

ATTACHMENT 1.

Guiding Principles for Negotiation.

The six principles to guide negotiation and transition planning in accordance with the COAG *Closing the Gap* agenda are as follows:

1. To cause no harm through policy change and to fund and plan transition arrangements accordingly;
2. All funding structures need to be recalibrated to better account for the costs of remoteness and achieve a rate equivalent base as recurrent funding sources are inadequate to meet basic service standards;
3. Agreement is required between the Commonwealth, State and Local government on a funding arrangement to upgrade the infrastructure required for agreed services to be provided, to a minimum serviceable level prior to a Local Government taking up responsibility for service provision in remote Aboriginal communities;
4. To comprehensively plan for changes to service delivery by taking into account risk management, implementation issues, practicalities of scheduling and alignment with State and Commonwealth priorities, in order to achieve improved standards and quantity of service delivery;
5. Transition funding needs to secure governance arrangements as a necessary precursor to service planning with both local governments and communities; and
6. Community consultation and skills and capacity building need to be built in to the funding arrangements and service planning.

ATTACHMENT 2.

Local Government Service Delivery to Aboriginal Communities Forum

Attendance list.

Keith Pearson, CEO (proxy)	Shires of Ashburton & East Pilbara
Kenneth Donohoe, CEO	Shire of Broome
Graeme Campbell, President,	Shire of Broome
Jenny Bloom, Councillor,	Shire of Broome
Charlie Brown, Manager Corporate Services	Shire of Carnarvon
ElsiaArcher, President	Shire of Derby/West Kimberley
Shane Burge, CEO	Shire of Derby/West Kimberley
Richard Brookes, CEO	Shire of Dundas
Jacquie Best, President	Shire of Dundas
Sciona Browne, President	Shire of Halls Creek
Warren Olson	Shire of Halls Creek
Don Burnett, CEO	City of Kalgoorlie-Boulder
Ron Yuryevich, Mayor	City of Kalgoorlie-Boulder
Steven Deckert, CEO	Shire of Laverton
Robert Wedge, President	Shire of Laverton
Garry Keeffe, CEO	Shire of Northampton
Damien McLean, President,	Shire of Ngaanyatjarraku
Chris Paget, CEO	Shire of Ngaanyatjarraku
Shelley Pike, CEO	Pilbara Regional Council
Russell Dyer, Director Engineering	Shire of Port Hedland
Katherine Galvin, CEO (proxy)	Shire of Roebourne
Ricky Burges, CEO	WALGA
Allison Hailes, Ex Manager Planning and Community	WALGA
Jodie Holbrook, Policy Manager Community	WALGA

Graham Harris, Deputy President

Shire of Wiluna

Samantha Tarling, CEO

Shire of Wiluna

John Moulden, Deputy President

Shire of Wyndham/East Kimberley

Gary Gaffney, CEO

Shire of Wyndham/East Kimberley

Janet Takarangi, Economic Development Advisor, Shire of Wyndham/East Kimberley

Forum of WA Local Governments

“Without Prejudice”

Communique to the Western Australian State Government

Future Local Government Service Delivery to Aboriginal Communities

Background

There are 287 discrete Aboriginal Communities in Western Australia accommodating approximately 17,000 Indigenous people spanning 26 Local Governments.

In the more than four decades since the 1967 Referendum, successive Commonwealth governments have developed and funded policies and programs

designed to improve the socio-economic status of Aboriginal Australians, and

overcome a long history of poverty and marginalisation. Despite these efforts, there has been only modest improvement in some areas, and many Aboriginal Australians continue to experience high levels of disadvantage in living standards, life expectancy, education, health and employment.

Over the past decade Commonwealth and State Government policy directions on the provision of services to remote Aboriginal communities have largely been focused on transferring responsibility for essential and municipal services delivery from Commonwealth programs to the State Government agencies and Local Governments normally responsible. This approach is generally referred to as the 'normalization agenda'.

The Council of Australian Governments' (COAG) National Aboriginal Reform Agreement provides the current framework for the Commonwealth, State and Territory governments to work together with Aboriginal Australians and the broader community to achieve the target of '*Closing the Gap*' in Aboriginal disadvantage.

The *Closing the Gap* strategy includes six targets relating to Aboriginal life expectancy, health, education and employment, which need to be in place in order to address the current level of disadvantage.

Underpinning the *Closing the Gap* targets outlined in the National Aboriginal Reform Agreement are other National Agreements which contain Aboriginal specific outcomes, and a series of National Partnership Agreements. One such agreement is the *National Partnership Agreement on Remote Aboriginal Housing*.

This Agreement specifically includes provision for arrangements to be put in place to enable the progressive transfer of responsibility for delivery of municipal and essential services from the Commonwealth to the States and Local Government by 1 July 2012 (subject to agreement being reached with individual jurisdictions).

Communique

Western Australian Local Governments with Aboriginal communities are supportive of efforts to improve the living conditions and governance in communities that currently receive municipal and essential services such as power and water, to a level that is similar to other Australians, living in towns and cities.

However, affected Western Australian Local Governments do not consider that adequate provisions have been made to enable Local Government to assume responsibility for service delivery to Aboriginal communities in a fiscally responsible or acceptable manner.

To achieve better outcomes for Aboriginal communities and considering the Council of Australian Government (COAG) agenda for normalisation of Local Government services to Aboriginal communities, the Western Australian Local Government Association (WALGA) convened a forum of the 22 Local Governments affected by the *COAG Closing the Gap* agenda on 5th December 2011.

Forum participants agreed to communicate the following message to the State Government:-

WA Local Governments are committed to supporting improvements to, and normalization of, the current arrangements for municipal services delivery to Aboriginal Communities.

In order for Local Governments to engage in the transfer of responsibility for municipal services delivery to Aboriginal communities, in accordance with the *National Partnership Agreement on Remote Aboriginal Housing 2008*, the following pre-requisites must be put in place:

1. A written commitment by the Commonwealth and State Governments to the transition principles for the transfer of services (attached);
2. Agreement to defer any change in service delivery or existing funding levels to communities to at least July 2013 or after, to provide sufficient time for community engagement and business planning by Local Governments;
3. Confirmation of the quantum of funding that will be transferred to Local Government to undertake service delivery, and the mechanism to do so;
4. Identification and confirmation of the outcomes that are to be achieved through the transfer of responsibilities and service 'normalization' to Aboriginal communities;
5. Confirmation of which Aboriginal communities are to be included in the 'normalization of service delivery' process in the short and long term;
6. A commitment by the Commonwealth to fund and lead a comprehensive Aboriginal community consultation and engagement program, in conjunction

with affected Local Governments, to ascertain community views and support for the proposed changes. The program must commence by March 2012;

7. Funding to be made available to individual Local Governments by July 2012, for the employment (inc overheads) of the additional resources required by each Local Government to undertake the activities required to plan for and implement the new arrangements/responsibilities related to service delivery to communities;
8. Confirmation of the timeframe for the transition of delivery eg 10 years / 20 years and commitment to developing regional / local implementation plans with affected Local Governments.
9. That the definition of Municipal Services shall be more clearly defined taking into account the executive function provisions of schedule 3.18 of the Local Government Act 1995:

1. *A Local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.*
2. *In performing its executive functions, a local government may provide services and facilities.*
3. *A local government is to satisfy itself that services and facilities that it provides –*
 - a) *integrate and coordinate , so far as practicable, with any provided by the Commonwealth, the State or any public body;*
 - b) *do not duplicate, to an extent that the local government considers in appropriate, services or facilities provided by*

the Commonwealth, the State or any other body or person, whether public or private; and
c) *are managed efficiently and effectively.*

10. A commitment by the State Government to address the lack of understanding of Local Government functions by the Commonwealth and State agencies in relation to community development and governance needs.

11. A commitment to pursue support from the Commonwealth to address the devastating effect that the reform of the CDEP program is having on the functionality and cohesiveness of remote communities that needs to be resolved urgently.

12. A commitment to the establishment of a high level committee, that includes senior officers from the Department of Premier and Cabinet, Department of Indigenous Affairs, Department of Treasury and Finance, Department of Local Government, Western Australia Local Government Association (WALGA) and others as necessary, to oversee the process for transfer. WALGA representatives will be: Ricky Burges, Chief Executive Officer, Graeme Campbell, President, Shire of Broome, and Allison Hailes, Executive Manager Planning and Community Development.

Attachment 1: Six guiding principles

Attachment 2: Aboriginal Communities Forum attendance list.