

11 November 2017

Service Delivery in Indigenous Communities
Queensland Productivity Commission
PO Box 12112
BRISBANE QLD 4003

Dear Bronwyn,

**RE: YARRABAH SUBMISSION FOR THE DRAFT REPORT ON SERVICE DELIVERY
IN REMOTE AND DISCRETE ABORIGINAL AND TORRES STRAIT ISLANDER
COMMUNITIES**

There are two submissions attached, the first being a Yarrabah Leaders Forum broad submission and the second being a detailed submission from the Yarrabah Aboriginal Shire Council, focusing on areas of key responsibility to their core business.

We would also like to put forward Yarrabah as one of the two sites to implement the recommendations in the report as we feel that with the work of the Yarrabah Leaders Forum that we have the right foundations in place to enable this to work.

If further clarification is needed, I can be contacted on either (07) 4056 0005 or cleveland.fagan@gyhsac.org.au or if further clarification is needed on the Yarrabah Aboriginal Shire Council's submission is needed, then please contact Janelle Menzies on either (07) 4056 9120 or jmenzies@yarrabah.qld.gov.au.

Yours sincerely,



**Cleveland Fagan
Executive Project Officer**



JOINT YASC & YLF SUBMISSION ON THE DRAFT REPORT

November 2017

Introduction

The comments/issues below are the issues that the Yarrabah Leaders Forum and the Yarrabah Aboriginal Shire Council have identified in relation to the draft report.

We are concerned that the draft report does not include the Commonwealth Government, which would enable a comprehensive overview of all investments into Yarrabah to determine:

- How effective are the investments used?
- Whether services/programs align to community need?
- What is the return on investments?
- What difference has this made in Yarrabah?

Expenditure

Yarrabah is classed differently to remote communities and we are not able to access the same levels of investment, incentives and resources as other remote communities, but we experience the same levels of need and social issues as remote communities.

Outcomes

We understand that while there are no accepted indicator for well-being. The reference to the Close the Gap measures are appropriate, but if there is a community developed measures, then they will need to somehow be incorporated.

Improving Service Delivery Outcomes

We agree that programs are delivered in silos and this creates wastes and reduces the investment that could be put into frontline services.

We find that this approach doesn't allow the adaption of services to meet our needs and directing how and where the funding is spent, as the contract is between the relevant department and the NGO.

Yarrabah based organisations cannot compete with large Non-Government Organisations (NGO) due to the State and Commonwealth Government's preference to invest in organisations that can deliver services across a regional area for a lower cost.

John Wakeman and John Wakefield undertook a longitudinal study into high performing health organisations in remote communities and they identified three macro enablers that need to be in place:

- good relations between government;
- supportive policy framework; and
- community readiness.

While Yarrabah is working on ensuring community readiness, the first two criteria in relation to government aren't in place.

Where funding is directed depends on government priorities which are guided by political cycles and government's re-election and as a result, community needs are often not included in resource direction or policy setting.

The funding contracts need to be more flexible and outcome focused and we believe that the service delivery reform will enable this to occur. The question is how much or how fast government mechanics can or want to move in the suggested directions.

A Reform Proposal

We agree with the service delivery reforms that is suggested in this section, but need to consider the following:

- The structural reform diagram on page 24, but also need to have mechanisms on how to hold each party accountable.
- Understand the "transferring accountability and decision making" and see this as a significant challenge for government as change of culture, policies, processes and contractual conditions for "taxpayer funds".
- The inclusion of region in the diagram on page 25 is questionable if referring to moving decision making as close as possible to community as decisions about a community is still not totally controlled or guided by the affected community due to the region definition for Far North Queensland which encompasses Innisfail to the Cape and Thursday Island.
- Agree with the independent oversight body and its role for monitoring, reporting, assessing and dissemination of outcome results.
- To enable effective funding reforms to occur, need to know government investments at the community level to be able to understand if it's being used in the right areas and outcomes achieved.

Some Service Area Issues

We agree with the service area issues and agree to focus on prevention, but need government to consider that while results can be seen over the medium term, taking a preventative approach and focusing on the causal factors will produce significant reductions over the long term.

Implementation

We agree with the implementation section but also need to consider the following:

- Not confident that government will implement the recommendations as the QPC will suggest due to the track record on past reports.
- What steps can be taken to stop this from happening?
- To implement the reforms in service delivery will require extensive support and resourcing with real commitment from government to work with Yarrabah to change the way that they do business.
- The report acknowledges that implementation would take a long time and suggests establishing a clear implementation strategy and piloting the ideas in a couple of communities initially so that lessons can be learned.

- There is sure to be significant uncertainty and disruption during the change process and this would only be justified if the new arrangements are sustainable and are maintained over the long term. This would require broad stakeholder support including bi-partisan political support and strong community support. They would also require sustained resourcing, capacity building and protections to ensure all government agencies participate and comply.

Recommendations

- Recommendation 1 – Agree
- Recommendation 2 – Agree
- Recommendation 3 - Agree
 - Put up Yarrabah as one of the two regions to trial
- Recommendation 4 – Agree
- Recommendation 5 – Agree
- Recommendation 6 – Agree
- Recommendation 7 – Agree
- Recommendation 8 - Agree
 - Should report confidentially community level expenditure
- Recommendation 9 – Agree
- Recommendation 10 – refer to YASC’s response
- Recommendation 11 - refer to YASC’s response
- Recommendation 12 - refer to YASC’s response
- Recommendation 13 – Agree
 - Should also monitor the end educational levels to be comparable with non-community levels
- Recommendation 14 – Agree
 - Flexibility for local input into Blue Card applications if there is a negative response
- Recommendation 15 - Agree
 - Move focus from secondary and tertiary to prevention programs in the immediate term
- Recommendation 16 – Agree

- Pressure the Australian Government to undertake the same process to enable a holistic view of all government investments into remote and discrete communities

Seeking Further Views

Building Capacity

- The range of training options does not meet the need to Yarrabah as we have not had the opportunity to be included on what and how the training is provided. We have been working with the Central Queensland University to identify the training need for Yarrabah and will work towards directing the training funding into these areas.
- The Yarrabah Leaders' Forum is wanting to develop a self-regulatory function to ensure that all community organisations are meeting appropriate governance standards. This will require resourcing for the design and implementation, but this will ensure that the community platforms are in place to enable efficient and effective use of government investments.
- While government talks about training for building capacity, this isn't replicated in available funding or government priority. We have raised the issue of capacity building and governance training but have not had a positive response from government. In relation to governance, sustainable funding is not available considering that board elections are held either annually or bi-annually and to meet the requirement of governance training, requires regular training.

Economic and Community Development

- Economic development and creating a viable local economy is a key priority for the Yarrabah Leaders Forum. Our approach is multi-pronged which we aim to include as part of our focus on this are:
 - Support existing businesses with “wrap around support” for the core business, the “back office functions” and marketing (food delivery, arts, cultural tours and businesses)
 - Support for new business ideas with expertise and assistance in the establishment to creating sustainable businesses
 - Analysing and addressing the “leakages” to Cairns based businesses and identifying if this can be incentivised and delivered in Yarrabah
 - Increasing and improving social infrastructure
 - Looking at various industries in Cairns that currently use Yarrabah (ie. Conferences, tour groups) and identifying what infrastructure needs to be in place to access the market
- PBCs have a focus on economic development and the betterment of their members but further support, investment and expertise needs to be provided to the PBCs to enable these outcomes to be met.
- While we have not considered the business formation and structures in relation to tax, there will be a time to consider these as incentives to either attract businesses to Yarrabah or as incentives for local and/or new businesses.

- While we don't know the extent of Australian Government and State Government's policies in relation to this area, we feel that adequate cost benefit analysis and market research needs to be undertaken to determine if the project is viable or not. Also there needs to be comprehensive costings undertaken to consider real and hidden costs for the project as part of the business case stages to determine if the project is worth progressing and funding is available for the full project.
- There also needs to be an understanding of how projects and/or ideas while not always aligning to government priorities, could have a positive benefit for the community in other ways. Time must be taken, by government, to consider the project and /or idea in the overall plan for the community.
- We note the aim of increasing government positions in communities, but we are pushing that community organisations in Yarrabah are able to provide services wherever possible. We would recommend that if there are changes to the contractual system, then negotiations should occur to identify what current government services/positions could be delivered by a local community organisation.



ABN 30 977 526 871

Attachment 1: Yarrabah Aboriginal Shire Council Response

Introduction

On the 2nd June Yarrabah Aboriginal Shire Council ('YASC' or 'Council' or 'Yarrabah Council') responded to the Queensland Productivity Commission call for input into the examination of what the Queensland Government spends on services to remote and discrete communities.

It is understood that the scope is limited to service delivery in remote and discrete Aboriginal and Torres Strait Islander communities. Yarrabah is described as a discrete community.

The themes presented by YASC in the initial submission were:

- Inadequate financial assistance grant (fag) (commonwealth) and state government financial aid (SGFA)
- Yarrabah's inaccurate status for funding allocations - alternative / unique status to that of 'outer regional' for Yarrabah required
- Housing indigenous-led review into remote housing
- Submission by Council to the Department of Housing and Public Works on the 10 year housing strategy
- The Public Trustee of Queensland
- Closing the gap – employment services - additional funding - place based approaches
- Place based approaches removed from Yarrabah in other highly critical areas
- Tenure security and delivery of services

It is understood that the Commission has placed a high priority on a strategic approach to the implementations of their recommendations - namely:

- A clear implementation plan
- Assigned leadership
- Set timeframes
- Long term planning and change
- Clear assistance with institutional change
- Utilising existing resources to their full potential through leveraging of existing structures and processes
- Adapt rather than react to 'missteps'

It is imperative that the overarching reform package is implemented in a wholistic manner. In large scale projects of State significance, a multidisciplinary 'project managed' approach is critical to success. A piecemeal project managed by individual areas based only on their own legislative requirements and internal performance criteria has been insufficient to manage positive change at such a large scale.

Reform like no other in State history must be scaled up, with major coordination and a firm term of reference as a touch stone for successful delivery. Below is the issues Council have as a focus, both as a trustee and a local government.

Commission Recommendation		Council Response
<p>1 Overarching reform proposal</p>	<p>The Queensland Government should commit to a long-term reform of the governance, policy and funding of service delivery to communities. This reform should include:</p> <ul style="list-style-type: none"> • structural reform to transfer accountability and decision-making to regions and communities, reform funding and resourcing arrangements, and monitor progress through independent oversight • service delivery reform to put communities at the centre of service design and better focus on the needs of individuals through service delivery models that suit the circumstances • economic reform to enable economic activity, support community development and make communities more sustainable. <p>Each of these reform elements must be supported by capacity and capability building for government, service providers and communities; and transparent and timely data collection and reporting to support performance and accountability</p>	<p>Any structural reform must be funded accordingly.</p> <p>Past experience is when responsibility is transferred, little or no budget is allocated to the resources actually required (including wage size) to skilled professionals as staff (rather than consultants).</p> <p>Underfunding skills leading to high pressure on staff to fulfil additional responsibilities.</p> <p>Genuine community consultation appropriate to the locality / local culture must be front and centre to such a program. Consultation in projects is an afterthought, with limited resources and through going in to a consultation plan. This leads to inaccurate messages and unrealistic expectations. Officers and staff are busy doing the task at hand and do not have the resources to consult with the community in the absence of a formal plan.</p>

<p>2. Structural reform</p>	<p>The Queensland Government should reform roles, responsibilities and funding of service delivery. The structural reforms will require:</p> <ul style="list-style-type: none"> • communities and regional bodies to develop community plans outlining needs and priorities, identify funding priorities and negotiate mainstream service delivery government and regional bodies to enter an agreement specifying the outcomes expected to be achieved and the way in which mainstream services will be provided to communities • government to identify and pool grant funding to transfer under the agreement • an independent body to report outcomes and monitor reform progress. 	<p>Many of the structures that Council can leverage off exist within the current State and local frameworks. Corporate and operational plans, when undertaken appropriately, can be powerful tools to communicate and revisit intentions and principles.</p> <p>An independent body is critical in steering the reform, such as a Statutory Body.</p>
<p>3. Structural Reform</p>	<p>To implement structural reforms, the Queensland Government should:</p> <ul style="list-style-type: none"> • assign central responsibility within government for implementing the reforms—an implementation plan should be developed in consultation with communities within six months • identify at least two regions where reforms can be implemented—consideration should be given to an expression of interest process • prepare an agreement outlining the objectives, principles, governance, funding and outcomes being sought 	<p>6 months is only long enough to develop such a plan - if it is to include appropriate level of consultation – if it is steered as a project with appropriate management tools and facilitation.</p>

	<ul style="list-style-type: none">• assign an independent body, with appropriate expertise and Indigenous representation, to evaluate and report on progress and outcomes• identify government functions that could be transferred to regional bodies.	
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<p>4. Policy instruments and service delivery reforms</p>	<p>The Queensland Government should implement policy, funding and service models that place people at the centre of service delivery, including:</p> <ul style="list-style-type: none"> • service models where individuals retain control and responsibility, for example, demand-driven models and user choice • community-controlled service delivery • funding reforms that provide flexibility and autonomy, such as pooled funding, untied grants, block funding and extended contract lengths, and adopt a risk-based approach to compliance and reporting obligations • performance-based funding models • place-based and case management initiatives that cut across service delivery areas • negotiation tables or forums for community engagement and decision-making • approaches that support and enable the governance capacities of Indigenous organisations and individuals. <p>These instruments will apply to a wide range of service delivery, but need to be used where they are most likely to be effective.</p>	<p>A framework like that proposed in this recommendation would be an incredible way to see real movement and positive structural change.</p> <p>Communication must be front and centre of such a program, using appropriate technology tailored to provide access to all parties. Such technology would be developed in conjunction with the existing and proposed reforms of the individual community. Indeed, providing infrastructure to enable this may be one of the first priorities, e.g. appropriate internet access and speed to a community as one of the first objectives.</p>
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5. Policy instruments and service delivery reforms	Where the Queensland Government contracts for service delivery, it should incorporate longer contract terms and requirements for skills transfer to communities; and evaluate bidding organisations' ability to support capability building in communities and the outcomes sought.	
6. Policy instruments and service delivery reforms	The Queensland Government should continue to shift from a provider role to a funding and purchaser role. Agencies should increasingly seek to involve communities in purchasing as an active participant.	Behavioural and institutional change must be a key focus for all involved parties. Investing in agencies staff to understand their revised role – rather than just another ‘change’ but the same behaviour/attitudes - must form a part of this to be successful.
10 Land Tenure	The Queensland Government should progress land tenure reform and establish a plan that sets out a roadmap and timeframes. The plan should consider how:	
	Land tenure and native title interests can be consolidated or integrated to provide more rapid resolution of differences	
	Broad-based Indigenous Land Use Agreements (ILUAs) can be used to facilitate the resolution of land tenure and native title interests	In addition, appropriate support for Body Corporates to be able to execute any obligations under the ILUAs is required.
	Existing planning schemes can be modified to better facilitate future economic development	Any modifications need to be based on Economic Studies and evidence based planning along with consultation with community and relevant economic agencies.
	The functions to support these actions should be allocated—including whether any functions should be moved to community control	At present, Council are the Trustee of the DOGIT. This function is unfunded. There are no real and meaningful revenue raising activities for Trust land given the effort and costs associated with undertaking the statutory functions and processes associated with, say, leasing or upkeep and maintenance of the land. Given the responsibilities of the trust, the responsibility instead defaults to the

		<p>Council for upkeep that, in ordinary freehold, land owners would be responsible for. Council as a Local Government therefore responsible for the maintenance, upkeep and administration of land that they are officially not responsible for as an LGA, on behalf of the trustee who is acting on behalf of the State who in turn does not fund this function in any case.</p> <p>Regardless, Yarrabah Council has invested significant resources in to ensuring the trust area is administered as required, developing systems and processes to allow these functions to be executed. Without a functioning trust system, any decisions put the trustee at risk if the relevant requirements are not followed properly: there is a risk if decisions are not made and responsibilities are not met.</p> <p>Members of the trust making decisions live in the community and must be confident that they have appropriate support and assurance that their decisions are based on the ALA and its requirements, and any other relevant considerations, and they have been weighed appropriately.</p> <p>DNRM have an excellent trustee support unit, however, they are set up as just that, to support and must function within their own constraints. To make best use of the Trustee support unit, a local framework is required and a clear understanding of the DNRM trustee scope.</p> <p>Records management plays a huge role now that discrete parcels of land are defined and there is more formality with ownership. At present a lease is only on State record if it is registered. All other processes, which are at a point in the statutory process, are kept on file with Council, and can be lost or not appropriately accessible. Council have in the past relied on legal firms to hold such files for security and easy access. Instead this has led to a costly exercise of attaining filed information, some of which simply could not be found anyway. This lead to Council changing Law Firms with the bulk of information still with the new firm who are awaiting instructions on what to do with them next. They were handed over in a disorderly fashion.</p> <p>In the spirit of collaboration and given the extreme importance of such files, the State must set up a specific archive for such items for communities. This is appropriate given that Council are undertaking the Trustee role on behalf of the</p>
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	<p>Deed of Grant in Trust (DOGIT) land in townships should be converted to Aboriginal Freehold</p>	<p>State.</p> <p>All land required to be transferred in Yarrabah has been, to the two RNTPBCs. The land transferred to the RNTPBCs is appropriately 98% of Yarrabah Local Government Area, with approximately 17% of that 2% of remaining DOGIT with Council as Trustee left to further develop for all requirements into the future – e.g. infrastructure / social housing / community needs.</p> <p>The ALA allows for great flexibility in how to execute leases and tenure arrangements that respects the Indigenous communal land aspect of DOGIT. Putting greater resources into the development of systems and processes that meets the requirements of the ALA while maintaining a locally culturally appropriate method of land use and development decisions should be the focus instead of moving towards ordinary Freehold.</p> <p>Community consultation is an integral aspect of a community determining if it wishes to move towards ordinary Freehold. Yarrabah people have not undertaken a consultation process to determine if ordinary Freehold is something that they would like to move towards. There has been no pressure from community to look towards this as a measure.</p> <p>There is insufficient evidence demonstrating that converting to ordinary Freehold would stimulate the local economy. Converting would likely cause community anxiety given that they would lose their communal land which could be then sold to people that have no connection to Yarrabah whatsoever. Given the scarcity of land for development for the people actually living in Yarrabah, there seems no need to move towards ordinary Freehold. Effort should be put to actually investing and refining the system in place at a local level.</p>
	<p>To complete the survey and registration of land parcels currently in use (or planned to be used) in discrete communities</p>	<p>A large-scale survey project has now been completed by DATSIP in Yarrabah which has dramatically increased the efficiency of land management.</p> <p>The next phase really needs this information to be loaded in to a land administrative system that can be easily accessed by all parties – community, local and State. Given that the land is Indigenous communal land, it seems fitting that those the land is held in Trust actually has access to as much land information as possible and appropriate.</p>

		<p>Integrating current information into GIS is a key way to start to provide meaningful geographic representation of local values. Maps are used as key tools in communicating land tenure arrangements and constraints in trustee reports and in communicating with applicants and community members. However, they are time consuming in their current form and must be carefully managed to ensure the most up to date information is used.</p> <p>A great deal of Council resources goes in to fielding queries regarding individual pieces of land, existing land leases or land availability for proposed land use such as housing and commercial activities. Individual enquiries are labour intensive to respond to.</p> <p>Council requires funding for communication tools, in particular, a website that can handle traffic and downloads as well as the required systems that allow parties to have one central location for information and data regarding land, as most mainstream Councils do. Having appropriate funding for website development and updates and maintenance would assist with funds collections, information sharing, mapping uploads etc. This would assist with communication and take pressure off staff and consultants.</p>
	<p>To build the capacity of Indigenous land holding bodies.</p>	<p>Given that the RNTNBCs do not have the (albeit limited) resources of Council, administering the land will be a great challenge. Council have offered processes and systems developed to date however, ongoing development and administration of this specialised field is still required. This is with particular consideration to the fact that they still have ILUAs to develop and internal systems and upskilling to undertake in the absence of funding.</p>
<p>11 Housing</p>	<p>To provide better support for housing, the Queensland Government and communities should:</p> <ul style="list-style-type: none"> identify ways to transition property and tenancy management to community control assess construction and maintenance practices to identify and remove unnecessary red tape 	<p>Interest still remains in Home Ownership in Yarrabah, particularly for land. However, the inability to access finance reduces the likelihood of purchasing homes.</p> <p>Yarrabah are also currently working with the DHPW on a place based / people centred approach to Housing Yarrabah people. The Strategy is locally lead, and involves intensive consultation for a six-month period to develop and implementation plan.</p>

	<p>change construction and maintenance procurement policies so that they do not impede the development of private activity in communities</p> <p>explore providing support for home ownership by offering social housing stock to long-term tenants</p> <p>examine innovative ways of increasing financing for home ownership, including home ownership models that support communal land ownership.</p>	
<p>12</p> <p>Municipal services</p>	<p>To achieve better support for municipal services in communities, reforms should:</p>	
	<p>Ensure infrastructure funding allows for whole-of-life costs for community assets</p>	<p>Whole of Life Cost must include a that “Operational Costs” are included in that calculation</p>
	<p>Ensure infrastructure funding allows for whole-of-life costs for community assets</p>	<p>Whole of Life Cost must include a that “Operational Costs” are included in that calculation</p>
	<p>Develop asset management plans for existing assets</p>	<p>Agree, Funding is also required for ongoing up keep of asset management plans.</p> <p>Planning needs to include long term planning (rather than immediate need, when it becomes critical), with the population growth at Yarrabah and development that will take place in the southern area of the shire we (with State Government) should have already been looking at issues such as waste water and waste disposal. In particular, the when the land was transferred back a new waste disposal site was another issue that was not considered.</p>
<p>Develop a funding model that provides greater long-term funding certainty and sustainability</p>	<p>The SGFA funding model needs to consider actual cost of maintaining and running essential infrastructure. The initial model was incorrect to begin with and as a result has had a continued negative impact on the preventative maintenance of essential infrastructure.</p>	

	Enable local management of municipal infrastructure, including support for training	Agree
	Coordinate capital works to facilitate equipment sharing and avoid 'boom and bust' cycles of economic activity	Agree
	Leverage mechanisms to ensure local knowledge and expertise is used during infrastructure planning and construction.	Agree Current mapping requires updates with local knowledge. This local knowledge needs to be imbedded in any record management / systems in a locally appropriate, efficient way.