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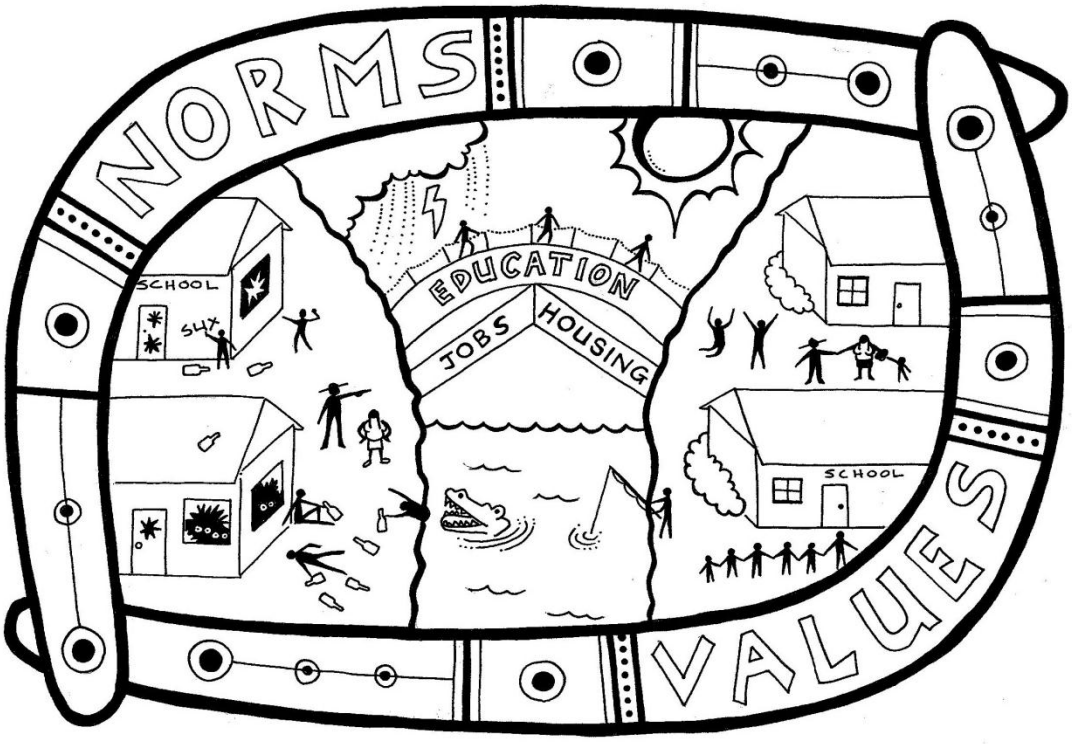
Living Change

Taking responsibility for our future

and retaining our culture

Scoping study for Halls Creek

December 2012



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Executive summary

A region of vast beauty and remoteness, the East Kimberley is larger than Victoria but has just 11,400 residents, half of whom are Aboriginal. It is home to the World Heritage-listed Purnululu National Park, one of the world's largest diamond mines, a 300,000-year-old meteorite crater, Australia's largest man-made lake and some of the oldest continuing cultures in human history. Over the past five years, the population has grown at twice the national average, spurred on by strong regional industries such as agriculture, construction, mining, retail and tourism, and substantial government infrastructure investment.

In stark contrast to the region's natural endowment and burgeoning economic opportunities is the level of Aboriginal wellbeing. In the East Kimberley: the median Aboriginal male dies up to thirty years sooner than his national counterpart; Aboriginal people complete year 12 at less than one-third the national rate; Aboriginal families are forty times more likely to live in a dwelling with eight or more residents than the average Australian family; and Aboriginal adults are employed at around half the national rate, with a median personal income that is half the national median. While these conditions represent an improvement over the past decade, the disadvantage experienced by many Aboriginal families in the region remains unacceptable and pace of change is too slow.

Moreover, the window of opportunity to make a lasting change is closing fast. Aboriginal elders who remember the strong, healthy Aboriginal cultures that existed in the region before alcohol and welfare, and have been passionate advocates for their people, are dying. At the same time, there is an up swell of Indigenous youth, many of whom suffer from foetal alcohol spectrum disorders. A failure to act decisively and effectively now will condemn Aboriginal families in the region for decades to come, and perhaps permanently.

Since 1997, the Wunan Foundation has been working to drive long-term socio-economic change to enable Aboriginal people in the East Kimberley to make positive choices that lead to fulfilling, independent lives—essentially, to have dreams and a fair chance at achieving them. It seeks to improve those people's lives by: providing real opportunities in education, employment and housing; investing in people's abilities; and encouraging and rewarding aspiration and responsibility.

To date, most attempts to enable Aboriginal success in the East Kimberley have focused on the first two elements: providing real opportunities and investing in people's abilities. These two foci are necessary but alone are not sufficient to enable Aboriginal success in the region. The missing element is a strong emphasis on aspiration and responsibility.

Wunan argues that it is time to focus on responsibility at the individual, parental and community level. Parental responsibility is particularly important, not only for the example that it sets for children, but because it is essential in enabling children to develop their abilities and aspirations.

The absence of responsibility in East Kimberley communities is evidenced in binge drinking, domestic and other violence, drug taking, excessive gambling, the frequency of foetal alcohol spectrum disorders, the dilapidated state of housing and public spaces, the number of adults on the streets during the work day and the number of children on the streets late at night. This dysfunction and its consequences are borne out in every indicator of Indigenous wellbeing. For far too long, governments and communities have harboured low aspirations for and expectations of Aboriginal people, facilitating this dysfunction. For far too long, there has been a failure by some individuals to take responsibility for their actions, families to call its members to account and communities to take a stand against unacceptable behaviour and say "enough is enough".

Historically, these communities exhibited high levels of responsibility. Over millennia in some of Australia's harshest conditions, the ancestors of current East Kimberley Aborigines survived and prospered by maintaining highly disciplined and self-reliant family groups that cared for their country, moved with the seasons, looked after all group members and taught children to survive. However, numerous factors have interacted to break down notions of responsibility over the past 220 years including: colonisation; dispossession; dislocation; racism; the policies of protection, assimilation and self-determination; pre-existing and adapted cultural practices; and the introduction of equal and land rights, alcohol and the welfare system.

In recent decades, the welfare system has had particularly pernicious effects, corroding the motivation of and blunting the incentives for Aboriginal people in the East Kimberley to build their capabilities, take up opportunities and control their destiny. Moreover, the negative impacts of passive welfare and other historical factors have extended beyond participation in education and the mainstream economy to Aboriginal identity and culture. These factors have introduced negative perceptions of Aboriginal identity and corrupted the transmission of traditional culture and its manifestations in art, dance, language, law, music, stories and other practices.

Over the past two years, Wunan has been developing a community-led, place-based response to the enable Aboriginal success, which it has named Living Change. It has two core components:

1. Aboriginal leaders driving the re-establishment of individual and parental responsibility as a base for cultural, economic and social renewal, and
2. business, government and the not-for-profit sector ensuring access to high standard opportunities in education, employment and housing for responsible families and communities committed to difficult social change.

This study details how Living Change could be implemented in the town of Halls Creek, based on feedback from the town community, including a formal consultation process from February to July 2012 that involved in-depth interviews with about 20 per cent of Aboriginal adults in the town on the individual and parental responsibility component.

Individual and parental responsibility

This component has four elements: community-agreed responsibilities; a panel of community leaders; case-managed support services; and recognition and restrictions (income management). It is similar to the Family Responsibilities Commission (FRC) set up in Cape York, Queensland in 2008.

Community-agreed responsibilities

Community-agreed responsibilities are the base conditions for a cohesive and vibrant community under Living Change. Based on its experiences in the East Kimberley, those of the FRC and the need to adopt responsibilities that can be effectively monitored and measured, Wunan tested five responsibilities with the Halls Creek community during formal consultations:

1. children attend school every day
2. children and those who are vulnerable are cared for and safe
3. capable adults participate in either training or work
4. people maintain their homes and pay their rent, and
5. people take personal responsibility and do not commit crimes.

During consultations, 90 per cent of respondents agreed that it is necessary to re-establish responsibilities in Halls Creek. Respondents identified school as the most important responsibility, followed by employment, caring for children and personal responsibility. Housing was the most controversial responsibility, with 75 per cent of respondents saying that it should not be a responsibility until the quality and quantity of housing improved. If Living Change is implemented,

Wunan proposes adopting all five responsibilities, with a significant investment in housing opportunities (discussed further below) as a pre-condition of adopting the housing responsibility.

Panel of community leaders

Where a person does not meet a community-agreed responsibility, Living Change involves the person meeting with a panel of local Aboriginal people in Halls Creek who are leading responsible lives. The panel is the fulcrum of the model and intended to enable these leaders to provide a new direction for their community as role models, by recognising community members who are meeting community-agreed responsibilities and by supporting those who are not yet doing so.

It is proposed that the panel would operate as follows, supported by a registry and a legally qualified member (such as a retired judge or lawyer). Where a responsibility has not been met, the appropriate agency would notify the registry—e.g. the school would notify the registry if a child has had several unexplained absences. The relevant person (in this example, a parent) would then receive a notice to meet the panel. At that meeting, the panel would discuss the issue with the person and, if necessary to help them meet their responsibilities, seek an agreement with the person to attend appropriate support services and/or be placed on income management. If the person fails to attend the meeting, an agreement is not reached or an earlier agreement is breached, the panel would be able to issue a warning, direct that the person attend particular services, place the person on income management or extend an earlier income management order.

During consultations, nearly 60 per cent of respondents supported the concept of a panel, recognising it as a way to re-create Aboriginal authority in Halls Creek but noting that it would be important to ensure broad community representation on the panel. The 30 per cent of respondents who did not support the concept were concerned about duplication of existing processes, cultural appropriateness, the risk of conflict and the panel's focus on families but not service providers. In response to this last concern, Wunan proposes that if Living Change is adopted, the panel should have a role in advocating on behalf of community members for improved service delivery.

Case-managed support services

For a panel to effectively assist community members, appropriate support services must be in place. Most such services are available in Halls Creek but more holistic case management is required to develop individual plans for community members, assist them to engage with service providers, improve collaboration between providers, and advocate for community members with providers. A similar model has been effectively employed as the core element of the Strong Families initiative in Western Australia. Case managers can both improve outcomes for community members, and drive accountability for service providers.

During consultations, respondents identified service accountability, poor performance, lack of trust, limited knowledge of services and shame as reasons local people did not engage with support services offered in Halls Creek. Several respondents identified the need for anger management, parenting and mediation programs, and for advocacy services to respond to issues that community experiences with providers. Respondents also identified a lack of cultural support services that would both preserve culture and provide an alternative to government service solutions.

The advocacy of the panel and case managers could address several of these concerns, and the implementation of Living Change could provide a strong impetus for agencies and providers to improve the quality of existing services. However, this improvement would in some instances require the development and implementation of new strategies that complement Living Change.

Recognition and restrictions (income management)

Where a person is meeting the community-agreed responsibilities (either as a result of panel support or otherwise), the panel should recognise the person. That recognition could be as significant as a referral into an educational or housing opportunity (as discussed below) through to a simple certificate, and could complement existing processes, from school attendance awards to the annual National Aborigines and Islanders Day Observance Committee awards.

Where a person is not meeting the community-agreed responsibilities, income management of Centrelink payments would be a key tool for the panel to use in supporting that person to do so. In the Kimberley, voluntary income management and child protection (compulsory) income management have been operating since 2008 and, despite some community concerns, have been evaluated as having a generally positive impact on the wellbeing of children, individuals and families.

During consultations, Wunan described income management as a "sanction", as this reflected the view of income management critics and Wunan thought it prudent to consult using this negative description rather than be criticised of biasing upward the community reaction to it. Nevertheless, just over half of the respondents identified income management as a useful way to support families to meet their responsibilities. Another one-fifth of respondents said nothing negative about income management but believed that it should remain separate to the panel. About one-sixth of respondents saw income management as ideologically wrong. All respondents who had a personal experience of income management had positive things to say about it.

Implementation options

During consultations, 40 per cent of respondents directly supported implementing Living Change as proposed by Wunan. A further 30 per cent of respondents did not judge Living Change but focused on the necessity of implementing whatever solutions might be at hand and said it should be trialled. The remaining 30 per cent of respondents did not support Living Change. Wunan believes that these results reveal sufficient community support to progress with implementing Living Change, particularly given the challenging nature of the proposal.

For implementation, the legal start point is that the Australian Government would need to amend the *Social Security (Administration) Act 1999* (Cth) to enable the panel to make income management decisions (either directly or indirectly) about government payment recipients. Currently, this power is reserved to Centrelink, legislatively-specified state and territory authorities, and the FRC.

The FRC was established in Queensland as a statutory authority to:

- acknowledge that it was designed to exercise functions usually exercised by government
- compel state agencies to share information with it
- subject it to public safeguards regarding its exercise of powers, the safekeeping of confidential information and use of appropriate procedural rules in terms of natural justice
- provide protection to the commissioners, both in terms of potential threats and liability
- make it subject to appropriate ministerial and financial oversight, and
- signal that it was an on-going institution with the backing of the state, giving it credibility with the community and the justice system.

It is appropriate that income management decisions are only made by government entities such as Centrelink and the Department for Child Protection (DCP). As the capacity to make such decisions is an essential element of Living Change, the three options for the panel are that it be a:

1. Western Australian statutory authority that makes income management decisions
2. Commonwealth executive agency that makes such decisions, or
3. non-statutory body that makes recommendations to Centrelink or DCP on such decisions.

Following the FRC example, option 1 is optimal, as the panel would be receiving information almost exclusively from State agencies and addressing responsibilities that are for the most part State responsibilities. While legislation for an initiative that would initially operate in one town is a major undertaking for the State Government, there is some precedent in the State Agreements used since the 1960s to successfully foster individual mining development projects. Drafted appropriately, the legislation could enable other sites to be set up in the future.

Option 2 is feasible, though in addition to an executive decision to establish the agency, would require an intergovernmental agreement on data sharing, introducing an extra element of implementation risk (it is hard to enforce intergovernmental agreements).

While option 3 appears enticing (as it avoids the difficult task of either enacting new legislation or establishing an agency), it would not work effectively as:

- without legislative and regulatory amendment, the panel could only address the responsibilities on child safety and adult economic participation
- all recommendations require a Centrelink or DCP review, introducing likely delays and the chance that the panel's authority would collapse the first time a recommendation is rejected
- it suffers from even greater implementation risk on data sharing and agency cooperation
- it provides no enforceable safeguards on confidentiality and natural justice for community members, nor additional protection to panel members on threats or liability, and
- it ultimately does not empower Aboriginal leaders to tackle difficult behavioural change.

Wunan recommends that the implementation of the individual and parental responsibility component of Living Change be supported by the:

- State Government passing legislation to establish a panel of community leaders in Halls Creek as a statutory authority, and
- Australian Government amending the *Social Security (Administration) Act 1999* (Cth) to enable the panel to make income management decisions.

Both actions are required for Living Change to operate as intended. Wunan proposes that it operate for an initial term of five years, with a formal tripartite (federal, state and community) governance mechanism, accompanying social marketing campaign, constant monitoring and an evaluation after four years to determine if it should be continued and/or replicated.

Opportunity

Business, government and the not-for-profit sector are already focusing on increasing opportunities in Halls Creek. Wunan proposes that as part of Living Change, stakeholders should seek to design future opportunities in education, employment and housing as an incentive for:

- families to continue or start to meet community-agreed responsibilities; and
- communities to take on difficult social change.

For families, Wunan believes it is fair to offer some opportunities only to people who are meeting their responsibilities. This principle is not appropriate for core services such as public housing. However, where there is discretion about the provision of an opportunity (e.g. whether a family qualifies for a new transitional house, as described below) it is reasonable to consider the extent to which the family meets community-agreed responsibilities.

For communities, the main basis for government resource allocation is need. However, once basic needs are met, governments consider other factors such as the local capacity to utilise funds, level of community support for a project and availability of co-investment. Wunan argues that to support change in the East Kimberley, governments making decisions at the margin about further

investments should favour communities committed to difficult social change (e.g. Halls Creek if it adopts Living Change) over those that are not so committed. Below, Wunan has identified some potential large opportunities for Halls Creek. However, there is scope for a graduated set of opportunities starting with simple recognition and small rewards.

Education

Educational opportunities can provide a powerful incentive for students to attend school and improve their capabilities. There are two major educational opportunities in Halls Creek that embed notions of responsibility: the Clontarf Academy and Wunan's Dural Education Excellence program.

Clontarf is a syndication of the Clontarf Foundation program that uses football as a lever to improve education, life skills and employment opportunities for young Aboriginal men. It has operated in partnership with the Halls Creek District High School since 2008. Students must meet attendance, academic and behavioural standards to take part in football carnivals or interstate trips.

Dural is a partnership between Wunan, the High School, Dural Baptist Church, William Clarke College and Pacific Hills Christian School that began in October 2011. It involves ten Halls Creek students (aged 12 to 17) living in Dural, Sydney with two Halls Creek house parents employed by Wunan and attending either William Clarke or Pacific Hills. Students access an excellent education but maintain a strong cultural connection to Halls Creek and have culturally appropriate support. Students were selected based on learning commitment (evidenced by attendance and reports) and family support. The program is half-way through a two-year pilot but early results are impressive. If the pilot is extended, permanent funding is required for the parental support component.

Dural also involves a teacher exchange between the High School and colleges, recognising the value of cross-cultural awareness and need to improve High School outcomes. However, more action is needed on the latter front, as attendance is falling from already low levels and student outcomes are well below equivalent schools. Whether or not Living Change is adopted, the State Government must ensure all steps are being taken, and sufficient resources are being provided, to radically lift attendance and performance in Halls Creek.

In terms of educational opportunities supporting Living Change, Wunan recommends that:

- the State Government ensure that all steps are being taken, and sufficient resources are being provided, to radically lift school attendance and performance in Halls Creek, and
- both governments consider permanent funding for the Dural initiative if the pilot is successful.

Employment

Employment opportunities, and appropriate training and support to link Aboriginal people to those opportunities, are critical to breaking the destructive cycle of welfare dependence and have an inherent responsibility component (e.g. you need to turn up each day to keep your job). Across the Kimberley, there are many employment opportunities. For Halls Creek job seekers, there are opportunities in and around the town, and many options for those willing to commute.

Employment services in remote communities such as Halls Creek are in the midst of a major overhaul with the introduction of the Remote Jobs and Communities Program (RJCP) from 1 July 2013. In each RJCP region, the single provider will have significant flexibility to work with communities and local businesses on community-driven training and economic development initiatives. As an existing Job Services Australia provider, Wunan has tendered for the RJCP provider role in the Halls Creek region. Whether Wunan is successful in the tender or not, there would be significant potential for RJCP to complement Living Change.

Wunan has developed one possible employment opportunity – a fly-in, fly-out (FIFO) initiative for Aboriginal people in and around Halls Creek to access Pilbara employment options. The proposal is to conduct a 12 month trial to prepare, screen, train and support up to 40 job seekers to end up with 20 full-time FIFO workers. This trial would require dedicated flights to and from Halls Creek, and a full-time mentor to support workers on their return to community. Potential employers have said that the proposal is promising but unproven and risky without further feasibility work, suggesting that government or philanthropic support is required to prove the model works (or not).

In terms of employment opportunities supporting Living Change, Wunan recommends that both governments consider supporting a 12-month trial of a fly-in, fly-out initiative for job seekers in and around Halls Creek looking to work in the Pilbara.

Housing

Housing is a key enabler for Aboriginal people to take up education and employment opportunities: it is much easier to get to school or work if you've slept well in a quiet, uncrowded house. Perhaps less well recognised is the capacity for housing to provide an incentive for reinforcing individual and parental responsibility. This is the underpinning concept for transitional housing.

In partnership with Community Housing Ltd, Wunan has been managing forty transitional houses in Kununurra since July 2012. The houses were constructed by the Department of Housing using federal East Kimberley Development Package funds. To qualify for the houses, which operate at a small discount to market rent, a person or family must: be in employment; be sending their kids to school (attendance of 85 per cent or more); and agree to engage with support services, including money management. The goal is that after two years, residents either purchase the house or exit into the private housing market, having built up their financial skills and embedded responsibilities.

Wunan operates the Burraluba Yura Ngurra workers' hostel in Halls Creek on a similar basis, though residents there can be in either work or training. Both initiatives have proved popular, with a waiting list for transitional housing in Kununurra and the hostel at near capacity, revealing emerging demand for Aboriginal housing options outside the traditional community and public housing models.

Among East Kimberley towns, Halls Creek has one of the most distorted housing markets, with private housing comprising only 20 per cent of the market (about a third of the Kimberley-wide rate). Combined with the community sentiment on housing revealed through the consultation process, this distortion suggests the need for a major land release in Halls Creek focused on private housing options. As noted above, without a large housing investment in Halls Creek, the community will not support a housing responsibility being included in Living Change.

Wunan has modelled a "next stage" transitional housing option based on: the State Government meeting the cost of land release; most construction finance coming from social impact investors; innovative, lower-cost modular housing; using rent to fund support services; and transition to home ownership after two or three years providing investor returns. This is merely one option that could complement Living Change; another would be an initiative to repair and then transfer existing public housing to residents who meet community-agreed responsibilities and engage support services.

In terms of housing opportunities supporting Living Change, Wunan recommends that the State Government meet the cost of a major land release in Halls Creek for transitional housing and consider other options for correcting the distorted housing market in Halls Creek.

I. Introduction to the East Kimberley and Wunan

This chapter: depicts Indigenous disadvantage in the East Kimberley; introduces Wunan; and sets out Wunan's approach to enabling Aboriginal success in the region.

1.1 Aboriginal disadvantage in the East Kimberley

A region of vast beauty and remoteness, the East Kimberley is larger than Victoria but comprises just two shires (Halls Creek and Wyndham-East Kimberley) and has only 11,400 residents, half of whom are Aboriginal.[1] It is home to the World Heritage-listed Purnululu National Park, one of the world's largest diamond mines, a 300,000-year-old meteorite crater, Australia's largest man-made lake and some of the oldest continuing cultures in human history. Over the past five years, the population has grown at twice the national average,[2] spurred on by strong regional industries such as agriculture, construction, mining and tourism. There are many jobs available as a result of both high job turnover and economic growth.[3] Recently, there has been major government investment in the region via the East Kimberley Development Package ($195m over 2009-2011), Ord Expansion Project ($220m over 2009-2013) and Royalties for Regions (up to $59m in 2011-12 on top of the Ord investment).

In stark contrast to the region's natural endowment and burgeoning economic opportunities is the level of Aboriginal wellbeing. For example, the 2011 Census for the East Kimberley revealed:

- education—17.5 per cent of Aboriginal people had completed year 12 or equivalent, compared to 54 per cent of non-Aboriginal people, which is also the national rate
- employment—25 per cent of Aboriginal adults were in mainstream jobs with a further 7.5 per cent in Community Development Employment Projects (CDEP), compared to 87 per cent of non-Aboriginal adults and a national rate of 59 per cent
- housing—14 per cent of Aboriginal households had eight or more residents, compared to no non-Aboriginal households and a national rate of 0.3 per cent, and
- income—median personal income for Aboriginal adults is around $280 per week, compared to around $1050 for non-Aboriginal adults and the national median of $577.[4]

Snapshots from non-Census sources are no more promising:

- health—in Kununurra in 2008, the estimated diabetes prevalence rate in the 55 to 64 age bracket for the Aboriginal population was 48 per cent, compared to the national rate of eight per cent [5]
- life expectancy—the median age at death in 2010 for non-Aboriginal men in Western Australia was 78, compared to 52 for Aboriginal men,[6] noting that it is likely that the median age at death for Aboriginal men in the East Kimberley was even lower,[7] and
- offending—in December 2012, 108 adults in Kununurra were on a corrective services order: 88 were Aboriginal, while a third of the town population is Aboriginal, meaning that Aboriginal residents are nine times more likely than non-Aboriginal residents to be subject to an order.[8]

Moreover, there may be a silent crisis sweeping the region, based on soon-to-be-released research conducted through the Lililwan Project in Fitzroy Crossing on foetal alcohol spectrum disorders (FASD). FASD is an umbrella term to encompass the conditions that result from foetal exposure to alcohol, are associated with lifelong problems and are entirely preventable. The study seeks to

[1] Australian Bureau of Statistics, *Census* (2011): this is likely an undercount of the Aboriginal population
[2] Australian Bureau of Statistics, *Census* (2006 and 2011): 16% growth in East Kimberley, 8% growth nationally
[3] Wunan Foundation, *Real Jobs II* (March 2010)
[4] Australian Bureau of Statistics, *Census* (2011)
[5] Social Compass, *Baseline community profile – Kununurra* (April 2009)
[6] Australian Bureau of Statistics, *3302.0 Deaths* (2010)
[7] John Taylor, *Aboriginal population profiles for development planning in the Northern East Kimberley* (2003)
[8] Department of Corrective Services, Weekly Offender Statistics Report (December 2012)

determine the FASD prevalence rate among the 134 children born in Fitzroy Crossing in 2002 and 2003. An early report contains a prevalence rate of 50 per cent,[9] which is 180 times the rate estimated in 2000 for Indigenous children in the State.[10] If this is correct, there is good reason to believe that there will be similar rates for particular age brackets in other Kimberley communities.

Overlaying the discussion above is the continued tragedy of youth suicide across the Kimberley. The Kimberley Aboriginal Medical Services Council recorded 36 Aboriginal suicides in the Kimberley over the year to September 2011, a rate 182 times that in the non-Aboriginal population.[11] Over the past decade, Aboriginal suicides in the Kimberley have been the subject of several Coronial investigations and three Coronial inquests. It isn't clear that any progress is being made against this terrible scourge.

On the other hand, some progress is being made on Closing the Gap targets but the pace of change is unacceptably slow. For example, the percentage of Aboriginal people in the East Kimberley that have completed year 12 has risen from 7 per cent in 2001 to 17 per cent in 2011.[12] At this rate, it would take until 2034 to get to the 40 per cent level that is roughly equivalent to the Closing the Gap 2020 target on Year 12 achievement.[13] Similarly, the percentage of Aboriginal adults in mainstream jobs has increased from 13 per cent in 2001 to 25 per cent in 2011.[14] At this rate, it would take until 2032 to reach the 50 per cent level that is equivalent to the Closing the Gap 2018 employment target, despite an abundance of jobs in the region.[15]

In short, substantial action is required to accelerate the pace of improvement across the region and ensure that another generation of Aboriginal children in the East Kimberley is not afflicted by the low aspirations and expectations that have allowed the present conditions to prevail.

1.2 Wunan

Established in 1997, Wunan has been working to drive long-term socio-economic change to enable Aboriginal people in the East Kimberley to make positive choices that lead to fulfilling, independent lives—essentially, to have dreams and a fair chance at achieving them.[16] Wunan's board is comprised of Aboriginal leaders from the East Kimberley and an independent commercial director. Over the past 15 years, Wunan has built its capacity to effect change in the region by increasing its commercial asset base, developing a robust organization, and entering partnerships with communities, business and government. This capacity has enabled it to deliver many innovative and pragmatic initiatives to improve Aboriginal wellbeing, with the intent of shifting the balance of welfare dependence of Aboriginal people in the region from 80 per cent to 20 per cent.[17]

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[9] Russell Skelton, 'Grog hits Indigenous babies', *Sydney Morning Herald*, 12 November 2012

[10] Caroline Bower et al, 'Ascertainment of birth defects: the effect on completeness of adding a new source of data' *Journal of Paediatric Child Health* (2000) 36:574–6, which reported a rate of 2.76/1000 births.

[11] Pat Dudgeon et al, *Hear Our Voices* (March 2012) p. 28

[12] Australian Bureau of Statistics, *Census* (2001 and 2011)

[13] Currently, the national Year 12 completion rate is 54% and Indigenous completion rate is 28%: the target is to halve the gap by 2020 and so with no increase in the national rate, the Indigenous target would be 41%.

[14] Australian Bureau of Statistics, *Census* (2001 and 2011)

[15] Currently, 59% of Australian adults are in work and 42% of Indigenous adults are in work: the target is to halve the gap by 2018 and so with no increase in the national rate, the target would be 50%.

[16] This framework is underpinned by Amartya Sen's *Development as freedom* (1999) and the idea that "the basic concern … is with our capability to lead lives we have reason to value".

[17] This goal is derived from the work of John Taylor, *Ord Stage 2 and the socioeconomic status of Indigenous people in the East Kimberley region* (2008) p. 17, which found that 18.2% of Indigenous residents in the East Kimberley had mainstream jobs, compared with 84.3% of non-Indigenous residents. Wunan believes that the regional aspiration should be for those rates to be equal within one generation.

1.3 Wunan's approach to enabling Aboriginal success

Wunan believes that the path to success for Aboriginal people is to: invest in people's abilities; provide real opportunities in education, employment and housing; and encourage and reward aspiration and responsibility.

To date, business, government and not-for-profit providers attempting to enable Aboriginal success in the East Kimberley have focused on the first two elements: investing in people's abilities and providing real opportunities. For example, the East Kimberley Development Package contained significant education, health and housing investments intended to help people make the most of their abilities. As a complement, a key driver behind the Ord Expansion Project has been to provide real jobs for local people, with specific access for potential local Aboriginal workers.

These two foci are necessary but alone are not sufficient to enable Aboriginal success in the region. The missing element is a strong emphasis on aspiration and responsibility.

There has been some effort directed at lifting aspiration in East Kimberley and tackling the idea that "to be Aboriginal is to be poor". For example, the *Follow the Dream* program at Kununurra District High School and private school scholarships provide pathways for Aboriginal students with academic or sporting ability. Similarly, the annual National Aborigines and Islanders Day Observance Committee awards and biennial East Kimberley Aboriginal Achievement Awards celebrate Aboriginal excellence in the region. Nevertheless, more must be done to lift the expectations that Aborigines and non-Aborigines alike hold about Aboriginal individuals and families, and embed what Dr Chris Sarra describes as a high expectations relationship between Australia and Aboriginal Australia.

There have also been small steps toward entrenching notions of responsibility, the clearest example being the transitional housing component of the East Kimberley Development Package. To qualify for one of the forty new transitional houses in Kununurra that were finished earlier this year and which operate at a small discount to market rent, a person or family must: be in employment; be sending their children to school (attendance of 85 per cent or more); and agree to engage with support services, including money management. The goal is that after two years, residents either purchase the house or exit into the private housing market, having built up financial skills and embedded responsibilities. While program demand (nearly ninety applications so far) and strong early indicators on school and work attendance shows that there are Aboriginal people and families willing to commit to responsibilities tied to opportunities, there is more to be done on this front.

It is time to place more attention on responsibility. Amartya Sen wrote that: "there is no substitute for individual responsibility".[18] Wunan agrees with the sentiment but asserts more broadly that responsibility is required at three inter-related levels: individual, family and community. That is, while individual agency is critical, there is a key role for peer effects, collective action and positive social pressure. Wunan argues that aspiration works at the same three levels. The interaction between these levels is apparent if one considers how children build their own aspirations and notions of responsibility by observing family and community members, and how a person's behaviour is shaped by the expectations of those around them.

Parental responsibility is particularly important, not only for the example that it sets for children, but because it is essential in enabling children to develop their abilities. The influence of early childhood development on a child's life outcomes is well documented. If a parent drinks heavily during pregnancy, neglects a young child, fails to maintain a healthy home or does not support early education and school, the parent's actions can significantly diminish that child's capabilities and

[18] Amartya Sen, *Development as freedom* (1999)

agency in later life. The fact that a child cannot protect herself or himself from irresponsible parental behaviour provides a strong case for legitimate state involvement.

The absence of responsibility in East Kimberley communities is evidenced in binge drinking, domestic and other violence, drug taking, excessive gambling, the frequency of foetal alcohol spectrum disorders, the dilapidated state of housing and public spaces, the number of adults on the streets during the work day and the number of children on the streets late at night. This dysfunction and its consequences are borne out in every indicator of Indigenous wellbeing. For far too long, governments and communities have harboured low aspirations for and expectations of Aboriginal people, facilitating this dysfunction. For far too long, there has been a failure by some individuals to take responsibility for their actions, families to call its members to account and communities to take a stand against unacceptable behaviour and say "enough is enough".

Notable exceptions on the community front have been the alcohol restrictions in Fitzroy Crossing (West Kimberley) and Halls Creek (East Kimberley), and actions to instigate the Lililwan Project on foetal alcohol spectrum disorders in Fitzroy Crossing, all of which were driven by small groups of strong Aboriginal women. It is this sort of Aboriginal leadership that Wunan is seeking to catalyse through Living Change, and upon which any successful reform efforts in the Kimberley will rely.

Outside these examples, the dominant dysfunction in communities reveals the extent to which negative social norms (such as alcohol and drug abuse and child neglect) have prevailed over the positive social norms that exist elsewhere (such as respect for the rule of law, intolerance of violence and commitment to education), and responsibility has been replaced by dependence.[19]

Historically, these communities exhibited high levels of responsibility. Over millennia in some of Australia's harshest conditions, the ancestors of current East Kimberley Aborigines survived and prospered by maintaining highly disciplined and self-reliant family groups that cared for their country, moved with the seasons, looked after all group members and taught children to survive. The process of how norms broke down in this and other regions is the subject of substantial research on the effects of and interactions between: colonisation; dispossession; dislocation; racism; the policies of protection, assimilation and self-determination; pre-existing and adapted cultural practices; and the introduction of equal and land rights, alcohol and the welfare system.

In addressing current problems, one historical overhang is particularly important—the welfare system to which Aborigines became entitled after the overdue recognition of their full citizenship in the 1960s and on which many Aboriginal families became reliant after the Equal Wage Case in 1965 saw many Aboriginal stockmen lose their jobs. Since then, passive welfare and service solutions to emergent problems have driven a culture of dependency and "something for nothing". In this period, many Aboriginal families have come to see: welfare payments as a permanent income source, rather than a safety net; Community Development Employment Projects as a destination, rather than a stepping stone; and more services as the answer to all problems. These perspectives have corroded the motivation of and blunted the incentives for Aboriginal people in the East Kimberley to build their capabilities, take up opportunities and control their destiny.[20]

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[19] See for discussion of this phenomenon: Cape York Institute for Policy and Leadership, *From hand out to hand up – design recommendations* (May 2008) pp. 17-18

[20] This conclusion is consistent with evidence that welfare dependence: makes families more vulnerable to change; undermines parental self-esteem; is associated with a diminished sense of control over one's own life, a diminished capacity to cope with stress and an expectation of continuing dependence among family members; and increases the risk of child behavioural problems and failure at school. See: Anne Daly and Diane Smith, 'Reproducing exclusion or inclusion? Implications for the wellbeing of Indigenous Australian children' (2003) CAEPR Discussion Paper No. 253, p. 10.

The negative impacts of passive welfare and other historical factors have extended beyond participation in education and the mainstream economy to Aboriginal identity and culture, where culture is defined as the transmission between generations of beliefs and values manifested in distinctive customs and symbols.[21] Given social norms and cultural values have significant overlap, Wunan believes that the factors that have corrupted the transmission of positive social norms and responsibilities have similarly corrupted the transmission of traditional culture and its manifestations in art, dance, language, law, music, stories and other practices.[22]

On this basis, re-establishing a base of positive social norms and responsibilities will both enable more Aboriginal people to build their capabilities and take up available opportunities, and help redevelop a sense of positive Aboriginal identity and culture.

[21] Alfred Dockery, 'Culture and wellbeing: the case of Indigenous Australians', *Social Indicators Research* (2010) 99: 315-322

[22] Research based on the 2002 National Aboriginal and Torres Strait Islander Social Survey shows positive correlations between cultural attachment and education/employment outcomes. Though the causal direction is not clear, the research is consistent with the idea that positive social norms and traditional cultural practices are transmitted together, and a breakdown in the transmission of one means a breakdown in the transmission of the other. See: Alfred Dockery, 'Cultural dimensions of Indigenous participation in education and training' (2009), available at: http://www.ncver.edu.au/publications/2174.html.

II. Introduction to Living Change

This chapter: describes Living Change's origins; details the theory underpinning Living Change; outlines how the initiative would work; and makes the case that now is the time for action.

2.1 Origins of Living Change

In recent years, Wunan has focused on designing and implementing education, employment and housing initiatives to support Aboriginal people in the East Kimberley to succeed. While several initiatives have been effective, Wunan's board sensed that there was something missing, and that its overall goals could not be achieved by focusing solely on increasing available opportunities for Aboriginal people in the region. Wunan's initiatives have always incorporated elements of aspiration and responsibility, but the board began to consider a more explicit agenda capable of promoting individual, parental and community responsibility.

From the middle of 2010, Wunan began to accelerate its work on this agenda with the support of corporate secondees through Jawun Indigenous Corporate Partnerships. One of the early Jawun projects was to facilitate a trip by East Kimberley leaders to Cape York, Queensland to experience the welfare reform trials that have been operating since 2008 and which were based on several years of policy thinking by Noel Pearson-led institutions in that region. This trip helped solidify the experience of an earlier Wunan visit to Cape York and idea that there was more that could be done in Indigenous communities to re-establish the core notion of responsibility.

In early 2011, Wunan began to develop the initiative now known as Living Change, with strong support from Jawun secondees. The idea was to develop a responsibility framework for the East Kimberley, taking into account the region's unique economic, cultural and social conditions. Wunan's vision was to be a catalyst for change by designing a model that could be adopted and adapted by any community in the region that wanted to take difficult but positive steps to tackle the cycle of dysfunction that is driven by the absence of responsibility, and so enable Aboriginal success.

At this stage, Wunan has been funded by the Australian Government and State Government to report on the feasibility of implementing Living Change in one East Kimberley community: Halls Creek. However, this chapter describes Living Change as a general model that could be applied (with appropriate community consultation and adaptation) across the East Kimberley—and maybe beyond. Chapters 5, 6 and 7 discuss how Living Change could be implemented in Halls Creek.

2.2 Theory of change

In seeking to influence a community-wide change in norms and responsibilities, Wunan has focused on social psychology literature and how people's behaviours are influenced by others. In particular, Wunan has considered the role of social identity, which holds that people identify both as individuals and members of a "group" (as defined by that person).[23] The more that a person identifies with the group and thinks it important, the more likely the person is to act in line with the group's norms.

It is not possible simply to change social norms: the group needs to agree a different understanding of "who we are" and "what we do". For a group to achieve a new identity, group leaders must lead a process to redefine, clarify and communicate the group's purpose and rules. This may require a shift in focus from "what we do now" to "what we ought to do". For success, leaders need to ensure broad participation, build consensus on the changes and communicate the changes in a way that positively differentiates the group. In negotiating the changes, it may be necessary to create new

[23] Kate Reynolds and Emma Thomas, 'Understanding social norm change and social norm measurement: a social psychological perspective' (2008)

structures and processes, work directly with sub-groups that may undermine a broader sense of identity and promote sub-groups whose sense of identity is desirable for the entire group.

Once the changes are in place, a leader or institution can seek to *persuade* group members to act in line with the new norms, the success of which will turn on the strength of the person's identification with the group.[24] If this is unsuccessful, an institution can appeal to its *authority*, in which case success will turn on the extent to which the person accepts the institution as legitimate. The last resort is for the institution to seek to *control* behaviour through conditional rewards or sanctions; the effectiveness of this approach will depend on what conditions the institution can impose.

Using this model, Wunan sees the steps for re-establishing positive norms and responsibilities as being to:

1. define the relevant group
2. ask group members to determine and agree "what we ought to do"
3. establish a process for clearly communicating "what we ought to do"
4. identify and celebrate sub-groups who already doing those things
5. ask members of those sub-groups to lead a process of redefining the group and its behaviour
6. set up a panel that allows those members to exercise leadership
7. introduce a fair and consistent process for panel members to meet with group members who are not meeting the desired behaviour, to seek to persuade those group members to do so
8. provide incentives for group members who meet the desired behaviour
9. ensure that the community can support group members who want to meet the desired norms but are not yet consistently doing so, and
10. enable the panel to place restrictions on or penalise group members who have met the panel, have not been persuaded to change their behaviour and continue not to meet the norms.

The next part explains how Wunan proposes to translate this theory into practice.

2.3 Living Change model

Underpinned by its theory of change and the FRC experience in Queensland, Wunan has developed Living Change as a community-led, place-based response to enabling Aboriginal success. It has two core components:

1. Aboriginal leaders driving the re-establishment of individual and parental responsibility as a base for cultural, economic and social renewal, and
2. business, government and the not-for-profit sector ensuring access to high standard opportunities in education, employment and housing for responsible families and communities committed to difficult social change.

This part addresses the initial question about group identification before describing each component of the general Living Change model.

Group identification

In considering how to influence social norm change in the East Kimberley, Wunan considered two options for defining the relevant groups. One is based on geography, the other is based on cultural or language groups. In some cases (e.g. communities such as Warmun), there may be significant or complete overlap between the options. In other cases (e.g. towns such as Kununurra or Halls Creek), there may be significant tension between the options.

[24] John Turner, 'Explaining the nature of power: A three-process theory', *European Journal of Social Psychology* (2005) 35: 1-22

Wunan recommends grouping on a geographical basis for several reasons. First, prevalent norms tend to reflect historical, location-specific factors such as the availability of alcohol, education and employment. Second, there can be disagreement about the composition of cultural groups and is not a strict delineation due to intermarriage between groups. Finally, cultural grouping cannot comprise the region's entire population (as it does not include non-Aboriginal people or Aboriginal people from other regions; both groups are critical in re-establishing positive norms).

There is also a question of scale. Wunan considers that the initial threshold for the model is 100 people, meaning that there are nine potential sites in the East Kimberley: Kununurra, Kalumbaru, Wyndham, Warmun, Halls Creek, Ringer Soak, Billiluna, Balgo and Mulan. Challenges in identifying on this basis include that there is: a boundary definition issue for several sites (such as whether nearby outstations are part of the community); much movement between communities; and not a strong group identity in each community, particularly the towns. At this stage, Wunan proposes to address these issues on a community-by-community basis, starting with Halls Creek. If Living Change is implemented on a wider basis, Wunan would address the issues on that basis.

Responsibility

Establishing and communicating a set of responsibilities

The first step in the responsibility component is for the community to agree the responsibilities, which should: set high expectations; be realistic and achievable; be positively correlated with improved personal and community wellbeing; and have a clear, measurable "trigger". The first three criteria are self-explanatory; the last criterion is pragmatic: the model will not work if community members are asked to monitor and report on each other. Instead, Wunan proposes that responsibilities be monitored through existing mechanisms such as schools and courts.

Since it began considering Living Change in late 2010, Wunan has been discussing with Halls Creek community members what responsibilities the community values. Against the above criteria and based on initial conversations with the Wunan board members and community members, Wunan has tested the following responsibilities:

1. children attend school every day
2. children and those who are vulnerable are cared for and safe
3. capable adults participate in either training or work
4. people maintain their homes and pay their rent, and
5. people take personal responsibility and do not commit crimes.

Chapter 5 details how these responsibilities would operate in Halls Creek.

Wunan has not tested the following possible responsibilities (which have been suggested on the basis of existing data and observed dysfunction) for the reasons set out:

- Children are healthy—this responsibility is difficult to monitor, though it is possible to see if parents have taken children for a health check, as the Australian Government is requiring for four year olds as a condition for receiving Family Tax Benefit Part A ("Healthy Start for School" initiative). Wunan does not believe this one-off requirement is a robust indicator of negative behaviour and notes that health neglect in children can be picked up by the vulnerability norm.
- People do not engage in excessive or problem gambling—this responsibility is also difficult to monitor. While it is possible to establish a gambling offence, the only existing source of data for gambling behaviour that does not constitute an offence would be a counsellor's report. It would not be ethically appropriate to establish counsellor reports as a monitoring mechanism.
- People do not humbug each other—this responsibility could only be measured by reports from community members and so is not viable on the criteria.

However, it would be possible for the panel (with whom community members would meet) to use their local knowledge to address problems outside the specific responsibilities.

Once responsibilities are established, they need to be clearly and widely communicated in the community. One approach is a social marketing campaign to support the behaviour change process. Social marketing is the application of marketing techniques to effect behaviour change in response to an identified social problem. As with marketing, social marketing draws on fields such as psychology, sociology and anthropology to understand how to influence people's behaviour.

Australia has led the world in social marketing campaigns, particularly in health: Life. Be in it.; Slip! Slop! Slap!; the QUIT campaigns; and the "Grim Reaper" (HIV/AIDS). There is an existing campaign in the Kimberley designed to discourage Aboriginal mothers from drinking and smoking in pregnancy. While Wunan is only aware of health-related campaigns in Indigenous communities, it believes the techniques could be applied as part of Living Change to promote responsibilities through local branding, messages and symbols.

Establishing a panel of local leaders

The next step is to establish a new structure: a panel of leaders that can meet people who are not meeting community-agreed responsibilities, and support them to do so before serious dysfunction is entrenched. In the first instance, the panel would seek to understand the underlying reasons why a person is not meeting the responsibilities, and apply a person- or family-centred approach to bring in appropriate support services. If the person continues to not meet responsibilities or does not engage the relevant services, there must be a consequence (discussed further below). While taking account of individual circumstances, the panel's processes would need to be fair, consistent and transparent.

Any panel should be a legal body; the difficult question is whether it should be a government entity. If the answer is yes (as Wunan argues in chapter 5), a community can't simply seek this status; it requires either a Commonwealth executive decision or State legislation (which could then be used by any community that adopted the model). Flowing on from the decision on its status are questions about the panel's jurisdiction, governance, powers, liabilities, processes (including how it receives data and makes referrals), administration and relationship with State agencies and service providers. Wunan's recommendations on these issues as they pertain to Halls Creek are set out in chapter 5.

Any panel should include at least one legally qualified member who can advise on the legal framework; ideally, this would be a community member but that may not be possible. If the panel is a statutory entity, then as with the FRC, the person may be a retired judge or magistrate. Otherwise, the panel should include Aboriginal community members of different ages and backgrounds who meet the responsibilities and have the standing to positively influence others. Selection on this basis would increase the panel's effectiveness and promote a community-based decision-making model that increases community independence, respect and responsibility for tackling problems. Selection processes would likely vary between communities, depending on existing authority structures.

Panel processes should be integrated with existing processes around each responsibility. While the panel is not a first response, it is neither a substitute for service providers nor a place of last resort. For example, if a child has an unexplained absence from school in the Kimberley, an attendance officer visits the family to investigate. This process would remain but the parents would be referred to the panel after (say) three unexplained absences. At the other end, if panel powers are exhausted and the child is still not attending school, then the State Government has more serious options available, such as prosecution under the *School Education Act 1999* (WA). In this way, the panel complements and strengthens, rather than replaces existing mechanisms.

Ultimately, a panel would have the most chance of succeeding in changing community norms if it has real decision-making powers, contains strong community members with cultural knowledge, can refer community members to appropriate support services and integrates well with existing systems.

Ensuring appropriate support services in a case management model

For a panel to effectively support people to meet responsibilities, it must be able to access appropriate services, such as addiction counselling, mental health counselling, money management training and parenting skills training. So the third step in the responsibility component is to ensure that services in the community are: of sufficient quality and capacity to enable people to meet the responsibilities; consistent with the empowerment and responsibility ethos of Living Change; and culturally aligned and available in local languages where appropriate.

Service providers should be supported by case managers who can develop individual case plans for community members, assist them to engage with service providers, improve collaboration between providers, and advocate for community members with providers. A model of this type has generated good outcomes as the core element of the Strong Families initiative in Western Australia, for which DCP is the lead agency.[25] Case managers can both improve client outcomes and drive service provider accountability and so people may seek the assistance of case managers in navigating services (an option that can be built into the model).

There are many complaints in Indigenous communities (as in many regional and remote communities) about the availability and quality of government services. For most communities, it is difficult to test these complaints as output and outcomes data is either non-existent or of low quality.[26] Given government resource constraints and political factors, it is hard (and sometimes impossible) to have a "do over": that is, scrap a service and start again from scratch. As a result, Wunan believes that Indigenous communities and governments should focus on measuring existing provider performance and demand improvements from those providers, be willing to advocate for provider change if expectations are not being met. Living Change's introduction could provide communities and government with the impetus to pursue such an approach, and the panel and case management mechanisms could provide relevant information and an avenue for driving change.

Enabling the panel to recognise achievement and impose restrictions

The final part of the responsibility component is to enable the panel to:

1. recognise those community members who are meeting their responsibilities, and
2. place restrictions on members who have met the panel, have not been persuaded to change their behaviour and continue not to meet the community-agreed responsibilities.[27]

There are two aspects to recognition. One is to recognise community members who are already meeting the responsibilities, so as to highlight community strengths and role models. Second is to recognise community members who, having met the panel and followed a case plan, are now meeting their responsibilities. Recognition could be as significant as a referral into an educational, employment or housing opportunity (as discussed below) through to a simple community award or

[25] Rosemary Cant, Colin Penter and Darrell Henry, *Evaluation of the Strong Families program: stage three* (May 2007)

[26] For commentary in respect of Remote Service Delivery sites, see: Australian National Audit Office, *Australian Government Coordination Arrangements for Indigenous Programs*, ANAO Audit Report No. 8 2012-13.

[27] During the consultation process, Wunan referred to the panel's capacity to impose "sanctions", rather than "restrictions". Since then, Wunan has recognised that this was not a helpful characterisation, particularly in terms of income management being a useful tool to support families to make behavioural changes.

certificate.[28] Panel recognition could complement existing recognition processes, from school awards for attendance to recognition as part of the annual National Aborigines and Islanders Day Observance Committee awards.

At the other end of the spectrum, the panel must have the capacity to apply restrictions, to reinforce the panel's authority and legitimacy, and signal that there is a consequence for a continued failure to meet the responsibilities, particularly for those most resistant to change.

One restriction option is income management of Australian Government payments, whereby a percentage of payments are directed or quarantined to meet priority needs and assist recipients to manage their money. Income management takes different forms in the places in which it operates. Payment recipients in the Kimberley can already volunteer to have their payments income managed. Those recipients can also be required to have their payments income managed on the basis of a recommendation from DCP. A community panel could be empowered to require that payments be income managed for a defined period on the basis of a continued failure to meet the community-agreed responsibilities. The FRC has this ability. Income management orders could be adjusted or removed once a person is meeting the responsibilities.

Beyond income management, the other options for a panel include:

- Restricting a person from accessing a particular opportunity, such as new transitional housing—this option is discussed below.
- Issuing a reprimand—this option could carry symbolic weight in the community if the panel is viewed as having legitimate authority.
- Where continued non-compliance occurs, referring the matter back to the notifying agency for further action under the applicable legislation.
- A suspension or removal from the community—this would only be possible in communities where land is subject to the *Aboriginal Communities Act 1979* (WA), which enables an Aboriginal community to establish by-laws for decency, order and good conduct on that land.

Wunan also considered an option for the panel to vary, transfer, suspend or cancel payments. This option is discussed in chapter 5 in respect of Halls Creek but in general, Wunan believes that it would not be desirable for a panel attempting to support community members to become involved in suspending or cancelling payments. Similarly, Wunan considered community service orders and fines but believes that as these mechanisms are closely associated with the civil and criminal justice systems and have little or no connection to improving wellbeing, it would not be desirable for a community panel to utilise these options.

If a panel's only response to non-compliance with responsibilities is income management, it may appear that community-agreed responsibilities are only applied to people who receive government payments. There are several points to note here. First, there are existing, universal mechanisms for each responsibility; the panel is intended to strengthen those mechanisms and address them in a holistic and community-driven manner. Second, many people in the East Kimberley receive some form of payment. Third, where the Australian Government makes payments for a particular purpose, it is reasonable to attach conditions to those payments to try and ensure that the payments are used for the specified purpose. Finally, Wunan's theory of dysfunction (set out in the previous chapter) posits that the most dysfunctional people in a community are likely to be those who are welfare dependent, so it would be reasonable to place a greater emphasis on this group.

[28] On how small incentives can influence behaviour change, see: Greg McKeown, 'Can we reverse the Stanford prison experiment', available at: http://blogs.hbr.org/cs/2012/06/can_we_reverse_the_stanford_pr.html.

Nevertheless, this sentiment emphasises why a responsibilities component is not sufficient and must be complemented by high-standard opportunities that are open to everyone who meets the community-agreed responsibilities. It also reflects why the panel should have a role in recognising people who are meeting the community-agreed responsibilities.

Opportunity

As set out above, business, government and not-for-profit providers are already putting significant emphasis on increasing the opportunities that are available in the East Kimberley. Wunan proposes that as part of Living Change, stakeholders seek to leverage existing and future opportunities to:

1. encourage families to meet their responsibilities, and
2. reward communities that take on difficult social change.

On the first aim, Wunan believes it is fair to only make some opportunities available to people who are meeting their responsibilities, to signal that there are consequences for behaviours.
This principle is not appropriate for core needs: for example, most people would think that it is unethical to deny access to public housing to someone who needs it but whose children are not always at school. On the other hand, most people would accept a school's decision to only allow students with a certain level of attendance to participate in a school excursion. That is, the principle seems appropriate where the provision of an opportunity is discretionary.

On the second aim, while the main basis for government resource allocation is need, once basic needs are met, governments consider other factors such as the local capacity to utilise funds, level of community support for a project and availability of co-investment. Wunan argues that to support change in the East Kimberley, governments making decisions at the margin about further investments should favour communities committed to difficult social change (e.g. Halls Creek if it adopts Living Change) over those that are not so committed. The core idea is that such an approach can help create a competitive dynamic between communities to improve.

Wunan believes that it is reasonable for governments taking a decision to invest in a community to ask the community to reciprocate by taking certain actions. So, for example, the State Government could announce that it was going to build a new school in a community, but only once the community had sustained a school attendance of 85 per cent for two years. In this way, opportunities are not a reward for responsibility, but responsibility is a pre-condition for investment. This was the basic philosophy behind shared responsibility agreements (SRAs) in the COAG Indigenous trials. Evaluators found that most SRAs contained either too many goals or goals that were too ambitious given a two year timeframe.[29] However, as SRAs were being phased out, evaluators noted a change of approach that linked individual benefit with individual behaviour change, rather than community benefit with individual behaviour change.[30]

Consistent with its philosophy that responsibility is required at the individual, family and community levels, Wunan believes that opportunities embedded with responsibilities should be provided at all three levels, consistent with a long-term change strategy in the relevant community. Opportunities may be provided by business, government or not-for-profit providers: the key feature is that opportunities reward aspiration, independence and responsibility. The best existing example of such an initiative is transitional housing, which is described in detail in chapter 6.

[29] Morgan Disney, *Synopsis review of the COAG trial evaluations* (November 2006) p. 30
[30] Morgan Disney, *Implementation review of shared responsibility agreements: Don't let's lose another good idea* (July 2007) p. 12

2.4 Time for action

Wunan argues that the time for action on a model such as Living Change is now, for four reasons.

First, the older generation of Aborigines in the region are coming to the end of their lives, often hastened by chronic diabetes and cardiovascular diseases. This group is the only direct connection to the era prior to the Equal Wages Case and introduction of welfare and access to alcohol. They remember when there were more Aboriginal people in work (even if they were poorly paid), Aboriginal culture was stronger and there was little of the dysfunction that is prevalent today. Their memory reminds everyone that there is no good reason why Aboriginal people can't rebuild themselves to proudly walk in both worlds. As this group becomes smaller, Wunan believes that the chances to entrench a new direction for East Kimberley Aborigines will diminish.

Second, the younger generation of Aborigines in the region is growing rapidly. 55 per cent of the Aboriginal population in the East Kimberley is under 25, compared to 33 per cent in the overall Western Australian population.[31] A quarter of the Indigenous population in the region is aged under 10 years old.[32] If action is taken now to increase the education and health of young Aborigines in the region, the birth rate is likely to decrease,[33] and there could in a few years be a low dependency ratio in the Aboriginal population (if it is considered as a standalone population).[34] That period could be like the "demographic dividend" experienced in many developing countries over the past half-century, in which dramatic declines in the dependency ratio have helped drive economic booms in East Asia, Ireland and China. Combined with effective policies, that period could see smaller families, rising income and increased life expectancy. The opposite possibility is that ineffective policies will see a large proportion of the population put at risk of prolonged dependency.[35]

Third, liquor restrictions in the Kimberley have (at least in some communities) halted an inexorable decline and provide a window of opportunity to enable Aboriginal success.[36] As set out above, the restrictions will likely lose their impact over time unless further positive initiatives are pursued.

Finally, this is a time of burgeoning economic opportunities in the East Kimberley and its neighbouring regions to the west (the West Kimberley) and south (the Pilbara), with a high emphasis being placed in mining and other projects on Indigenous employment. There is an unparalleled opportunity in the north-west of Western Australia to train and transition into employment record numbers of Aborigines from within and outside the region.

These factors suggest that it is time for a dedicated, multi-year drive from business, communities, government and not-for-profit providers to turn around Indigenous wellbeing in the East Kimberley. Wunan believes that Living Change should be a key part of this drive.

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[31] Australian Bureau of Statistics, *Census* (2011)

[32] Ibid

[33] Evidence from international development indicates that the more education a women receives, the more likely she is to choose to have less children and have them later in life.

[34] The ratio of those typically not the in workforce (people aged 0 to 14 and 65 plus) to those typically in the workforce (people aged 15 to 64). A low ratio indicates a high percentage of the population is working age.

[35] John Taylor, 'Demography as destiny: schooling, work and Aboriginal population change at Wadeye' (2010) CAEPR Working Paper No. 64

[36] Education and Health Committee, Western Australia Legislative Assembly, *Alcohol restrictions in the Kimberley: A 'window of opportunity' for improved health, education, housing and employment* (2011).

III. Halls Creek

This chapter provides some background information on the town of Halls Creek, describes how the community is faring in key areas of wellbeing and discusses some of the strategies that are in place to improve community wellbeing.

3.1 Background

Covering more than 142,000km^2 of desert and pastoral country on the edges of the Great Sandy Desert and Tanami Desert, the Shire of Halls Creek has about 3,560 residents spread across the town of Halls Creek and sixty-five Aboriginal communities.[37] It has the youngest population of any shire in Western Australia with a median age of 26 years; the State median is 36 years.[38] In 2006, the Shire was classified as the most disadvantaged local government area in the State.[39]

The town is 362km south of Kununurra, 1288km south-west of Darwin and 2873km north-east of Perth and was founded in 1885 after the discovery of gold by Charlie Hall. Halls Creek remained at its original site (15km east of the current location) until the airfield was built in 1948, which resulted in the re-routing of the Great Northern Highway and town's relocation. Prior to the relocation, Halls Creek was a trading centre for surrounding cattle stations, Aboriginal communities and miners.

Today, about 1,450 residents live in the town, 75 per cent of whom are Aboriginal.[40] English is the most common language spoken at home for 70 per cent of residents, followed by Aboriginal languages at 28 per cent of residents.[41] The main Aboriginal languages spoken are Jaru, Kija, Kriol and Gooniyandi; few speakers of Walmajarri, Kukatja, Wanyjirra and Ngardi remain.[42]

Halls Creek remains a busy service town for pastoralists and Aboriginal communities, and sustains a strong tourism market that is buoyed by the town's proximity to the World Heritage-listed Purnululu National Park, Wolfe Creek Crater and Canning Stock Route.

3.2 Current environment

In 2006, Steve Pennells wrote a series of articles in *The West Australian* about the parlous state of Halls Creek, with a focus on alcohol, child and sexual abuse. This centred attention on the town's problems in a way that had probably not occurred since town riots in 1996 and triggered a major debate in the Western Australian Parliament about the appropriate government response.[43] Several initiatives were adopted in subsequent years (including the Operation Barnham crackdown on child sex abuse in 2007) before in May 2009, the Director of Liquor Licensing introduced liquor restrictions prohibiting the sale of packaged liquor with an alcohol content greater than 2.7 per cent in the town. Similar restrictions had just been established in Fitzroy Crossing. At that time, there was increasing concern about the prevalence of foetal alcohol spectrum disorders and alcohol-related dysfunction.

Part 3.3 provides greater detail about the outcomes of the restrictions, but it is widely acknowledged that the town has stopped the downward trajectory that was evident prior to 2009. While the restrictions were a good start, the town's Aboriginal population continues to face serious economic

[37] Australian Bureau of Statistics, *Census* (2011)
[38] Ibid
[39] Australian Bureau of Statistics, *Socio-economic indexes for areas* (2006)
[40] Australian Bureau of Statistics, *Census* (2011)
[41] Ibid
[42] Social Compass, *Baseline community profile – Halls Creek* (April 2009)
[43] See: Western Australia, *Parliamentary debates*, Legislative Assembly (28 March 2006) pp. 787-806

and social problems, and Wunan expects that the positive effects of the restrictions will diminish over time if there is no agenda for further positive social change. Reflective of the critical conditions faced in Halls Creek was its selection in 2009 as one of the twenty-nine Council of Australian Governments (COAG) Remote Service Delivery (RSD) sites. Below are some key indicators of Aboriginal wellbeing in Halls Creek that highlight the need for further positive change.

Education

There are two schools in Halls Creek:

- Halls Creek District High School, which had 374 students from K-12 in 2nd semester 2012, of whom 96 per cent were Aboriginal,[44] and
- Warlawurru Catholic School, which had 66 students from K-7 in 2011, of whom 85 per cent were Indigenous students.[45]

The High School's primary school attendance data since 2008 (in percentages):[46]

	2008	2009	2010	2011	2012
High School	70.6	68.7	73.5	68.7	62.8
State average	92.6	92.9	92.9	92.7	92.3

The High School's secondary school attendance data since 2008 (in percentages):

	2008	2009	2010	2011	2012
High School	71.3	58.4	53.9	56.2	38.4
State average	87.6	87.7	87.6	87.5	87.7

These figures show that school attendance at the High School is trending down from already low levels and that this year has seen particularly poor attendance. At the Catholic School, attendance was 64 per cent in 2011, down from 73 per cent in 2010 but up from 59 per cent in 2008 (noting that 2012 figures are not yet available).[47]

It is almost certain that poor attendance is a contributing factor to both schools' numeracy and literacy results, which are poor relative to both the national average and averages at statistically similar schools. For example, the High School's NAPLAN reading results were lower than the results for all similar schools for all age categories in 2010 and 2011.[48] This was not simply a matter of low starting points: student gains in reading results were lower for all age categories in 2010 and 2011 than gains for students with the same starting scores.[49] While NAPLAN results are not a definitive indicator of school performance, they are a reasonable proxy.

Similarly, it is likely that poor attendance over many years is related to the low rates of high school completion in Halls Creek. In town, only 16 per cent of the Indigenous population has completed high school, compared to 59 per cent of the non-Indigenous population and 54 per cent nation-wide.[50] While this is a small improvement on the 11 per cent of the Indigenous population that had completed high school in 2001, the impact of this low level of educational attainment is being borne out in employment, health and justice statistics for the region.

[44] Department of Education, Schools Online, http://www.det.wa.edu.au/schoolsonline/home.do.
[45] Australian Curriculum, Assessment and Reporting Authority, My School, http://www.myschool.edu.au.
[46] Schools Online, n. 44
[47] My School, n. 45
[48] Ibid
[49] Ibid
[50] Australian Bureau of Statistics, *Census* (2011)

Poor school attendance is not simply a "school problem": it is a problem that impacts upon and must be tackled by families and the broader community. The school system can address factors that "pull" students to school, such as school amenity, transport availability, teaching quality, program variety and cultural appropriateness. However, families and the community must address factors that "push" students to school, such as strong parenting and zero tolerance for unexplained student absences. It is ultimately each parent's responsibility that their children attend school every day, unless the child is unwell.

Two common comments about the school during Living Change consultations were that the school had a bullying problem that was contributing to children not attending school and was disconnected from the community.

Employment and income

For Halls Creek, the 2011 Census showed non-CDEP employment among Aboriginal adults of 20 per cent, compared to 88 per cent for non-Aboriginal adults and 58 per cent nation-wide.[51] A further five per cent of Aboriginal adults were participating in CDEP, while 12 per cent were unemployed, meaning overall labour force participation of just 37 per cent. The median personal income for Aboriginal adults was between $260 and $300 per week, compared to about $1,000 for non-Aboriginal adults and $580 nation-wide.

The combination of the low labour force participation and median personal income figures reveals that the median Aboriginal adult in Halls Creek is reliant on government payments. This conclusion is consistent with 2009 data that 55 per cent of Shire families are low-income and welfare dependent (with 61 per cent of children in the Shire coming from those families).[52] It is the transmission of low expectations from parents to children in these families that must be broken to ensure that Aboriginal youth in Halls Creek take up available training and jobs.

The extremely high rate of non-Aboriginal employment in the town suggests that there is sufficient economic activity to sustain strong rates of Aboriginal employment if action can be taken to address literacy and numeracy, job-specific training and incentives to work. There are also job options on nearby stations and at Argyle Diamond Mine, Ridges Iron Ore Mine and Savannah Nickel Mine. For those willing to travel around the region, there are many job opportunities.[53] A key challenge for the Remote Jobs and Communities Program provider starting on 1 July 2013 will be to ensure that job seekers are aware of, and pursuing training matched to, available jobs in the town and region.

During consultations, most respondents recognised the need for capable adults to be in work or in training, ranking it as the second most important responsibility after education.

Housing

Housing is consistently identified as a serious issue in Halls Creek: for example the *Halls Creek Shire Community Strategy 2008-2018* described an "acute housing shortage" of 200 houses. That strategy highlighted issues of quantity, quality, suitability and affordability, noting that overcrowding and substandard facilities compound health and social issues for many Aboriginal families. It also noted that the shortage of housing made it difficult for businesses and agencies to fill job vacancies.

[51] Australian Bureau of Statistics, *Census* (2011)

[52] Public Health Information Development Unit, *Social health atlas of Australia: Western Australia, data by local government area* (October 2012)

[53] For example, see: Wunan Foundation, *Real jobs II* (March 2010).

For Halls Creek, the 2011 Census showed the average number of people per Aboriginal household at 4.5, compared to just under two for non-Aboriginal households, 3.3 for Indigenous households nation-wide and 2.6 overall nation-wide.[54] Fifteen per cent of Aboriginal households had eight or more residents, compared to no non-Aboriginal households and 0.3 per cent nation-wide. About 45 per cent of Aboriginal households had at least two more residents than bedrooms, compared to no non-Aboriginal households and six per cent nation-wide.[55]

In Halls Creek, 90 per cent of Aboriginal residents are in either public or community housing, and there is no private rental market (all residents either own their home or live in public, community or employer-supplied housing).[56] The housing market is more distorted than in other Kimberley towns and creates perverse job incentives: a person stays in the same public or community house whether or not they take a job, and there are few, if any, private market options for those with a job.

During the Living Change consultations, respondents frequently complained about the availability and state of housing, leading to 75 per cent of respondents saying that housing should not be a community-agreed responsibility until the quality and quantity of housing improved.

Health

Health data by Indigenous status at the town level is not widely available, but indicators for the Shire provide some idea about health in and around the town. For example, in the Shire for 2003 to 2007:

- the median age at death was 58 years, compared to 79 years nation-wide
- the average annual infant death rate was 17.8 deaths per 1,000 live births (about the rate in Syria), compared to a nation-wide rate of 4.7 deaths
- the child mortality rate was 283 deaths per 100,000 children, compared to a nation-wide rate of 112 deaths, making it the fifth-worst shire in the State, and
- residents aged 0 to 74 were five times as likely as the average Australian to die from a preventable death, making it the worst shire in the State, and three times as likely as the average Australian to commit suicide, making it the second-worst shire in the State.[57]

In addition for the Shire:

- for 2006 to 2008, nearly 60 per cent of women smoked during pregnancy and 16.3 per cent of babies had low birth weight, making it the worst shire in the State on these measures, and
- 39 per cent of children in 2009 were developmentally vulnerable on two or more domains under the Australian Early Development Index, compared to 12 per cent nation-wide, making it the fourth-worst shire in the State.[58]

As discussed in chapter 1, the Lililwan Project research on the prevalence of foetal alcohol spectrum disorders in Fitzroy Crossing has potentially profound implications for child health and development in many Kimberley communities, including Halls Creek.

Child protection

Concerns about child abuse were a primary driver of the attention Halls Creek received in 2006. Anecdotally, those concerns have substantially subsided since then, though there appears to be no publicly available data that would allow Halls Creek to be bench-marked against other towns.[59]

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[54] Australian Bureau of Statistics, *Census* (2011)
[55] This figure is a proxy for overcrowding.
[56] Australian Bureau of Statistics, *Census* (2011)
[57] *Social health atlas*, above n. 52
[58] Ibid

In Halls Creek, DCP has two permanent officers. Over the past three years, 277 reports have been filed with DCP on allegations of child abuse or neglect. From those reports, 153 matters required further investigation, which ultimately resulted in the Children's Court making 40 child protection orders of various kinds. The remaining 124 matters did not meet the legal threshold for investigation, however, nine matters were referred to child-centred family support, 30 matters were referred to family support and 85 matters required no further action.[60]

As discussed in chapter 2, DCP operates the Strong Families program that uses case management on a voluntary basis to assist families to address complex, related challenges such as domestic violence, school absenteeism and financial stress. The program relies on agencies sharing information with each other and the client in a safe and non-confrontational environment premised on client consent. Across the East Kimberley since the program commenced in 2005, 125 families have participated in it.[61] There are currently fewer than ten families in Halls Creek participating in the program.

Crime

Since alcohol restrictions began in May 2009, reported crime in Halls Creek has been steadily declining, with charges finalised in the Magistrates Court decreasing from 1332 charges in 2009 to 909 charges in 2011.[62] Over that period, the number of violence restraining orders has changed little with 31 orders in 2009, 29 in 2010 and 32 in 2011 (domestic violence is significantly under-reported). Police report that the most significant law enforcement issues are alcohol-related assaults, domestic violence, burglary, theft and graffiti. Youth crime is a major concern for police and the community.

3.3 Existing strategies for change

There are a number of existing strategies to improve community wellbeing in Halls Creek.

National strategy—Closing the Gap

The overarching national strategy for tackling Indigenous disadvantage is *Closing the Gap*, set out in the COAG National Indigenous Reform Agreement in 2008. It sets targets to close or halve gaps in: life-expectancy; mortality rates; early childhood education access; reading, writing and numeracy; year 12 attainment; and employment. Underpinning the targets are: the building blocks of early childhood, schooling, health, economic participation, healthy homes, safe communities and governance & leadership; and national partnerships on remote service delivery and public internet access, and Indigenous early childhood development, economic participation, health and housing.

State strategies

There is no high-level State strategy for enabling Aboriginal success, though the overall approach is led by the Aboriginal Affairs Coordinating Committee, which is comprised of all relevant Directors General. Several recent State reports emphasise the importance of collaboration, capacity building, local governance and local responsibility in remote Aboriginal communities. For example:

- In 2002, the State Government response to the Gordon Inquiry into family violence and child abuse in Aboriginal communities encouraged agencies "to adopt a community development philosophy and capacity building approach when working with Aboriginal … communities" and agreed that communities should be actively involved in identifying their needs and priorities.[63]

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[59] There may be undesirable community stigma attached to public data release. However, it is not clear from Wunan's conversations with DCP that comparable internal data is kept, either.

[60] Data provided by DCP, 18 June 2012

[61] Data provided by DCP, 28 March 2012

[62] Data provided by the Department of the Attorney-General, 2 April 2012

[63] Government of Western Australia, *Putting people first* (2002) pp. 8, 25

- In February 2008, the State Coroner's investigation into 22 deaths in the Kimberley identified that for significant improvements in wellbeing, "Aboriginal people will have to assume greater responsibility for their own welfare … particularly in areas such as – adequately maintaining public housing provided; encouraging children to go to school; taking advantage of training and employment opportunities; and improving hygiene in their own communities".[64]
- In May 2008, the Legislative Assembly's Education and Health Committee noted that "effective effort [in Indigenous affairs] from governments and industry requires a framework of new regional governance structures, inside of which the Indigenous community can find real voice. Structures that devolve responsibility and authority and are accountable can and will work".[65]
- In July 2008, the State Coroner's investigation into five deaths in Oombulgurri noted that if "the community is to be truly sustainable there needs to be an increasing acceptance of responsibility by the people of that community for their own welfare and a willingness to participate in the tasks necessary to promote wellbeing".[66]
- In February 2011, the Western Australian Indigenous Implementation Board promoted "the need for Aboriginal people to pursue regional governance for themselves" and considered that "the maintenance of social order as a basis for cultural sustainability should be the prime responsibility for leaders with cultural and family authority".[67]

Local strategies

Alcohol restrictions

Alcohol restrictions have existed in Halls Creek since 1992. Since that time, the licensing authority has made ten separate decisions with respect to various restrictions. As discussed above, further restrictions were introduced to Halls Creek on 18 May 2009 in an effort to combat continuing alcohol-related harm. The Director of Liquor Licensing deemed that it was in the public interest to introduce restrictions on liquor licenses held by the Kimberley Hotel and Halls Creek Store that effectively limits those premises to selling only low-strength beer for consumption off the premises.

An evaluation in November 2011 of the first two years after the restrictions found that:
- police callouts decreased by half
- alcohol-related assaults decreased from 243 in the year prior to the restrictions to 156 in the first year, and 86 in the second year
- alcohol-related presentations to the emergency department fell by 34 per cent in the first year and a further 46 per cent in the second year
- triage category 4 presentations decreased by 61 per cent and triage category 5 presentations decreased by 68 per cent, and
- admissions to the sobering up facility in the first year fell by 70 per cent (it only operated for 10 months of the second year, with admissions falling further again).[68]

[64] Record of Investigation into Death, Ref no: 37/07 (2008) p. 58

[65] Education and Health Committee, Legislative Assembly of Western Australia, *Ways forward beyond the blame game: some successful initiatives in remote Indigenous communities in WA* (2008) p. x

[66] Record of Investigation into Death, Oombulgurri Community, Ref no: 13/08 (2008), p. 44

[67] Indigenous Implementation Board, *Report to the Hon. Peter Collier, Minister for Indigenous Affairs* (2011), pp. 75, 109. Its conclusions reinforced the Harvard Project on American Indian Economic Development research into "what works" to promote social and economic development in American Indian nations, with its focus on local sovereignty, capable institutions, cultural legitimacy and reforming leadership.

[68] Drug and Alcohol Office, *The impact of liquor restrictions in Halls Creek: quantitative data 24 month review* (November 2011)

Overall, the liquor restrictions have helped reduce alcohol-related harm. During evaluation, community members noted a change in the community that brought positive health and social benefits.[69] While initially there was a section of the community who advocated for the removal of the restrictions, this is no longer apparent. The restrictions are now in place indefinitely, and will be reviewed on a regular basis to ensure that they remain effective and appropriate.

In 2011, the *Liquor Control Act 1988* (WA) was amended to allow a person to apply for their residence to be declared liquor free. As at November 2012, there are no liquor-restricted residences in Halls Creek, but there are such residences in other parts of the East Kimberley.

Income management

Income management already applies in Halls Creek in two forms: voluntary income management (VIM); and child protection scheme of income management (CPSIM):

- Under VIM, payment recipients may request Centrelink redirect 50 per cent of their payments to meet priority needs such as food, housing and health; the recipient can use the balance for any purpose. The recipient must remain on VIM for 13 weeks but can then opt out. Recipients are eligible to receive $250 for each period of 26 consecutive weeks that they remain on VIM.
- Under CPSIM, DCP can request that Centrelink manage 70 per cent of a recipient's payments for between 3 and 12 months if DCP determines it is in the best interests of the children and family.
- Under both regimes, the income managed person is referred to financial support services to assist them in improving budgeting skills and financial literacy.

An evaluation of how the models operated in Western Australia was completed in September 2010.[70] Among other things, the evaluation revealed that:

- up to 30 April 2010, here had been 1,131 clients across WA: 803 in VIM and 328 in CPSIM
- in the Kimberley, most clients were on VIM (66 per cent) rather than CPSIM (34 per cent), and
- the schemes had had a generally positive impact on the wellbeing of children, individuals and families and on family relationships (less humbugging, less tension).

Despite the positive outcomes, the evaluation noted that:

- there was a concern that clients might become dependent on income management
- clients had a limited understanding of the purpose of CPSIM and features of VIM
- there was a low uptake of financial counselling (31 per cent of CPSIM clients; 14 per cent of VIM clients), and
- there was a lack of understanding of the benefits of such counselling or money management.

Halls Creek Community Strategy 2008-2018

The Shire developed the strategy as a response to Prime Minister Rudd's apology to the stolen generation and the Australian Government's subsequent *Closing the Gap* commitment. During 2012, the Shire commenced a process to update the strategy.[71] The strategy starts with a vision statement:

> In the year 2018, Halls Creek will be nationally known and respected for the way it has built upon its human, cultural, environmental and locational assets to create a prosperous, caring, safe, inclusive and proactive community. It will provide a strong sense of civic participation, responsibility and pride; a vibrant and diverse economy and employment base; and a healthy quality of life for all residents.

[69] University of Notre Dame, *Halls Creek alcohol restriction report* (December 2010)

[70] Orima Research, *Evaluation of the Child Protection Scheme of Income Management and Voluntary Income Management Measures in Western Australia* (September 2010)

[71] A draft strategy has been released for comment by the end of January 2013.

It sets out nine guiding principles, including social inclusiveness, community participation, access and equity, mutual responsibility, and partnership and collaboration, and 83 actions across 14 strategy areas, including education, employment, housing, leadership and safe living.

Local implementation plan

As an RSD site, Halls Creek undertook community consultations resulting in a local implementation plan aimed at meeting Closing the Gap targets. The plan was signed on 27 October 2010 and is a continuation of the Halls Creek Community Strategy, which was used to develop the plan. It seeks to:

- improve access to a full range of suitable and culturally inclusive services
- raise standard and range of services to be broadly consistent with similar communities
- improve the level of governance and leadership
- provide simpler access to better coordinated government services, and
- increase economic and social participation, and promote personal responsibility.

The plan was reviewed in October 2011 and an updated plan was released on 21 May 2012, identifying Living Change as a priority action.

Education, employment and housing strategies

In education, a key initiative in Kimberley schools since 2005 has been school-based attendance officers, who work with families who are not sending their children to school to get those children to school. It is difficult to assess the impact of this scheme for the High School, as it has not been able to recruit and retain suitable officers since September 2011, in part due to a requirement that the officers be local Aborigines. The High School also adopted in 2011 the Smarter, Stronger philosophy developed by Dr Chris Sarra. Nineteen staff have participated in the Smarter Stronger Leadership Program but it is not yet clear what impact this philosophy is having on school outcomes.

In employment, Roy and Helen Wilson have been operating Bina-waji Nyurru-Nga on Burks Park station on the edge of Halls Creek since 2007. It trains young Aboriginal people (mainly young men, including from the justice system) in pastoral skills and works with them to build their personal capacity. This year, Bina-waji has partnered with Wunan to deliver a 6-week course under the Indigenous Employment Program, which saw 30 of 33 participants complete the course and be supported into either more advanced training, work experience or a job.

In housing, 24 new houses and 48 refurbishments have been delivered in Halls Creek since 2008 under the National Partnership Agreement on Remote Indigenous Housing. Since last year, Wunan has been managing the Burraluba Yura Ngurra worker's hostel (located just outside Halls Creek) using its transition housing model whereby residents must be in training or work, be sending their children to school and engage with support services facilitated through Wunan. It has been a major success, with an average occupancy of 90 per cent for the most recent quarter.

Consistency with strategies

Living Change is strongly aligned with the national, state and local strategies set out above.
If implemented, Wunan would expect Living Change to have a positive impact in all seven Closing the Gap building blocks and on several of the targets. It sits squarely within the State's focus on Aboriginal communities building capacity and leadership, assuming greater responsibility, exercising local authority (within a framework for accountability and due process) and driving improvements to their own wellbeing. Moreover, it would complement the aspirations in the community strategy and either build on or incorporate the other major local strategies.

IV. Community consultation

Community participation and consultation has been central to the development of Living Change in Halls Creek. Over 130 Aboriginal community members have been engaged in the consultation process, as have more than 25 representatives from local service providers and businesses. The consultation sought to incorporate diverse perspectives across the spectrums of age, gender, language affiliation, employment status and town locations, with a particular focus on eliciting opinions from people who are often not part of consultation processes.

Conversations with Halls Creek community members started with the conception of Living Change in early 2011. However, a more formal consultation period was undertaken between February and June 2012 through a consultation team consisting of a local Indigenous field officer and a consultation officer. This chapter describes the initial conversations and formal consultation process, including details of the consultation methodology and subsequent findings.

4.1 Initial conversations in 2011

As set out in chapter 2, Wunan started developing the Living Change framework in the first six months of 2011. This work included conversations with Wunan's Aboriginal board members and more than twenty Aboriginal spokespeople in Halls Creek. Wunan met with each person up to four times in an effort to better understand local perspectives on the challenges facing Halls Creek and the opportunities for change.

Initial engagement commenced with semi-structured interviews around the following themes:

- What would a good life for your children and the community look like?
- What is not working well in the community?
- What would you like to see change?
- How could government systems change to improve outcomes for Indigenous people?
- What things are working well?

Responses indicated a strong desire for change in Halls Creek. Respondents identified real jobs, better care of children, decreased rates of arrest and incarceration, and an increased sense of individual responsibility and pride as key elements of a widespread social change:

> Up to the 70s, people were working people. They worked [on the stations] and when they had holidays they walked to do ceremony and walked back when it was time for work. (M, 50s)[72]

Respondents proposed initial targeting of young people (school leavers and younger) to drive generational change:

> Lots of young people don't realise that they have to go out and work to earn. (F, 50s)
>
> [We need to] teach them to live in a different way to the way they live now. (F, 40s)

Most agreed that people should be responsible for "obligations" arising from government support:

> Government has to get tougher if they want young people to get jobs. (F, age unknown)
>
> [People] blame DCP, police, the school ... no, we have to be responsible for our own achievement or falling away … Need to put power back in families. (F, 50s)

They also acknowledged that any initiative to address behaviour would be hard.

> Some of this mob don't want to change. (M, 40s)

[72] All quotes are identified either by gender and age range or by the size of the group consulted

Building on the responses to first stage questions, Wunan asked people about rebuilding individual and community responsibility. Specifically, Wunan asked for people's opinions on:

- communities regaining responsibility for individual and family behaviours such as children attending school and adults engaging in employment or training
- redirecting government money and support services (such as home maintenance courses or drug and alcohol counselling) to encourage people to meet responsibilities
- imposing penalties (such as income management or cancelling payments) on those who fail to meet their responsibilities
- establishing an official body of local decision-makers to meet with families to discuss problems, provide support and (where necessary) impose penalties, and
- increasing opportunities in education, employment and housing

Respondents were receptive to the idea of social change, with several asserting that change must start at the individual and family level. Many people asked about how an official body would work and members would be selected. Several people questioned the availability and quality of services in Halls Creek. Some people said that they would be interested in being on an official body; others said that they were willing to support the model. In general, there was sufficient community level support by June 2011 to convince Wunan that it should seek government funding and support for a detailed policy design and consultation process on how Living Change would work in Halls Creek.

4.2 Methodology for 2012 consultations

The formal consultation process that commenced in February 2012 had two aims: to promote individual and community understanding of Living Change; and to facilitate input from community members on Living Change. Given the second aim, a qualitative research methodology was adopted, framed by three research questions:

1. How do community members conceive of and relate to Living Change?
2. What factors do community members identify as positively or negatively affecting the implementation of the model?
3. What recommendations do community members propose to increase the efficacy of the model?

The process used several qualitative methods including semi-structured interviews with individuals, focus group discussions with families/corporations/special interest groups, and a public meeting.

4.3 Sample

The community consultation process adopted a strategic sampling strategy that sought to capture a range of experiences in the community and derive general themes. The sampling frame was designed to explicitly cover four discrete groups in the town:

A. individuals and families identified as having high social or cultural capital
B. individuals and families with limited exposure to public consultation processes
C. representatives from local Aboriginal corporations, and
D. young people (classified as 15 to 30 years old).

Wunan relied heavily on the field officer's understanding of the community to identify respondents within each sample area. Additional sampling methods included snowballing, reviewing the Office of the Registrar of Indigenous Corporations listings for Halls Creek and visiting special interest groups such Youth Centre participants.

Sample profile by gender

Sample group	Female	Male	Respondents	Interviews
A	18	12	30	30
B	18	14	32	12
C	31	18	49	16
D	7	17	24	10
Total	**74**	**60**	**134**	**68**

Sample profile by age

Sample group	<30	30-40	40-50	50-60	60-70	70+	Respondents
A	0	4	7	9	7	3	30
B	0	1	11	10	8	1	31
C	0	2	23	14	9	1	49
D	24	0	0	0	0	0	24
Total	**24**	**7**	**41**	**33**	**24**	**5**	**134**

This sampling process had limitations, as it did not perfectly reflect the town's population distribution and could not capture the opinions of community members who could not or did not want to participate in the process. Relative to the population distribution in the 2011 Census, these figures reveal an over sampling of the age groups from 40 years to 70 years, and under sampling of the age groups below 40.

4.4 Ethical considerations

Consent and confidentiality

All respondents voluntarily participated in the consultations. Wunan adhered to ethical processes of free and informed consent. At the commencement of each interview, the intention of the consultation, the consultation process and future use of information obtained during the interview was explained. Each respondent signed a consent form prior to commencing the interview.

Respondents were assured that all information was and would remain confidential; to this effect, data has been de-identified and remains anonymous. No names have been used in this report.

Access to community members

Wunan did not offer material incentives for participation. If there was no response to an initial offer to participate in a consultation, the consultation team followed up potential respondents (sometimes on multiple occasions) in an attempt to obtain their involvement. If these approaches remained unsuccessful, the consultation team informed the person or group that it would not pursue a consultation but that they should feel to contact the team if they changed their mind.

The nature of voluntary participation creates some sampling bias, especially among hard-to-reach groups. Wunan is committed to hearing the views of hard-to-reach groups and identified them as a key component of the sampling strategy. However, not all people invited to participate in a consultation chose to do so.

Wunan utilised the local paper and radio on several occasions to advertise the consultation process and invite community members to participate. No consultations were generated through the use of these mediums; all consultations relied on introductions and sustained follow up.

De jure/de facto population

The consultation focused on the de jure population of Halls Creek: that is, those individuals who reside in Halls Creek on permanent basis. These are people who: work in Halls Creek; have a current lease agreement or pay rates in Halls Creek; have their children enrolled at one of the two schools; or are registered with the local Halls Creek Centrelink.

As a regional service town, Halls Creek experiences a de facto population: that is, people who access Halls Creek for a short period. They may visit for family, health, education or other reasons. Wunan is not aware of any research on de facto residency in Halls Creek but notes that "Dinner Camp" has been unofficially designated by the community for use by the de facto population. It is a barren area in the town without physical infrastructure. Over a two week period in April 2012, the consultation team observed between 3 and 19 people residing at Dinner Camp.

Language proficiency and cultural accessibility

Among Halls Creek's Indigenous population, 63 per cent recorded in the 2011 Census that they only spoke English at home.[73] In addition to English, 17 per cent recorded that they speak Jaru at home, 5 per cent Kriol, 4 per cent Kija and 3.2 per cent Gooniyandi. Wunan's experience is that Kriol is also a commonly spoken third language.

To account for language barriers and cultural context, Wunan employed a local field officer. This officer helped to: access respondents; explain the model and interpret any feedback in Kriol; provide a cultural context to the process; create community legitimacy on the process; and explain the purpose to respondents who were unfamiliar with consultation processes. The team also used visual aids and kept written material to a minimum. An interpreter was used for the public meeting.

4.5 Findings

Findings relate to the key aspects of the Living Change model: responsibilities; the community panel; support services; and sanctions.[74] Each of the 68 interviews (involving 134 respondents) was coded against each aspect.

Responsibilities

Wunan sought feedback on five responsibilities:

1. children attend school every day
2. children and those who are vulnerable are cared for and safe
3. capable adults participate in either training or work
4. people maintain their homes and pay their rent, and
5. people take personal responsibility and do not commit crimes.

This list was presented to respondents to test its relevance and establish relative priorities. Respondents were also asked to identify responsibilities absent from the list.

The utility of (re-)establishing responsibilities was acknowledged by 90 per cent of respondents.

> I think responsibility needs to be put back onto the community, parents in particular. I think they need to be responsible for getting their kids to school, getting a job or contributing to the community. I think the welfare system has broken down the family responsibilities, men's

[73] Australian Bureau of Statistics, *Census* (2011)

[74] See n. 27. While Wunan has subsequently updated the language and philosophy on the consequences of a person not meeting his or her responsibilities, it used "sanctions" during the initial and formal consultation processes, and so will use it in the remainder of this chapter.

roles in particular. You don't have to do anything. Centrelink will look after you and that needs to be reversed at all levels, from babies to adults. (F, 30s)

Respondents who did not agree with the overall Living Change model were articulate in identifying the relevance and importance of (re-)establishing a set of responsibilities:

> We all want the same things but look deeper. It's not right to punish for things. (F, 40s)
>
> Of course they should be living by those rules but it's more hard than that. (M, 50s)

Education

Education was raised more than any other responsibility. Respondents discussed both individual and structural constraints to people fulfilling this responsibility.

> I see the same lot of kids going home and their parents are not there, they are looking around for them. These are the kids that just stop going to school. Bullying, alcohol at home, gunja, family disputes. All these things now make a difference for kids. (F, 20s)
>
> Kids going to school is important but you need to make sure the school is not racist, there is always a reason, sometimes it is that, sometimes it is the parents. (Family group < 5 people)

Employment

Employment ranked as the second most important responsibility. When discussing employment, several respondents spoke about the historical factors that have reduced the level of Aboriginal employment in Halls Creek.

> Employment is very important, that's why people are in this jam because there is no employment. You know I was a kid in the 60s and every Aboriginal person worked hard from dawn to dusk. They had a top work ethic and then in the 70s when the alcohol came out strong, the flood gates opened and at the same time everyone was moved off the stations when the award wages came out and the station manager could not pay the award wages. People came in and lived in humpies at the outskirts of town, you know, and no jobs, from a hard worker to coming in here and sitting and twiddling your thumbs with nothing to do and I have seen that right through til now. (F, 50s)

Several respondents identified a strong relationship between employment and feelings of self-worth. A lack of self-worth was then correlated to a problematic relationship with alcohol.

> A lot of these adults because they don't have jobs, they feel so low, they feel worthless. They just want everyone else to take up their responsibilities so they can sink lower. (M, 30s)

Some respondents identified jobs as available but expressed concerns with workplace cultures:

> I hear it all the time, I want to change my life, I started work but they (workplace colleagues) just down us. Why would people go to work when that's what it feels like? (F, 40s)

Others identified a lack of pathways and support for Indigenous people to move into mainstream employment. Such responses cited a glut of qualifications and an inability to secure a 'proper' job. Respondents under the age of 40 were asked to identify if most of their friends were employed or unemployed. Across the 10 focus groups, the majority of respondents said 'half-half'.

A stable family environment, a family history of employment and a high level of education (grade 11 or 12) were identified as conditions that fostered a work ethic and assisted young people in obtaining and maintaining employment. Several respondents revealed that family and friends disapprove of young people wanting to work by accusing them of wanting to be "like gardia" (non-Aboriginal Australians).

Across the sample respondents identified a problem with the culture of sit down money, with one respondent surmising the situation as such:

> Long time, people been sitting down. Never used to be like that. Sit down money makes them useless. (M, 60s)

Caring for children and vulnerable people

Respondents identified this responsibility as very important. Many respondents noted a relationship between a rise in addictions or problematic behaviours and the neglect of children and old people.

One young mother described the factors as:

> All the usuals: cards, grog, gunja, the pub – these are the things I see that stop people from looking after their kids. (F, 20s)

Over 50 per cent of respondents had been personally affected by parents who were unable to care adequately for their children.

> I see parents leaving kids, while they go drinking. Or they just walk around with their kids, looking for alcohol. They are not thinking about the kids. A lot of these people just getting kid money. We have had families doing that to us. We have no money but stuck with someone else's kids. (Family group > 10 people)

While most discussion focused on children, a number of respondents identified older people as community members who required some sort of 'protection'. Several respondents expressed their concern with carers who were receiving money for looking after an old person but who were failing to adequately feed or bathe them.

Personal responsibilities

Many respondents did not directly address these responsibilities but spoke about them as factors in the other responsibility domains. There was consensus across the sample population that alcohol remained a problem for some people in Halls Creek; respondents expressed a wide range of views about the liquor restrictions. Respondents also identified gunja as a substance of major concern, especially amongst young people. No other illicit drugs were mentioned during the consultation.

While fighting between families was raised at various points, few respondents spoke directly about violence between partners. To further explore the prevalence of this issue, two focus groups were held with service providers who respond to domestic violence issues. Both groups said domestic violence was a large problem in the community but one that was shrouded by shame and secrecy.

> There is also the fact that women have so few options, better to just shut up and get on with it. If you choose to leave, where do you live? No houses here, just become a burden to someone else. So if things are really bad Broome, Kununurra. Is that far enough? Perth? Well by then you have lost everything, your community, your family and friends. (Focus group)

Gambling was also raised as a personal responsibility that had far-reaching effects on the care of children, family disputes, and the consumption of alcohol and management of money. Respondents identified certain areas that hosted semi-permanent "bush casinos". Respondents identified a range of reasons for gambling behaviours including; addiction, socialising and the hope to increase levels of disposable income.

Housing

Housing was the most contentious responsibility. While respondents were able to identify the importance of a good house, they focused on the "right" to access affordable and quality homes.

> The biggest joke is to make people responsible for housing; housing should be responsible to the people. (Focus group > 10 people)
>
> Well I reckon housing is a priority, once you get a single family in their own home they can probably make changes. Overcrowding is the start of infections, disputes, people not paying rent. You got two to three families (per house) 12, 13, 15 (people) sometimes at the most. Mostly three bedrooms, lucky to get four bedrooms. If people had their own house it would be clear. They could go to housing, 'hey that person coming humbugging for grog', 'that person punching hole'. But there are too many people together. Too many people without a place to stay. If they had their own place they would stand up for that house. (M, 30s)

Several respondents noted the tension between affordable housing and employment:

> In Halls Creek, there is a lack of housing and if you earn over a certain income you are not entitled to a house. Where they going to live then? Where is the incentive for them to keep working? (F, 40s)

Across the sample, over 75 per cent of respondents rejected housing as a responsibility until the quality and quantity of housing has been remediated.

Community panel

Views on establishing a community panel can be divided into: supportive, concerned and undecided.

Support for the panel (39 of 68 interviews)

Those who supported the panel identified the urgency for change and a fear that the quality of life for Indigenous people would worsen if change did not occur:

> Something has to change, you know, otherwise things will get worse and worse. (M, 40s)
>
> You got a lot of young people having babies and a lot of young people dying, but a whole lot of something is missing. (F, 20s)

These respondents identified the panel as a way to re-establish Aboriginal authority within the town:

> I see that panel would be strong that whatever problems the community has, it would go to the next step and be the voice of Aboriginal people. (F, 50s)

This cohort identified representation as a challenge, but not an insurmountable one. Three key messages emerged from discussions on representation:

1. change involves a critical mass, so the panel should train and inform as many residents as it can
2. the panel needs to consist of good role models, with a mix of ages (people under forty, people 40-60 and elders) and genders; and
3. the panel should represent each major geographical location within Halls Creek: Mardiwah Loop, Nicholson Block, Yardgee, Red Hill, Garden Area and Middle Area.

Respondents concerned with the idea of a panel (21 of 68 interviews)

Respondents concerned with the panel identified four key areas of concern. First, respondents perceived that the panel would duplicate existing processes, resulting in an over-governing of Aboriginal people:

> I feel a bit uncomfortable with the idea of families going before a panel because it reminds me a bit of a court case and our people face enough of that already and I do know that the school, Centrelink and the DCP work very closely and they must have certain steps to follow and then well that family might volunteer to have their income managed. I do not like the idea of other people putting a family on income management. (F, 40s)

Second, respondents identified concerns with tokenistic participation:

> A lot of our mob are yes people and I wonder they might feel intimidated by the judge and just go with the flow. Not actually making decisions. (F, 50s)
>
> It is still legislative and the power belongs to the government. It is not balanced. Local members are part of a process which is legislative but their recommendations may not form part of the ultimate recommendations. (F, 40s)

Third, respondents discussed cultural appropriateness and the risk of conflict:

> We can only speak for who we are, not for other people. That is not the Aboriginal way, to talk for someone who is not your family. Families have those people or they don't. You can't make a panel to make families strong. It will cause big arguments. People will not listen. (M, 60s)
>
> The system is so set up against our mob, so how are you going to deal with people who won't debate stuff? How you going to educate people to disagree but not end up in a big argument down the shops every day? (F, 30s)

Finally, some respondents were concerned about the scope of the panel. This was a significant concern for two large Aboriginal corporations, which are unwilling to support the panel unless the scope could be widened to include an advocacy or ombudsman-like role:

> This panel is making Aboriginal people middle men, doing the work of services for them. It will only be meaningful if that panel can hold services to account - housing, the police, the school. That would really be giving the community power and a chance to bridge the gap. (Corporation > 10 people)

Undecided (8 of 68 interviews)

Eight responses were recorded as having conflicting views on the panel:

> Some old people they know, they can talk for people. But I am not too sure about this panel. It might stop people hiding. You get people that just don't wanna change. Maybe if you get all the families on it might help the people. I am not sure. (Family group > 5 people)
>
> Depends on their age group, young people now are sort of educated on speaking up for themselves. They won't take it but people my age will take it. They grow up thinking gardia knows more than me. And this is an Aboriginal panel but they will see that power with the judge. The community will see it as a gardia thing. This could go either way. (Family group > 5 people)

These respondents also identified the overall benefit to the Halls Creek community as contingent on the make-up of the panel:

> There could be merit to this model but it comes down to the who and the how. (F, 40s)

Support services

Respondents were asked to discuss support services in Halls Creek. More specifically, respondents were asked to identify what prevents Aboriginal people from accessing support services and what conditions foster use by local people. Respondents were also asked to identify what, if any, services were missing in Halls Creek that would enable people to fulfil their social responsibilities.

Enablers and barriers

Respondents identified several conditions that would foster Aboriginal take-up of local services: employment of more Indigenous staff; non-Indigenous staff being trained in cultural awareness; and retention of staff to allow client-worker relationships to develop.

Seventeen interviews discussed service accountability and poor performance as the reasons why local people did not attend or maintain relations with support services offered in Halls Creek.

> Not only community have responsibility but services. We have a lot of double up and people don't even know what is happening. (M, 40s)
>
> We have no communication, in my life I have seen one newsletter from the police, it was so good. With housing, even the school I hear things second hand. (F, 50s)

Other barriers included a lack of trust in services:

> The biggest thing for a little town like us is trust in them. They come and go white people and that can be hard when people are sharing intimate things, looking for help. (F, 20s)

The shame felt by some Indigenous people due to language barriers and lack of literacy and numeracy was mentioned as a barrier to accessing services. Limited knowledge of local services was also discussed as an impediment, alongside perceptions of racism.

Service gaps

Ten interviews identified the need for anger management programs, intensive parenting programs and generalist mediation programs to operate within Halls Creek. Eight interviews including two corporations and three families groups mentioned the need for advocacy services that could respond to issues the community experience with police, health, housing and other providers.

Nine interviews including three corporations and two family groups identified a gap in services that were able to actively promote culture. One respondent surmised the situation as:

> I think that is the biggest thing. If you can get that on this thing, drive it home that we support culture. That is the mentality out there; they think these organisations are trying to turn everybody into a gardia. There is no room to be a blackfella in today's world. And they are left thinking I am a blackfella and I don't even know how to be a blackfella. I think if you can make room for that in this then I think you can sort out a lot of things. It's not going to solve everything but it will help people be strong in themselves. (F, 30s)

In-depth conversations with three family groups identified cultural supports as initiatives that were able to support people to return to country, collect bush foods, learn from their elders and hear about their ancestral stories. Such programs were seen as having a strong role in preserving culture through the active teaching of language, dance, knowledge of country and kin systems.

Sanctions

Respondents were asked to discuss the role of sanctions in encouraging families to meet their responsibilities. It was made explicit that sanctions were to be used as a last resort in the model and would only be introduced when previous attempts at assistance had not worked.

Out of 68 interviews, 37 interviews identified income management (referred to locally as the Basics Card) as a useful way to support families to meet their responsibilities.

> It will force responsibility when things are taken away they will have to wake up. People don't want things to be taken away. So let's see how it goes. If they can improve, better themselves and wake up then give them back that money, they have proved responsibility. But maybe not for a few months. (Family group > 5)
>
> I think it is hard, we live in a place where people have rights but there should be limits to what we do. We have been handed so many things we have forgot to do things for ourselves. Sanctions, well I think it is good, short term ones at first. Make people stand up. (F, 30s)
>
> I agree that is a good idea because it would benefit the children. I don't know how other people would feel but I think it is a good idea. People can't be wasting their money. They need to spend that money on food and clothing. It would be ok for us to make that decision, but sometimes it would be very hard. That's where the panel would need support. (F, 40s)

Out of 68 interviews, 31 interviews recorded concern with the notion of sanctions. Out of these 31 interviews, 15 interviews saw income management as ideologically wrong:

> Aboriginal people been punished for too long, we can't be using that punishing thing. (F, 40s)
>
> It is the same old story, taking things away from Aboriginal people. (Family group < 5)

The remaining 16 interviews said that income management should remain separate to the panel.

> I know some people on that, it helps because they can't spend on alcohol and cigarettes. With the panel it might cause a clash. I think Centrelink and DCP are best for that. They know if a person is working or not, if a kid is being looked after or not. The panel should be more for support and then say, if you don't do this it won't be us you are talking too, it will be Centrelink. (M, 30s)
>
> You shouldn't force them with income management. Just send them back to the places that do it. DCP and school can, Centrelink too. I think the panel should make the rules for the town and keep an eye on them but people already here to police them that way. (Family group < 5)

One quarter of respondents had either experienced income management themselves or knew of a relative on income management. As discussed in chapter 3, Halls Creek residents have two pathways to income management: voluntary sign up through Centrelink or via a mandatory referral from DCP. All respondents who had a personal experience of income management had positive things to say:

> My niece is on the Basics Card, since she has been using that she has had money. Food in the cupboard, food in the fridge. (F, 50s)
>
> I think the Basics Card helps out. When I got put on it 3 years ago they gave me a one day budget course. That was really good too. Helped me understand my money and the Basics Card means I can get through the pay with food for my kids. I think I will always stay with it. Some people might not like it but they will just have to put up with it. It teaches them things. (F, 20s)

Overall views of Living Change

At the conclusion of each interview, respondents were asked to provide an overall view of Living Change. Respondents were asked to identify if they thought the proposed model would benefit Halls Creek and the reasons that underpinned their views.

Out of 68 interviews, 28 interviews unambiguously identified Living Change as positive for the town:

> I think it is a good model people just need to understand it. The panel and you mob now have to talk to as many people as possible. It they know about it they will not be scared and think it is the intervention. (Focus group > 10 people)
>
> I don't see a problem with it, people need help. A lot of kids don't come to school, they just don't. Something has to be different. This could be a good idea. Some kids come to school without money for lunch, it is only $4 a day and same kids go without. $4 – how can kids miss out for that? (F, 20s)
>
> How many people are street drinking, family violence? What happens? Who really follows up? We need something to break it; a new way of thinking and something like this is a good idea. So they need something like this to break it. If it happens here in Halls Creek it is good for them and to put them on a Basics Card it is not being hard or cruel to them, it is helping them to take responsibility. (M, 40s)

Another 20 interviews discussed the importance of trialling Living Change within the community. These responses did not pass judgement on the model but instead focused on the necessity of implementing whatever solutions might be at hand:

> All these things, you know, all these problems we just gotta have a go and try to fix them. I don't know if this Living Change will work, I just know they are not going away and these problems and are only going to get worse. We have to try. (M, 60s)
>
> Look it might be worth it but change is a long process. You don't just put a couple of Elders on a panel and then you have a responsible community. I think it might make a difference we can only try and make a go of it. The panel will need to be willing and caring. Having places to send people, back to country thing would be a real good thing. Show people something different make them feel alive and strong. (F, 50s)
>
> I think most people will accept it; the rest will just take time. Some of our people will just take time to see the bigger picture. I think we need to try. (Family group < 5)

Twenty interviews refuted the utility of Living Change. These responses saw both the establishment of a panel and role of sanctions as inappropriate for the Halls Creek community.

> Well my opinion, I don't like it. You can't force people. Things don't change like that. But if you really think that something needs to happen then you need to talk to them. It needs to be voluntary. Back in the old days we were always having someone telling us what to do. This is the same. Well I say you can't just shove them on a panel and have sanctions. You can't force people. It is not right, it won't mean anything, just more unhappy people and more gardia flapping around. (F, 50s)
>
> I see where you are going with this but it reminds me of the Intervention and I don't want that here. Not by any name. (Family group > 5)

Even allowing for any sample bias and the inherent limitations of the consultation process, Wunan believes that these results (40 per cent of respondents directly supporting Living Change and a further 30 per cent supporting its trial) reveal sufficient community support to progress with implementing Living Change, particularly given the proposal's challenging nature.

4.6 Data trends

Data was analysed for ways in which the variables of age and gender contributed to people's perceptions of Living Change.

Gender had no statistical significance in explaining differences of opinion about Living Change but a gender trend could be found when assessing people's experience of income management. Out of the 15 respondents who identified knowing someone or personally experiencing income management, 11 were women. This trend is consistent with the evaluation of income management in Western Australia, which found that 70 to 80 per cent of income management clients in the Kimberley were women.[75]

There was an age trend to support for Living Change. Out of 10 focus groups and interviews with young people, eight indicated support for the concept.

> Yeah this should happen; well at least we need to try it. People need to wake up. Maybe this is a good way. (M, 19)
>
> Yeah it's good cause people need rules. They need to be told what is wrong. Too many people in this town get away with stuff. (F, 17)

Those aged 60 and over were also highly supportive of the concept.

> Bringing back the respect, that is what this is all about. (M, 60s)

It was the 30 to 60 year old demographic who identified the majority of concerns and criticisms with the model. A number of these criticisms were in response to a perception that Living Change interfered with Aboriginal people's rights.

> This is taking away everything we have fought for, back to the act days. (F, 40s)

This demographic was slightly over-sampled in the consultation process relative to the 2011 Census population distribution, meaning Wunan's estimation of support for Living Change is conservative.

4.7 Additional community engagement

Community meeting

Wunan held a two-hour community meeting in mid-May, addressing the need for change in Halls Creek, providing an overview of Living Change and taking questions and comments. The meeting was advertised through local media, transport was made available and an interpreter was present. Over 80 community members and service representatives attended. Afterwards, Wunan hosted a BBQ lunch to thank people for coming and provide an opportunity to ask questions in an informal setting.

Community updates

Wunan published two community updates during the 2012 consultation process:

1. an interim community consultation report in May, ahead of the public meeting, that familiarised readers with Living Change and presented some interim findings; and
2. a final community consultation report in July, which presented key findings, responses to frequently asked questions and the next steps for Living Change.

Both reports were produced in a newsletter style and hand-delivered to all consultation participants, with copies left with key service providers around Halls Creek.

[75] 'Evaluation of the Child Protection Scheme of Income Management', n. 70, pp. 59, 150

Media

Wunan utilised local Halls Creek media including the Halls Creek Herald and local radio station PRK to broaden the reach of community engagement. Four articles were published in the Herald in 2012:

- February—introduced the Living Change team and invited people to participate in consultations
- May—advertised the upcoming community meeting and interim community consultation report
- May—reported on the community meeting, and
- July—thanked the community and alerted them to the final community consultation report.

Local radio station PRK interviewed Wunan staff in early May, providing an overview of Living Change and the consultation process to that point. Wunan placed radio adverts in early May for the community meeting and in late May informing people of their last chance to participate in the community consultation process. Throughout the process, Wunan also distributed flyers to alert people to their chance to participate in consultations.

Conversations with local services and businesses

Conversations with 26 local service providers and businesses formed a major component of the additional community engagement strategy. Representatives from these organisations held mixed views about Living Change. Most indicated strong support for its but expressed concerns with operational aspects.

Housing was identified as a major barrier to meeting social responsibilities:

> Housing is a major disincentive, they start earning a wage and their rent goes up and they are still living in the same house because there is not a proper rental market so they end up being 20 bucks a week better off. I have seen this time and time again.

Most attention was paid to the role of the panel and how local people would respond to the responsibilities that would come with being a panel member:

> Look at this town you have a number of local people as JPs but only two are active. Maybe local people don't want to be handing down verdicts. They might be intimidated by what it means and the expectation and payback. It can be easier not to. I don't think this is a program very suited to the people of Halls Creek.
>
> It looks like a good model. I would like to share the learnings from my organisation. We have shifted from a prescriptive model to a model where we ask families to identify what they see as their problems and what they would nominate as solutions. We have found that prescriptive models don't work so we are now more engaged in handing the responsibility back to families and being there to support and facilitate decision making.
>
> I like the aims, it is clear we have moved past 'education only'. We need action; results for families and children. There will be real issues with composition of the panel though. It will be very difficult to avoid conflicts of interest. Feuding can involve numerous families and go for miles. And it may be difficult to get people to work on the panel for a number of reasons: the "do-ers" are tired of always being the ones who are standing up and taking action; concern with making yourself a target; and it's often tough to convince the next generation to stand up and take responsibilities.

Services indicated some concern that clients who presented as particularly difficult cases were already on income management. Overall, there was a sense that if Living Change became operational, service providers would work with the model to tackle the complex and intersecting challenges facing Halls Creek. Local service providers articulated the hope that the panel could act as an agent in brokering greater trust and rapport between local service providers and the community.

V. Design recommendations

This chapter details Wunan's recommendations on how Living Change's responsibility component could be implemented in Halls Creek, informed by the community consultation detailed in chapter 4 and experiences of the FRC in Queensland. The recommendations address community-agreed responsibilities, the community panel, case-managed support services, recognition and restrictions, implementation options, governance and social marketing.

5.1 Responsibilities and trigger-based system

Wunan has tested five responsibilities in Halls Creek:

1. children attend school every day
2. children and those who are vulnerable are cared for and safe
3. capable adults participate in either training or work
4. people maintain their homes and pay their rent, and
5. people take personal responsibility and do not commit crimes.

On the basis of the community consultation described in chapter 4, Wunan proposes that these responsibilities be adopted for the implementation of Living Change in Halls Creek. Strong objections to the housing responsibility were premised on the quantity and quality of existing housing: this responsibility should only be adopted in parallel with a significant investment in housing. Wunan's recommendations on the possible forms of this investment are described in part 6.3.

Wunan proposes that breaches of these responsibilities would trigger a notification to the community panel, using existing reporting mechanisms. The 2010 FRC implementation review found that such a trigger-based system "was an appropriate mechanism for identifying community members that engaged in dysfunctional behaviour".[76] For each responsibility, Wunan has detailed below what it believes should constitute a breach, and how and when the panel would be notified. Most proposed breaches constitute an interim step in existing processes, highlighting the panel's role as an "early intervention", community-driven support mechanism.

Children attend school every day

Wunan proposes that this responsibility is breached when a child is absent from school for three full or part days in a term without reasonable cause. After the third day, the school would notify the panel. This standard is tougher than the State's 90 per cent attendance "at-risk" threshold, which usually requires five days absence in a term. Wunan believes that three days is a fair indicator of issues that could benefit from early, community-driven support and school-based attendance officers would operate more effectively knowing they had the backing of community leaders.

"Reasonable cause" is legislatively defined to include temporary physical or mental illness and any other reasonable cause. Principal discretion is required in assessing "any other reasonable cause". To ensure parental understanding, Wunan proposes the adoption of widely-communicated, unambiguous guidelines on this definition.[77]

Protocols would be developed with both schools in Halls Creek, the Department of Education and the Catholic Education Office as to how the panel process would work in conjunction with existing school attendance policies and school-based attendance officers. Wunan proposes that the schools

[76] KPMG, *Implementation review of the Family Responsibilities Commission* (September 2010), p. 36

[77] At a minimum, guidelines would address whether attendance at cultural, educational and sporting events is acceptable and under what, if any, conditions (e.g. completing school work while absent). Any guidelines should also set out unacceptable excuses such as visiting other communities or parents attending court.

would continue, where appropriate, to work with parents to implement a student attendance plan and that the panel notification would operate in parallel with this system. The panel and schools would work together to determine which students are the highest priorities for panel support.

Children and those who are vulnerable are cared for and safe

Wunan proposes that this responsibility is breached when DCP has received sufficient information that a child or young person has been harmed or is at risk of significant harm to complete a case intake but has not proceeded to its most serious option (a child protection order). So, where DCP has decided after a case intake to either take no further action or develop a support plan, the panel would be notified. This notification is still desirable even when there is no further action: while a matter has not met DCP's statutory threshold, the family may still benefit from panel support.

The panel would be notified once an investigation has been completed. The panel should not supersede the State legislative framework and instead should complement that framework, including Strong Families and the Parent Support programs. DCP and the panel would work together to establish which families are the highest priorities for panel support and capitalise on experience of both DCP staff and panel members in interacting with those families.

Wunan has not been able to identify any reporting mechanism for elder neglect or abuse and so does not propose that this form part of the responsibility at this stage.

Capable adults participate in either training or work

Wunan proposes that this responsibility is breached when a recipient of Newstart, Youth Allowance or Parenting Payment fails to meet their participation or activity test requirements. The job services provider would notify the panel when submitting a participation report to Centrelink.

The panel would meet the person prior to Centrelink deciding whether to suspend or cancel a person's welfare payments. It could establish what is affecting the person's ability to participate and, if appropriate, support the person to address those concerns. Equally, the panel may find that a person has simply decided not to participate. The panel would inform Centrelink of its decision, so that Centrelink could decide whether to suspend or cancel a person's payments (Centrelink has broad discretion to seek and consider information from different sources in making such decisions).

People maintain their homes and pay their rent

Wunan proposes that this responsibility is breached where a social housing tenant is issued with a breach notice under the *Residential Tenancies Act 1987* (WA).[78] The Department of Housing would remain responsible for assessing that a breach has occurred and notify the panel at the time that it issued the notice to the tenant. It would retain its rights to take actions under the legislation and could take into account any information provided by the panel in determining those actions.

While the panel would not be a debt collector, it could work with the tenants and the Department to re-establish a repayment plan, while referring them to services such as money management. It could also help bridge an apparent divide between the Department's assessment of its responsibilities and community expectations about those responsibilities.

[78] This process would cover both public housing and community housing managed by the Department of Housing under a housing management agreement.

People take personal responsibility and do not commit crimes

Wunan proposes that this responsibility is breached when an adult has been convicted of a summary offence or has become the subject of a violence restraining order. The courts would notify the panel, which would meet with the person to discuss the relevant behaviour and seek to refer the person to support services such as anger management or drug and alcohol counselling.

Due to on-going concern about youth crime in Halls Creek, Wunan proposes that the responsibility is also breached where police have issued a juvenile with a formal written caution or referral to the juvenile justice team, or a juvenile has been convicted of an offence and issued with a non-custodial penalty. In the former case, police would notify the panel once they had issued the caution or referral; in the latter, case the Children's Court would notify the panel. The panel would work with the young person and their parents to address the offending behaviour. Parental support could include referral to a parenting skills program; youth support could include referral to cultural program such as Bina-waji or the men's group.

Similarly, given high incarceration rates for Halls Creek residents and to ensure prisoners have the best chance of successfully re-entering the community, Wunan proposes that when a prisoner is released, the panel be notified. The panel could support the person to explain community expectations on responsibilities and refer them to appropriate support services.

Voluntary referrals

Wunan proposes that community members should be able to approach the panel to either seek a referral to support services or be placed on voluntary income management. Several respondents specifically asked about voluntary referrals during the community consultation process.

While Centrelink already enables people in Halls Creek to access voluntary income management and the FRC has only received a handful of voluntary referrals over its four years of operation, Wunan believes that the option should at least being available. It is proposed that voluntary referrals be treated slightly differently to other referrals, with the person meeting first with panel staff and/or case managers to assess if the person needs the panel's assistance or can be helped by those staff.

5.2 Panel of community leaders

Wunan proposes that a panel of Aboriginal community leaders be introduced in Halls Creek to help re-establish and embed community-agreed responsibilities. It is the fulcrum of Living Change and intended to enable these leaders to provide a new direction for the town as role models, by recognising community members who are meeting community-agreed responsibilities and by supporting those who are not yet doing so.

During consultations, nearly 60 per cent of respondents supported the concept of a panel, recognising it as a way to re-create Aboriginal authority in Halls Creek. A May 2011 consultation in Cape York noted that the FRC (on which the panel is modelled) "was seen as a good place to come to get help with problems, and [community members] felt comfortable in approaching local commissioners with broader issues".[79] Over time, Wunan expects that the panel would also become a place where community members feel safe and panel members would exercise both authority and compassion in supporting community members, formally and informally.

The below design features are premised on the panel being a legal entity. Wunan addresses the more controversial question of whether or not the panel should be a government entity in part 5.5.

[79] Department of Communities (Qld), *Cape York welfare reform consultation report* (2011)

Selecting the panel

A key success factor for the community panel would be having members who are already meeting the responsibilities and respected in the community. During the consultation process, several respondents said that the panel concept could only work if the right people were selected, and the panel had broad community representation.

In part 2.3, Wunan set out why it believes the panel would need to include at least one legally qualified member. As mentioned there, if the panel is a statutory authority, Wunan believes the FRC approach of utilising a retired judge or magistrate is appropriate. Wunan proposes that the Western Australian Government would select this person.

For the community leaders, Wunan has discussed with community members the use of a nomination process, as it is important that panel members want to be on the panel. In selecting the panel, Wunan proposes that there would be:

- a small number of disqualifying criteria (such as having been convicted of an indictable offence, bankrupt or the subject of a child protection concern)
- a requirement that members be meeting the community-agreed responsibilities, and
- a number of aspirational criteria (such as the community knowledge and connection to culture and law) that nominees would have to address.

Wunan proposes that the selection process include establishing a committee to review nominations and select appropriate panel members who have community respect. This committee could include a representative from each of the Australian Government, Kimberley Aboriginal Law and Culture Centre, Kimberley Land Council, Kimberley Language Resource Centre, Kimberley Stolen Generation Aboriginal Corporation, Shire, State Government and Wunan.

Given the gravity of decision-making and the expected time required to sit on the panel, Wunan proposes that panel members be paid for their time and input (either as employees or independent contractors, on a part-time basis). Panel members would also receive training to enable them to undertake their role. The exact content of training would be dependent on their existing skills and attributes but could include training on: principles of natural justice; handling conflicts of interest; ethical decision-making; mediation; and good governance.

Panel registry

To assist the panel in meeting its objectives, administrative support would be required. Wunan proposes creating a registry in Halls Creek, similar to the FRC's registry. The registry would manage finances, human resources, logistics and reporting, and support both panel and community members. Registry staff would likely include a registrar, finance officer and lead case manager.

Panel meetings

Wunan proposes that panel meetings operate as follows, using the example of a child having three unexplained absences from school. In this case, the High School would notify the registry about the absences. The child's parents would then receive a notice to meet the panel, and the lead case manager would liaise with the High School (and possibly other agencies) to collect relevant information about the child and parents.

The panel would be convened with at least three members including the legally qualified member. Prior to meeting the parents, the panel would discuss with the lead case manager the information received from agencies and possible options to support the parents.

At the meeting, the panel would discuss with the parents the school absences and any other pertinent issues that panel members or the parents want to address. The parents could bring a support person with them and if their first language is not English, the meeting could be conducted in their first language (using either accredited interpreters or the panel members as interpreters).

The lead case manager would attend each meeting to advise the panel about appropriate support services, as well as service provider capacity in Halls Creek at the time of the meeting. Other people could be invited to attend the meeting if they can add value to it. For example, the school-based attendance officer may be invited to attend and advise the panel of what attempts have been made to work with the family to re-engage the child in school.

Panel members would use their community knowledge, any material presented to the panel and the discussion with the parents to reach a decision. The preferred outcome would be that the panel and parents formally agree to a specific course of action. Where an agreement can't be reached, the panel would be empowered make an order (preferably unanimously).

The agreement or order would specify its length and when the parents should return to the panel to review progress: this could be every 4 months for a year. Either an agreement or order could: specify no further action; require that the parents attend an identified support service within a stipulated time frame; or place the parents on or extend income management. Orders also enable the panel to issue a warning or refer the matter back to the Department of Education for further action.

Panel duties

Beyond the formal meetings, Wunan proposes that the panel should be able to:

- recognise those community members who are meeting the community-agreed responsibilities
- advocate with service providers on behalf of community members
- advocate with government to provide specific services in Halls Creek, and
- provide information to Centrelink that might assist it with decisions about re-directing parenting or carers' payments and suspending or cancelling payments.

Panel members would have core duties associated with participating in meetings with community members. Wunan proposes that panel members would also be expected to:

- support and mentor community members through the process
- participate in processes that select community members for opportunities
- provide advice to community members and service providers outside of the formal process, and
- represent the panel at meetings, conferences and other events, as required.

5.3 Case-managed support services

Service availability and quality

For the panel to effectively assist community members, appropriate support services must be in place; most community members who are not meeting community-agreed responsibilities will need both general encouragement (from the panel) and specialist support (from local providers). Wunan expects that the minimum services that would be needed to support the panel in Halls Creek are:

- anger management
- domestic violence counselling
- drug and alcohol counselling
- gambling counselling, financial literacy and budget counselling
- mental health services
- school attendance case management

- parenting programs, and
- youth—behaviour management and mental health support

All these services are offered in Halls Creek (most through either Jungarni Jutiya Aboriginal Corporation or DCP). During the consultation process, some respondents identified the need for anger management, parenting and mediation programs. Anger management and parenting programs are already in place (which reinforces other consultation feedback about people lacking knowledge of available services). While mediation services might well prove useful in Halls Creek, they are not essential to Living Change.

Respondents also identified the need for advocacy services to respond to issues that community members experience with providers. As set out above, Wunan proposes that panel members and case managers could step into this role.

Several respondents noted a lack of cultural support services that would both preserve culture and provide an alternative to government services. In May 2012, an Aboriginal men's group—Mowun Marnu—was established in Halls Creek, which may provide part of the answer. However, more should be done in this area (irrespective of whether Living Change is implemented), potentially through the adaptation of other successful Kimberley initiatives such as the Yirriman project out of Fitzroy Crossing and Kimberley Land Council's Kimberley Ranger Program.

In terms of service quality, the implementation of Living Change and advocacy of the panel and case managers would provide a strong impetus for agencies and service providers to improve the quality of existing services. However, for some agencies and providers, this improvement would likely require the development and implementation of new strategies that complement Living Change, (a key, collaborative task in the pre-implementation phase).[80]

Case management

Most such services are available in Halls Creek but more case management is required to develop individual plans for community members, assist them to engage with service providers, improve collaboration between providers, and advocate for community members with providers. A similar model has been successfully employed as the core part of the Strong Families initiative in Western Australia. Case managers can both improve outcomes for community members and drive accountability for service providers in the community.

As critical as the availability of services is the way that services work together to support an individual or family. Wunan proposes that the panel would employ a team of case managers, including a lead case manager, to assist people referred by the panel. As discussed in part 2.3, a good model for this approach is DCP's Strong Families effective initiative.

It is proposed that qualified case managers would:
- develop a case plan with the community member based on the agreement or order
- assist the community member to engage with service providers and make appointments
- help coordinate service providers (including where necessary bringing all relevant providers together to meet with the community member)
- liaise with providers on reporting and provide copies of agreements, orders and case plans
- assist the community member to advocate for better services or resolve disputes with providers
- monitor the compliance of community members with agreements and order

[80] See *Implementation review of FRC*, n. 76, pp. 66-67 for a discussion of the importance of engaging service providers in the design and implementation of an initiative of this type.

- work with community members who are not complying, and
- identify capacity constraints and gaps in service delivery.

While case managers are a resource-intensive part of the model, they are essential for success. The 2010 implementation review of the FRC found that while case managers were part of the initial FRC design, they were not implemented, limiting the FRC's effectiveness.[81]

To assist case managers assess community members' compliance with agreements and orders, it is proposed that service providers provide progress reports on attendance, engagement and progress, without breaching client confidentiality.[82] Case managers would also monitor any new notifications about the community member and draw on the local knowledge of panel members.

5.4 Recognition and restrictions (income management)

As set out in part 2.3, where a person is already meeting the community-agreed responsibilities, the panel should be able to recognise that person. Positive behaviour could be brought to the panel's attention via nominations or panel members' community knowledge. Similarly, where a case manager reports to the panel that a community member has complied with an agreement or order for its duration, the panel could recognise that success—for example, by providing a non-cash prize.

Where a person has not met the community-agreed responsibilities, Wunan proposes that the panel can enter into an agreement with that person to take up, or order that the person be placed on, income management for a defined period. During consultations, just over half of the respondents identified income management as a useful way for the panel to support families to meet their responsibilities. The legal options for enabling this capacity are discussed in part 5.5.

Wunan also considered an option for the panel to transfer, suspend or cancel payments. Given the panel's role in supporting community members, consultation feedback on income management and the difficulties the panel may face in just engaging community members, Wunan proposes that the panel should not make decisions or recommendations on re-directing, suspending or cancelling payments. However, Wunan proposes that the panel be able to provide information to Centrelink that might assist Centrelink with decisions about re-directing, suspending or cancelling payments

Where a community member is not complying with his or her obligations under an agreement or order, Wunan proposes that he or she would be required to show cause before the panel to explain the non-compliance. Another meeting would be held, preferably with the original panel members, to hear the community member and decide whether to:

- accept their reasons for not complying and release them from their obligations
- provide them with another chance to comply (potentially with additional conditions)
- if the person is not subject to income management, place that person on income management for a specified period of time, and
- if the person is subject to income management, extend the relevant agreement or order.

[81] *Implementation review of FRC*, n. 76, p. 22

[82] For example, a counsellor would not be expected to divulge the content of a session but would be required to report on whether the community member attended and participated in the session.

5.5 Implementation options

There are two routes for how a community panel could make income management decisions: directly; or indirectly by making a recommendation to Centrelink or DCP. Either route would require amendments to the *Social Security (Administration) Act 1999* (Cth) (SSAA) to enable the community-agreed responsibilities to be acted upon as proposed.

Currently, the only bodies with the legislative authority to make income management decisions are Centrelink, specified state and territory authorities such as DCP and the FRC. If the panel is to make direct decisions on income management, it would need to be either a State statutory authority (option 1) or a Commonwealth executive agency (option 2).[83] Either body would then need to be added to the relevant part of the SSAA (Part 3B).[84]

Option 1

The only precedent for the panel is the FRC, which was the first statutory body in Australia to give local Indigenous people the authority to make legally binding decisions in a quasi-judicial framework. It was set up under the *Family Responsibilities Commission Act 2008*, which had bipartisan support in passing the Queensland Parliament on 13 March 2008. In establishing the FRC, the Queensland Government recognised the importance of restoring real authority to Indigenous communities and enabling those communities to lead the task of rebuilding social norms. On that basis, the legislation gives the FRC a high degree of independence and functional decision-making powers.

The FRC was established as a Queensland statutory authority to:

- acknowledge that it was designed to exercise functions usually exercised by government
- compel Queensland agencies to share information with it
- subject it to public safeguards regarding its exercise of powers, the safekeeping of confidential information and use of appropriate procedural rules in terms of natural justice
- protect the commissioners, both in terms of potential threats and liability
- make it subject to appropriate ministerial and financial oversight, and
- signal that it was an on-going institution with the backing of the state, giving it credibility with the community and the justice system.

It is optimal to establish the panel as a State statutory authority as it would be receiving information almost exclusively from State agencies and addressing responsibilities that are for the most part State responsibilities. While legislation for an initiative that would initially operate in one town is a major undertaking for the State Government, there is some precedent in the State Agreements used since the 1960s to successfully foster individual mining development projects.[85] The FRC statute could provide a starting template for any Western Australian legislation. As in the FRC statute, the State legislation could include a sunset clause to establish the panel's initial term (Wunan proposes five years), which would be reviewed using evaluation outcomes (see chapter 7).

At this stage, Halls Creek is the only proposed site for Living Change. However, if other sites are added between this report and implementation or Living Change is expanded in the future, the legislation could support Living Change being implemented at other sites.

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[83] It is assumed that the Australian Government would not pass legislation to create a statutory authority if it could achieve the same ends through an executive agency, though a statutory authority is also a possibility.

[84] A panel operating as an executive agency under the Department of Families, Housing, Community Services and Indigenous Affairs could exercise limited panel functions without a SSAA amendment but with a delegation from the Secretary. However, this section assumes full panel functions, as proposed by Wunan.

[85] This comparison raises the unusual possibility that the panel could be established under a State Agreement and then operate in conjunction with section 123UFAA of the SSAA: see n. 87.

Option 2

Almost all the advantages derived from the FRC's status as a statutory authority could be bestowed upon the proposed panel operating as a Commonwealth executive agency, which can be established under the *Public Service Act 1999* (Cth) by order of the Governor-General (e.g by executive decision). Such an agency would be accountable to the Parliament and could be auspiced by the Department of Families, Housing, Community Services and Indigenous Affairs.

However, for the executive agency to receive information from State agencies, an intergovernmental agreement between the Australian Government and State Government on information-sharing would be required. Wunan's preliminary analysis is that there is very likely sufficient ministerial or CEO discretion under the relevant pieces of State legislation to enable information to be provided without legislative amendment at the State level.

Nevertheless, it is difficult to enforce intergovernmental agreements and so there would be an extra element of implementation risk, in the sense that an agency could withhold or be slow to provide information to and co-operate with the panel. The free flow of information is critical to the panel's effective operation (in particular for a client who deals with multiple agencies, which is often the case). Without all relevant information, the panel could inadvertently make a decision that is contrary to an agency decision or, in child protection or domestic violence cases, put a community member at risk. Given the importance of information flow, option 1 is superior to option 2 as it can compel information, while ensuring privacy and confidentiality principles are observed.

The choice of an executive agency could be justified on the basis that while many of the "ends" are state responsibilities, a primary "means" (income management) is a Commonwealth domain. However, it would be somewhat contrary to direction of transferring responsibilities in Indigenous communities from the Australian Government to the states (e.g. the closure of the Community Housing and Infrastructure Program and proposed transfer of Indigenous municipal services). It would also be highly unusual to establish an executive agency that did not have a national function or significance (noting that it may be more feasible if the Australian Government wanted to set up an executive agency as the legal agent for community panels in multiple sites).

Option 3

The final option is for the community panel to be a non-statutory legal entity that can make an income management recommendation to:

- Centrelink for a breach of the responsibility for capable adults to be in work or training, and
- DCP for a breach of the responsibility to care for children and keep them safe.

As it stands, the panel would not be able to make a recommendation related to housing or personal responsibilities, as Centrelink does not have income management powers under the SSAA in these areas. The panel would only be able to make a recommendation relating to school attendance if school attendance income management was "turned on" in Halls Creek.[86]

This option also cannot:

- compel State agencies to share information with the panel
- subject the panel to public safeguards regarding its exercise of powers, the safekeeping of confidential information and use of appropriate procedural rules in terms of natural justice, or
- provide additional protection to the panel members in terms of potential threats and liability.

[86] As far as Wunan is aware, this scheme (possible under section 123UE of the SSAA) is not currently operating anywhere in Australia. This scheme is separate to the School Enrolment and Attendance Measure.

Critically, it does not empower Aboriginal community leaders with decision-making powers nor signal that the panel is an on-going institution with the backing of the state.

Unless school attendance income management is turned on and the SSAA was amended to enable income management on housing and personal responsibilities, option 3 would not enable the panel to function as a holistic mechanism for tackling difficult behaviour change.[87] Even if these steps occurred, there would still need to be a series of (unenforceable) agreements with State agencies on information sharing and all recommendations would require Centrelink or DCP review. Not only would such a review introduce likely process delays, there is a chance that the panel's authority would collapse the first time a recommendation is rejected.

In essence, the process would operate on the goodwill of government agencies, service providers and community members called before the panel. Given that the panel is proposed to help achieve difficult behavioural change in an environment where other robust strategies have not worked, Wunan believes that any goodwill would dissipate at the hint of a difficult or controversial decision.

Recommendation on options

Based on the above discussion, option 3 would not work effectively to support Living Change. Option 1 is superior to option 2 given that the panel is seeking to influence behaviours that are mainly State responsibilities and requires a free flow of information from State agencies.

Wunan recommends that the implementation of the individual and parental responsibility component of Living Change be supported by the:

- State Government passing legislation to establish a panel of community leaders in Halls Creek as a statutory authority, and
- Australian Government amending the *Social Security (Administration) Act 1999* (Cth) to enable the panel to make income management decisions.

Jurisdiction

At this stage, Wunan proposes that Living Change be implemented in the town of Halls Creek and undertook its consultations on this basis. This proposal poses two jurisdictional questions:

1. how to define "the town of Halls Creek", and
2. how to determine if a person is "a community member" of the town.

The administrative area that most closely aligns with the commonly understood boundaries of the town is Map 1 in the *Shire of Halls Creek Town Planning Scheme No. 1*, which includes the town communities of Mardiwah Loop, Nicholson Block, Red Hill and Yardgee, and the Beckett Street area along the Duncan Road. However, this map does not include Burk's Park, Burraluba Yura Ngurra workers' hostel and Milba, which Wunan believes are all part of the town. If Living Change goes ahead, these boundaries would be resolved as part of the implementation process (noting that if option 1 is adopted, regulations could be used to define the boundaries).

In terms of defining a community member, Wunan is proposing to adapt the definition set out in the FRC's legislation in Queensland, under which a person is defined as a community member if the person is a welfare recipient, and either the:

- person's usual place of residence is in the community, or
- person has lived in the community for three months since the start of the initiative.

[87] Section 123UFAA of the SSAA ("income management—other State/Territory referrals") appears to be an alternative option to amending the SSAA but would require the State to refer a person under a law of the State or in the exercise of executive power.

The legislation set outs the factors that the FRC can consider in determining whether a person is a community member, including their postal address, whether their children are enrolled at the school and whether they are party to a tenancy agreement for premises in the community. This definition provides the commissioners with considerable discretion to use their local knowledge to identify community members and minimise the possibly of community members attempting to "game the system" (e.g. by continuing to live in the community but changing their postal address).

There are strong cultural and familial connections and people often moving between Halls Creek and the Tjurabalan communities of Balgo, Billiluna, Mulan and Ringer Soak. While Wunan had initial conversations with these communities about Living Change in 2011, Wunan did not include them in the formal consultation process conducted in 2012 and is not currently proposing that they form part of Living Change at this stage. If there was a strong desire to extend the initiative beyond Halls Creek, those communities (along with Warmun) would be obvious candidates to be sites, governed by the same piece of legislation but with separate community panels.

There is some risk to Living Change's credibility if people from these communities (much of the de facto population mentioned in chapter 4) frequently visit Halls Creek, don't abide by the community-agreed responsibilities and yet are not subject to the panel's jurisdiction. Wunan believes that the solution to this issue is for the panel to work closely with community members to embed the responsibilities and support them to communicate those responsibilities to visitors, and for the panel to alert leaders in those communities about the rules that apply in Halls Creek.

5.6 Governance

If Living Change is introduced in Halls Creek, it will be critical that robust governance arrangements are put in place to ensure that the panel is able to meet its objectives in an effective, efficient and independent manner, and there is a high degree of accountability and transparency. Wunan proposes an agreement between the Australian Government, State Government, Wunan and the legal entity for the panel to set out the expectations and obligations of each party and mechanisms for oversight, review and dispute resolution.

Wunan also proposes a board consisting of a senior representative from each organisation to oversee the operation of Living Change in Halls Creek and help overcome any departmental or federal/state barriers that might prevent the initiative being fully effective.[88] Given the need for panel independence, it is appropriate that the board would hold an advisory function and not have the power to direct the panel or any of its members or staff. Its primary roles would be to:

- make recommendations to the relevant minister on the appointment of panel members
- monitor the progress of Living Change and the evaluation process
- advocate for any policy, personnel or cultural changes that agencies may need to make to support the panel's work
- make recommendations to the panel on its priorities and changes that might be required to improve its operations
- advise relevant ministers on matters of significance concerning the panel, and
- monitor the funding arrangements.

[88] The initial FRC board was the: Director General, Department of Premier and Cabinet; Secretary, Department of Families, Housing, Community Services and Indigenous Affairs; and Director, Cape York Institute. This small but high-profile membership reflected the senior leadership that was required to ensure that an innovative but controversial initiative was effectively implemented and continued to operate as planned.

One particularly important task is for the board to monitor the performance of panel members against a code of conduct, assess any complaints about panel members and, if necessary, initiate action to remove a panel member for breaching the code.

5.7 Social marketing campaign

For the reasons set out in part 2.3, Wunan proposes that Living Change be supported by a "norms and values" social marketing campaign in Halls Creek. Such a campaign would help signal the start of the initiative, support the work of the panel in trying to shift norms and be an easy way for community members to connect with Living Change's key messages.

VI. Opportunities

This chapter sets out some of the larger education, employment and housing opportunities that government could support to complement the responsibility component of Living Change.

As set out in part 2.3, opportunities can be a powerful incentive for:

- families to continue or start to meet community-agreed responsibilities; and
- communities to take on difficult social change.

Essential to Wunan's philosophy, as reflected in Living Change, is that opportunities reward aspiration, independence and responsibility.

6.1 Education

Educational opportunities can inspire students to attend school and improve their capabilities. There are two major educational opportunities in Halls Creek that embed notions of responsibility: the Clontarf Academy and Wunan's Dural Education Excellence program.

Clontarf is a syndication of the Clontarf Foundation program that uses football as a lever to improve education, life skills and employment opportunities for young Aboriginal men. It has operated in partnership with the High School since 2008. Students must meet attendance, academic and behavioural standards to take part in football carnivals or interstate trips. While Clontarf does not report on results for its individual academies, the overall program has been successful for its participants in improving student retention, school attendance and post-school employment rates.[89]

Dural is a partnership between Wunan, the High School, Dural Baptist Church, William Clarke College and Pacific Hills Christian School that began in October 2011. Ten Halls Creek students aged 12 and 13 live with two Halls Creek house parents (employed by Wunan) in two houses on a five acre block (owned by the Baptist Church) in Dural, Sydney. The students attend either William Clarke or Pacific Hills, both of which are high-performing private schools, supported by ABSTUDY.

Students were selected based on learning commitment (evidenced by attendance and reports) and family support. They access an excellent education, enjoy extra-curricular activities and broaden their aspirations, but at the same time maintain a strong connection to Halls Creek and receive culturally appropriate support. Through the house parents and its Parents and Community Engaged in Education program, Wunan is also working with the parents in Halls Creek to maintain and build their involvement in the program. Wunan believes that these elements will lead to better retention and outcomes than the traditional approach of sending individual Indigenous children away to board in an unfamiliar environment with limited family or other support.

The program is half-way through a two-year pilot but early results are impressive, with near perfect attendance and substantial improvements in learning outcomes. If the pilot is extended, permanent funding is required for the house parent component. Subject to evaluation and funding, there is scope for the current schools to take on more students and substantial space available on the current site for additional boarding facilities.

Dural also involves a teacher exchange between the High School and colleges, recognising the value of cross-cultural awareness and need to improve High School outcomes. However, more action is needed on the latter front. As set out in part 3.2 above, attendance has been dropping for the past four years, with a sharp decline in 2012. Over the same period, the NAPLAN results have gone from

[89] Clontarf Foundation, *Annual report* (2011) p. 6

being on par with or above other similar schools in a number of areas in 2008 to being the worst performing school in its bracket on most measures in 2011. It is not yet clear what effect the adoption of the Smarter, Stronger philosophy, or regional strategies such as the Kimberley Success Zone, are having on those outcomes.

Given comments during the Living Change consultation process about the school being disconnected from the community, Wunan suggest that a high priority be placed on the High School working with the community to agree a School-Community Partnership Agreement. As far as Wunan is aware, no such agreement has been finalised, despite it being identified in the first RSD local implementation plan for Halls Creek in 2010 as a key action.

While public schooling is not an "opportunity" within the Living Change framework, it is a vital and complementary piece of the strategy for improving wellbeing in Halls Creek. Wunan's consultations revealed the importance that community members place on education and yet this emphasis is not evident in either student attendance or performance.

Improvements in student outcomes are needed now, and in large measure. Whether or not Living Change is adopted, the State Government must ensure all steps are being taken, and sufficient resources are being provided, to radically lift school attendance and performance in Halls Creek.

In terms of educational opportunities supporting Living Change, Wunan recommends that:

- the State Government ensure that all steps are being taken, and sufficient resources are being provided, to radically lift school attendance and performance in Halls Creek, and
- both governments consider permanent funding for the Dural initiative if the pilot is successful.

6.2 Employment

Employment opportunities, and appropriate training and support to link Aboriginal people to those opportunities, are critical to breaking the destructive cycle of welfare dependence. Unlike education and housing opportunities, employment opportunities have an inherent responsibility component (e.g. you need to turn up each day to keep your job).

As discussed in part 1.1, there are many employment opportunities across the East Kimberley and neighbouring areas, yet Aboriginal participation in the region's real economy is only edging up slowly. This situation reflects: low levels of educational attainment; the disincentive effects of public housing and welfare; low awareness of options; high personal barriers such as substance abuse; and that some opportunities require job seekers to relocate from where they live now.

Employment services in remote communities such as Halls Creek are in the midst of a major overhaul with the introduction of the Remote Jobs and Communities Program (RJCP) from 1 July 2013. In each RJCP region, the single provider will have significant flexibility to work with communities and local businesses on community-driven training and economic development initiatives. As an existing Job Services Australia provider, Wunan has tendered for the RJCP provider role in the Halls Creek region. Whether Wunan is successful in the tender or not, there would be significant potential for RJCP to complement Living Change.

Wunan has developed one possible employment opportunity to expand the options available to, and aspirations of job seekers in Halls Creek – a fly-in, fly-out (FIFO) initiative for Aboriginal people in and around the town to access Pilbara employment options. The proposal is for Wunan to identify up to 40 job seekers who are willing to travel to access good jobs. Wunan would partner with training providers and employers to prepare, screen, train and support these job seekers, with an end goal of 20 full-time Indigenous FIFO workers trained in mining operations, drilling operations or

accommodation support. The trial would require dedicated flights to and from Halls Creek, and a full-time mentor to support workers on their return to community and engage their families to counter known risks to sustainable Aboriginal employment. Wunan has identified a number of potential Pilbara employers who have an existing FIFO operation and culturally appropriate employment support program for Aboriginal employees.

A cohort of at least 20 workers is required to make economic the flights and support position, and to establish an identifiable cohort of workers who have taken up a major job opportunity—that is, to help rebuild an employment norm in Halls Creek, particularly for young adults. As designed, this initiative would also respond to concerns raised during consultations about pathways and support for Aboriginal people to move into mainstream jobs, inhospitable workplace cultures and qualifications that don't lead to jobs.

Several potential employers have said that the proposal is promising but unproven and risky without further feasibility work (e.g. a trial). Wunan proposes a twelve month trial to establish whether the model will work and be economically viable. Given feedback from employers, the trial would likely require government or philanthropic support.

In terms of employment opportunities supporting Living Change, Wunan recommends that both governments consider supporting a 12-month trial of a fly-in, fly-out initiative for job seekers in and around Halls Creek looking to work in the Pilbara.

6.3 Housing

Housing is a key enabler for Aboriginal people to take up education and employment opportunities: it is much easier to get to school or work if you've slept well in a quiet, uncrowded house. Perhaps less well recognised is the capacity for housing to provide an incentive for reinforcing individual and parental responsibility. This is the underpinning concept for transitional housing.

In partnership with Community Housing Ltd (CHL), Wunan has been managing forty transitional houses in Kununurra since July 2012. The houses were constructed by the Department of Housing using federal East Kimberley Development Package funds. CHL provides tenancy management services, while Wunan screens applicants and provides support services, including an Indigenous Money Mentor sponsored by the National Australia Bank. To qualify for the houses, which operate at a small discount to market rent, a person or family must: be in employment; be sending their children to school (attendance of 85 per cent or more); and agree to engage with support services.

The goal is that after two years, residents either purchase the house or exit into the private housing market, having built up their financial skills, embedded responsibilities on school and work, and avoided the bad influences associated with some public housing. Not only does the housing provide an incentive for people to stay in work and send their kids to school, it also frees up public housing, for which there is a substantial waiting list.[90]

There has been strong demand for transitional housing spots, with nearly 90 applications to date. Initial school attendance data has shown improvements from already good levels and feedback from employers has been extremely positive. Wunan believes that this demand and the early results reveal that the concept of opportunities embedded with responsibility can work, particularly in conjunction with appropriate support services, and that there is a group of Aboriginal people in the East Kimberley willing to commit to responsibilities tied to opportunities.

[90] Out of the 21 transitional housing residents for whom Wunan has data on their previous residential status, 16 were in public housing.

Wunan operates the Burraluba Yura Ngurra workers' hostel in Halls Creek on a similar basis, though residents there can be in either work or training. The hostel is located on Burk's Park (a pastoral lease on the edge of Halls Creek) and was constructed with funding from the National Partnership Agreement on Remote Indigenous Housing. Since it opened in July 2011, Wunan has employed a hostel manager and support worker to ensure that residents are comfortable in their homes and can access appropriate services such as money management. The hostel has been at or near capacity for most of the past six months as word has spread about the opportunity to live there.

Both the transitional housing and hostel reveal an emerging demand in the East Kimberley for Aboriginal housing options outside the traditional community and public housing models.

As set out in part 3.2, Halls Creek has a highly distorted housing market. Given this distortion and the community sentiment on housing revealed through the consultation process, Wunan proposes that the State Government undertake a major land release in Halls Creek focused on private housing options. Such an investment is a pre-condition for the community supporting a housing responsibility being included in Living Change.

Wunan has developed a "next stage" transitional housing option to take advantage of any such release and modelled its financial viability based on:

1. the State Government meeting the cost of land release
2. innovative, lower-cost modular housing
3. most construction finance coming from social impact investors
4. using rent to fund support services, and
5. the transition to home ownership after two or three years providing investor returns.

The first two features are essential to ensuring that residents can afford to purchase the houses at the end of the two or three year period. Based on existing income profiles in the community, Wunan believes that the model is financially viable and there would be demand for at least 30 transitional houses in Halls Creek. At this stage, the key barrier is the availability of land, an issue that only the State Government can address through LandCorp.

Another option that could complement Living Change would be an initiative to repair and then transfer existing public housing to residents who meet community-agreed responsibilities and engage support services. Wunan understands that there have been few, if any, housing transfers from the Department of Housing to residents in Halls Creek, even though there are public housing residents with the financial means to purchase their house. The issue has been identified as residents lacking awareness about home ownership options. Wunan believes that the barriers are more to do with the existing state of public houses and financial literacy. If this is correct, then the proposed scheme of "repair, support and transfer" is more likely to have success than an information campaign.

In terms of housing opportunities supporting Living Change, Wunan recommends that the State Government meet the cost of a major land release in Halls Creek for transitional housing and consider other options for correcting the distorted housing market in Halls Creek.

VII. Evaluation

An essential consideration in designing and implementing any initiative to improve wellbeing is how to evaluate that initiative. Effective evaluation provides valuable information on whether to continue the initiative, how to improve the initiative, and whether it should be replicated elsewhere. Ineffective evaluation is scarcely better than having no evaluation at all.

Wunan proposes that Living Change be implemented in Halls Creek for an initial period of 5 years and then evaluated to determine if it should be continued in Halls Creek and/or implemented elsewhere. This proposal requires that a rigorous evaluation process is designed prior to implementation to establish a comprehensive set of baseline data.

This chapter contains Wunan's recommended framework for evaluating Living Change in Halls Creek. It addresses the purpose of evaluation, evaluation framework and methodology, and identifies potential challenges that may arise in evaluating Living Change in Halls Creek.

7.1 Purpose of evaluation

In its most basic form, evaluation is simply the process of analysing data to determine if the objectives of an initiative are met. This definition requires clarity on the objective (discussed in this section) and consideration of the different types and sources of data that are available for analysis (discussed below in the sections on evaluation frameworks and methodologies).

The overarching objective of Living Change is to re-establish Aboriginal authority and responsibilities in Halls Creek. Against this objective, Wunan recommends assessing whether Living Change:

1. was implemented as planned
2. had the desired impact, and
3. was cost-effective in achieving the impact it had.

Answers against these criteria would inform both a decision on whether to continue Living Change in Halls Creek after the initial five-year term, and on the merits more generally of adopting place-based approaches to social change in Indigenous Australia. It would also build on the evidence from the Cape York welfare reform trial to help governments around Australia determine if similar approaches are warranted in other communities and regions. (An evaluation of the Cape York trial was due to be completed by the end of 2012.)

7.2 Evaluation frameworks

Wunan proposes a three-part evaluation for Living Change: a process evaluation, an outcomes evaluation and an economic evaluation. Each component focuses on a particular aspect of the initiative and when combined, would provide a robust and credible assessment of Living Change's effectiveness in meeting its objectives.

Process evaluation

A process evaluation is proposed to establish if the initiative was implemented as intended and identify areas for improvement in future implementation. In doing so, it may also seek to distinguish why some components of the initiative were successful and why some were not.

Wunan proposes a two-stage process evaluation, with an interim process evaluation after 12 months and a final process evaluation towards the end of the initial 5-year term.

The interim process review would identify if and how implementation departed from the original plan, so that any issues can be rectified in a timely fashion. Wunan expects that the panel would have its own monitoring and improvement framework, and interim review would use outputs from that framework to ensure the review is targeted, short and cost-effective.

The final process review would contribute to an understanding of what worked, and why.

The following questions should be addressed at both stages of the process evaluation:
1. Was Living Change implemented as intended?
2. What unintended consequences were experienced and what effect did they have?
3. What were the lessons learned from the trial that can be used to improve future implementation of the Living Change model or similar models?

Secondary questions would include:
- If implementation plans and timetables were revised, why was this necessary?
- How did governance structures aid or impede implementation?

Outcome evaluation

An outcome evaluation is proposed to assess the impact of Living Change at an individual, family and community level. Both qualitative and quantitative data would be required to determine what changes occurred during the initiative. This evaluation would focus on the indicators for the community-agreed responsibilities, explore the drivers of any observed change and seek to establish what the most effective drivers of change were and why.

Given the initial five year timeframe, it would not be possible to determine at the end of that period if the long-term objectives of restored Aboriginal authority and re-established responsibilities have been fully realised. However, the outcomes that are achieved and measured throughout the evaluation would indicate whether the responsibility norms are changing and whether those changes are likely to be sustained over the long term.

When assessing if Living Change achieved its intended outcomes, these questions are proposed:
1. What happened as a result of Living Change?
2. Has Indigenous authority been re-established?
3. Are social norms and behaviours changing?
4. Has governance and service provision changed in a way that supports behaviour change?

Economic evaluation

An economic evaluation of Living Change is proposed to assess the outcomes achieved against the costs of implementation. A cost-benefit analysis is recommended to establish whether the initiative provides value for money in terms of outcomes achieved.

To determine whether Living Change provided value for financial investment, the following questions should be answered:
1. Do the outcomes realised from the Living Change trial represent an effective use of public funds?
2. Do the outcomes realised provide the potential for long-term savings for associated service systems such as child protection, health and justice?

7.3 Evaluation methodology

Wunan proposes that the evaluation framework be non-experimental. Participation in the evaluation would be voluntary and bound to the principles of informed consent and confidentiality.

Evaluator

Wunan proposes that a single, independent evaluator be appointed prior to the commencement of Living Change to undertake all evaluation activity, including initial data collection. This single appointment would ensure a consistent approach to the evaluation and reduce duplication of data collection, thereby being less intrusive to the community. Prior to commencing, the evaluator would liaise with the advisory board to develop a comprehensive evaluation framework.

Once an evaluator is appointed, an evaluation network group would be formed to introduce the evaluators to the community and appropriate agency and provider personnel, ensure ease of access to data and provide advice on relevant systems and processes. The network would be comprised of representatives from the registry, agencies, service providers and community members. It is anticipated that community members would be employed as part of the evaluation team to help break down cultural barriers and aid in building trust between the community and evaluation team.

Data

Initial data collection to establish baseline standards is essential to effective evaluation. If a decision is taken to implement Living Change in Halls Creek, Wunan proposes that one of the first steps would be to appoint the evaluator and begin data collection. The evaluator would have the benefit of being able to build on the 2011 Census data.

To ensure that the evaluation achieves an encompassing view of Living Change, data should be collected from various stakeholders and all sections of the community. Quantitative data would be used to establish key trends and outcomes. Qualitative data would used to gain a more in-depth insight into the experiences of individuals and families. Data triangulation between sources could be used to increase the credibility and validity of data analysis.

To establish whether social norms are changing, behavioural and attitudinal changes would need to be measured and included as part of the evaluation. Behavioural changes may be measured through both quantitative and qualitative means including interviews, case studies and select administrative data. Attitudinal changes will need to be gauged through qualitative means such as interviews, case studies and surveys. The sampling strategy would likely include seeking data from those who had contact with the panel, and those who had not had contact with the panel.

Any existing data gaps would ideally be rectified in collecting comprehensive baseline data.

Reporting

Wunan proposes that the evaluation network group would meet every quarter to ensure the on-going progress of the evaluation and mitigate any issues that arise. Any major problems should be escalated to the advisory board (described in part 5.6 above). As the panel would likely report each quarter, the evaluation network meetings could be synced with that reporting schedule.

Logistics

Wunan proposes that the evaluator commence at least four months prior to the initiative commencing. This timing would allow for baseline data to be collected and for the evaluator to begin developing relationships at the community and stakeholder level.

Wunan proposes an initial term of five years. A key lesson from the evaluation experience for the Cape York welfare reform trials is that evaluation should not be scheduled to be finalised at the same time as existing funding appropriations finish, as this sequencing does not allow future appropriation decisions to be informed by the evaluation. Put simply, any evaluation needs to be completed prior to a decision being taken on whether to extend the initiative, noting that such decisions will often be taken six months prior to the end of a funding term.

7.4 Issues to consider

All evaluation should be conducted in line with the principles outlined by the Australian Institute of Aboriginal and Torres Strait Islander Studies for research.[91]

In evaluating Living Change, there are a number of issues to consider.

1. Attribution challenges
    - It could be difficult to distinguish the effects of Living Change from other initiatives or strategies that are deployed in Halls Creek during the initiative.
    - Strategies and potential outcomes are inter-related and interdependent, making it difficult to ascertain which parts of the initiative are causing which effects.

2. Population effects
    - Halls Creek is a diverse and dispersed community with different family, skin and language groups, so any observed effects of Living Change could be unevenly distributed.
    - Almost half the community is less than 20 years old; the evaluation would need to consider how to capture the experience of young people in Halls Creek.
    - Vulnerable groups (such as elderly people) may experience amplified impacts of Living Change; a considered strategy to engage and maintain relationships with these groups would be integral to the evaluation.

3. Effects on individuals

    The evaluation methodology should not place unwarranted pressure on or be intrusive to the lives of individual community members and so should take into account the following factors:
    - the push for widespread behavioural change may affect people in unusual ways
    - individuals could feel pressured by any increased media attention—methodologies must ensure this pressure is not increased or responsible for skewed data
    - other studies may be undertaken during the trial—every effort should be made to adopt an integrated approach to information and data collection, and
    - key spokespeople in the community should not be overloaded.[92]

[91] Australian Institute of Aboriginal and Torres Strait Islander Studies, *Guidelines for ethical research in Indigenous studies* (2011)

[92] Courage Partners, *Evaluation framework and program theory for the Cape York welfare reform trial* (2009)