal and Torres Strait Islander community to identify opportunities for further investment, for partnerships in service delivery and for transfer of service delivery to community control.

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Boomanulla Oval

ACT Labor remains committed to returning Boomanulla Oval to community control. We acknowledge the leadership of the previous ACT Aboriginal and Torres Strait Islander Elected Body on this issue, and its commitment to progressing community consultations on a preferred model for community control of Boomanulla Oval.

We note that the previous Elected Body stated its intention, in its August 2023 Hearings Report, to establish an interim management committee to guide management of the oval and its facilities. A re-elected Labor Government will work with the new Elected Body to establish this interim management committee for Boomanulla Oval, which will include government representatives but be led by community with majority community membership.

We will continue to work in partnership with the Elected Body and the wider ACT Aboriginal and Torres Strait Islander community to identify appropriate mechanisms for community control over Boomanulla Oval, recognising the need to ensure that the outcome is sustainable, and that this important space remains accessible for the wider Aboriginal and Torres Strait Islander community.

Ngunnawal Bush Healing Farm

If re-elected, we will also continue work to establish a residential program at the Ngunnawal Bush Health Farm (NBHF) and to transition the facility to community control. ACT Labor recognises the invaluable service that the NBHF provides for the community and is committed to realising the community's vision for the facility, including transition to community control.

A re-elected Labor Government will continue to work in partnership with the community to implement the recommendations of the 2023 review and to develop a clear plan to transition the NBHF to residential service delivery and community control. We will establish a community-led governance body to lead this work within the first 12 months of the next term of government.

Justice & Incarceration

The ongoing overrepresentation of Aboriginal and Torres Strait Islander people in incarceration is an ongoing blight on our community, and ACT Labor remains committed to addressing this issue. The 2024-25 Budget included an investment of more than \$5.2 million for justice reinvestment programs, including for Aboriginal-led programs that seek to reduce the overrepresentation of Aboriginal and Torres Strait Islander people in the justice system. But we know that there is more work to do.

In February 2024, the Government commissioned the Jumbunna Institute of Indigenous Education and Research, at the University of Technology Sydney, to undertake an independent review into the overrepresentation of Aboriginal and Torres Strait Islander

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people in the justice system in the ACT. The review will make recommendations on practical steps that the Government can take to reduce overrepresentation.

A re-elected Labor Government will work in partnership with the community to implement the recommendations of this review. We will continue to build on and strengthen government investments in justice reinvestment programs, including those delivered by Winnunga Nimmityjah, Gugan Gulwan, Yeddung Murra, Worldview, NSW/ACT Aboriginal Legal Services, and other Aboriginal-led programs.

Implementing the *Our Booris, Our Way* Report

ACT Labor is committed to the full implementation of the *Our Booris, Our Way* review, under the guidance and scrutiny of the Our Booris, Our Way Implementation Oversight Committee (IOC). This commitment sits alongside our broader commitments under the *Aboriginal and Torres Strait Islander Agreement 2019-2028*, the *National Agreement on Closing the Gap*, and *Safe and Supported: the National Framework for Protecting Australia's Children 2021-2031*. It also sits within our broader efforts to reform the child protection and family support systems under *the Next Steps for our Kids 2022-2030 – the ACTs strategy for strengthening families and keeping children and young people safe* (Next Steps). Our Booris Our Way is embedded within Next Steps as one of the strategy's six domains, reflecting the intent that this work is both embedded within and continues beside broader child protection systemic reform.

In Government we have released detailed six-monthly reporting against the status of each recommendation of the *Our Booris, Our Way* report. This is available here: <https://www.act.gov.au/open/our-booris-our-way>.

Some of the key achievements in this term of Government include:

- The establishment of the Aboriginal and Torres Strait Islander Children and Young People Commissioner – an independent statutory authority who is empowered to support the interests of Aboriginal and Torres Strait Islander children and young people in the ACT. This position was co-designed with the Aboriginal and Torres Strait Islander community and recruitment included engagement with a community panel.
- Support for ACCOs. The ACT Government has established an Aboriginal Service Deliver branch in the Community Services Directorate. This branch, led by an Aboriginal executive, has had significant success in working with the ACCO sector, especially new and emerging organisations, to identify both ACT Government and Commonwealth funding opportunities, assist with regulatory processes and provide a streamlined approach for ACCOs to deliver services. This includes work to ensure the new Children, Young People and Families Panel will enable more ACCOs to work with children, young people and their families involved in the child protection system.

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- Establishment of the First Nations Family Support team. This team is a direct response to the first recommendation of the *Our Booris, Our Way* review. This experienced and dedicated Aboriginal-led team has provided culturally safe support to more than 50 families since its establishment in March 2023.
- Modernising the Children and Young People Act. The Government's ambitious, multi-stage modernisation of the *Children and Young People Act 2008* is continuing. These changes will see the Aboriginal and Torres Strait Islander Child Placement Principle fully embedded in legislation, as part of our broader commitment to embed the Principle in legislation, policy and practice.
- Expanding diversions from the statutory system. Programs such as Family Group Conferencing and Functional Family Therapy can help families who are facing risk to identify their own solutions, ameliorating the need for statutory intervention. ACT Labor is committed to continuing and expanding these restorative programs and the 2024-25 Budget included additional funding for ACCO-led Family Group Conferencing.

A re-elected Labor Government will maintain our positive trajectory, working in close partnership with the IOC to implement the *Our Booris, Our Way* recommendations. On a principle level, we will continue to be led by First Nations people to identify the solutions to the problems their families continue to face as a consequence of colonisation, dispossession and institutional racism. This includes the intergenerational legacy of poverty and child protection engagement.

Aboriginal Housing

ACT Labor will continue to champion new and expanded housing options for Aboriginal and Torres Strait Islander Canberrans.

This will include providing opportunities, through the Indicative Land Release Program and Affordable Housing Project Fund, for Aboriginal Community Controlled Organisations registered as community housing providers to develop supported, social or affordable rental properties, and expanding headlease opportunities.

Uluru Statement from the Heart

ACT Labor strongly supported the Yes campaign in the 2023 referendum on recognition of Aboriginal and Torres Strait Islander people in the Constitution through a Voice to Parliament and was pleased that the ACT voted Yes. Despite the disappointing national result, we remain committed to implementing the Uluru Statement from the Heart. A re-elected Labor Government will continue to work with Aboriginal and Torres Strait Islander people, as genuine partners and in line with the principle of self-determination, to deliver on this commitment and on other matters which affect the community.

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Voice

The Aboriginal and Torres Strait Islander Elected Body (ATSIEB) was the first democratically elected and broadly representative body of its kind in Australia and aligns with the overarching intention of the proposed Voice to Parliament. ACT Labor is committed to strengthening the ATSIEB and promoting self-determination.

Following the referendum, the ACT Government invested an additional \$1.19 million in resourcing for the ATSIEB over the next three years. ATSIEB members will have their paid time increased and will be supported by an independent secretariat. This extra resourcing will allow the Elected Body to engage more fully with the Aboriginal and Torres Strait Islander community and to work in partnership with government to achieve better outcomes for Aboriginal and Torres Strait Islander Canberrans.

This investment includes \$200,000 to fund an independent First Nations-led review of the Elected Body model. The review process will make recommendations to better align the Elected Body model with the needs and views of the community and with the National Agreement on Closing the Gap.

A re-elected Labor Government will work in partnership with the community, in accordance with the principle of self-determination and our commitment to shared decision-making, to implement the recommendations of this review and deliver a stronger Elected Body.

Treaty

The ACT Government has undertaken some early work on Treaty. Unfortunately, this work – while producing some useful recommendations – did not engage as broadly as the Government had intended. We recognise there is more to be done to understand what Treaty means for the ACT, including what it may constitute, and how and with whom a Treaty or agreement would be negotiated.

A key element of these consideration is the identification of Traditional Custodians for the ACT and the most appropriate way to refer to the Traditional Custodian families. This is a contested space in the community, with claims from multiple groups. As you would appreciate, the ACT Government is not in a position to determine the legitimacy of claims of Traditional Custodianship and has relied to date on incomplete (though in some cases strong) evidence.

The primary legal mechanism to make a more definitive determination is the *Native Title Act 1993*, which provides a legal framework that also draws in cultural lore and history to identify and make determinations on apical ancestral connection to country. Several local families and individuals are currently progressing with the first stages of a Native Title claim process. The evidence of Traditional Custodianship that will emerge from these early stages of the process will be important to inform discussions around Treaty.

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ACT Labor remains committed to continuing to engage with the community to progress a pathway to Treaty with Traditional Owners.

Truth

Truth-telling is a critical part of healing and reconciliation. ACT Labor is committed to working with the community to understand what 'truth telling' would look like in the ACT, noting the diverse needs and experiences of those with traditional connections to this land, as well as Aboriginal and Torres Strait Islander people who have moved here over recent decades and the broader community.

A re-elected Labor Government will work in partnership with the community to develop a framework for truth telling, which will guide a process of undertaking truth telling in the ACT.

All of this must be done with the underpinning theme of reconciliation, recognising that before we bring anything to the broader community, options must be developed in genuine partnership with Aboriginal and Torres Strait Islander people.

ACT Labor has a proud record of supporting self-determination and a re-elected ACT Labor Government will continue to work towards healing and reconciliation.

Yours sincerely



Rachel Stephen-Smith MLA

18 August 2024