THE UNIVERSITY OF WESTERN AUSTRALIA

UWA Public Policy Institute

Going Further, Faster

A Policy Agenda for WA 2021

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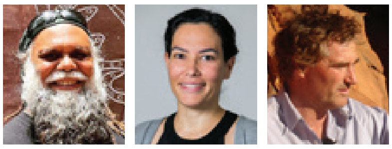

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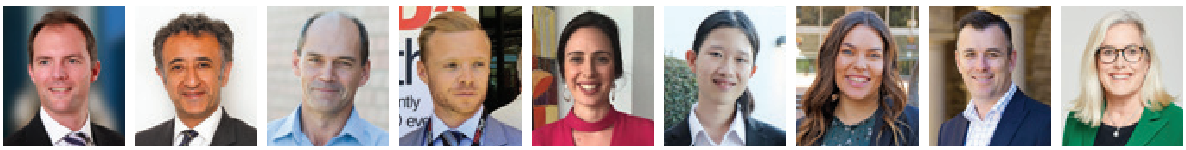

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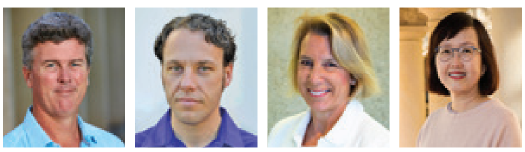

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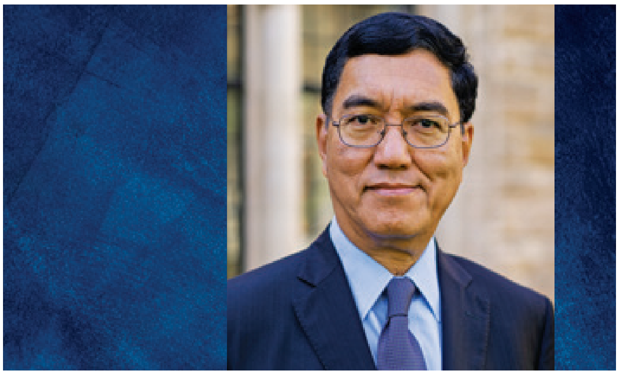
Professor Amit Chakma



The University of Western Australia was established as a seat of learning more than a century ago, and I am proud to be its 19th Vice-Chancellor. A central aim in 1913 was to ensure that UWA benefitted the people of Western Australia, by working for their prosperity and welfare. That purpose is as true today as it was then.

West Australians are fortunate to live in a peaceful, prosperous and environmentally rich place. However, we should not be tempted to stand still and put off reform and renewal where it is needed. Drawing on expertise and know-how is going to be the best way to build a knowledge economy, a fair and equitable society and a sustainable environment.

UWA takes modernisation of the State seriously. That is why we established in 2018 our flagship UWA Public Policy Institute, led by my colleague, Shamit Saggar. In the two years since its inception, UWA PPI has led thought leadership in WA, nationally and internationally, and it has created innovative collaborations with government, business, non-profits and campaign organisations.

Going Further, Faster (GFF): A Policy Agenda for WA 2021 is our latest contribution to these efforts. The ideas and proposals contained in this volume cover five of the most pressing policy challenges we face in our state. Our 27 contributing experts and practitioners present timely proposals that are well-informed and practicable to advance environmental protection, support Aboriginal cultural heritage, tackle mental health (especially among children and young adults), diversify our strong-yet-vulnerable economy, and buttress our fragile mechanisms of political participation and public accountability.

We are publishing *GFF* at the start of a new parliament. The ideas here are designed to meet current and emerging challenges. They are well-researched and steeped in practical know-how. They will be subject to scrutiny and exchange through follow-up events and meetings that UWA PPI will be convening.

We do so as part of our commitment to the community of Western Australia. It is a commitment that extends from training so many of its bright young people to play important roles in their society, to conducting world-leading research, and to addressing the challenges that face us all day-to-day.

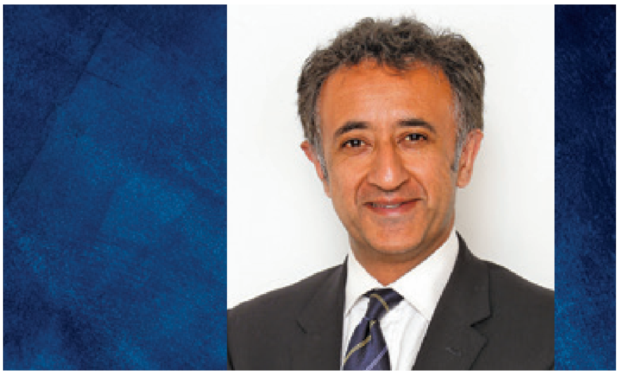
I commend this report to any minister in WA's new State Government. It exemplifies the types of fresh ideas and well-calibrated proposals that the State probably cannot afford to neglect. Above all, it aligns with a notion central to UWA as a civic-minded institution – that governments should be as well-informed as possible and draw on the rich evidence base readily available through close cooperation with universities.

In short, *GFF* is a natural place to start. You'll find it helpful.

Amit Chakma is the Vice-Chancellor of The University of Western Australia. He served as President and Vice-Chancellor of the University of Western Ontario from 2009 to 2019, and Chair of the Council of the Association of Commonwealth Universities from 2017 to 2019.

Introduction

Shamit Saggar



Western Australia, thus far, has weathered the global COVID-19 pandemic comparatively well. Our isolation and low population density have worked in our favour. And, by any accounts, the WA Government has moved swiftly and diligently to strengthen our preparedness.

It is the year of refreshing democratic mandates, and a new administration faces a myriad of in-tray challenges to address. Stakeholders across communities, business and non-profits are expectant: they anticipate and wish to contribute to new policies for a fresh parliament. An era of reform and renewal, and above all, effective delivery, lies ahead.

This is a promising starting point for the next four years. WA remains prosperous, peaceful and enjoys an abundance of environmental wealth. It is also blighted by entrenched inequalities, hidden suffering and something of a complacency that seeps into an agenda for change and improvement.

But maintaining our strengths and dealing with our problems will not happen by itself. Four ingredients are needed. First and second, political will and wise and assured leadership. Demonstrating both of these will be where the new Government comes in. The third ingredient is the stakeholders in our health services, care homes, schools, communities, businesses, environmental stewardship and arts and cultural sectors. That is where forward-thinking change-makers who will deliver results come in.

And the fourth, vital, element is the knowledge and expertise that sits in our universities. A better WA fundamentally requires evidence and know-how, grounded in practical, real-world understanding and skills. Successful economies and communities all over the planet are those that are investing heavily in advanced knowledge and networks. WA is no different, and our ability to meet the challenges of the next decade will depend on accessing our own expertise in our universities.

It is for all these reasons that the UWA Public Policy Institute commissioned the *Going Further, Faster* (GFF) report. UWA's mission is to serve the people of WA, and we are proud to bring together new ideas for change in five areas for the next four years.

GFF contains timely, evidence-based ideas and practical ways forward to address challenges in safeguarding our environment, protecting Aboriginal cultural heritage, improving mental health outcomes, diversifying our economic future and refreshing our democratic institutions and practices.

GFF does not claim to have all the solutions for all of the challenges. It does represent a survey of what needs fixing and a dynamic set of proposals which any minister can use to spend their hard-won political capital. Our authors are experts and practitioners whose advice is accessible and can be used to build better policies.

The report deals with five areas that reflect significant challenges for all West Australians. Some particular themes underscore the twenty-plus contributions in the report. One of these is that many of the problems discussed here are ones that are hidden in some way. Think of the mounting mental health crisis facing young people and children: the scale, causes and possible remedies are easy to miss. Our expert authors helpfully provide a close-up analysis and response that demonstrates what can be achieved if we are to avoid a crisis that scars a generation. Providing proper care and governance for our diverse and wonderful natural environment is critical, for sure, but it is a challenge that many in WA overlook when they marvel at our beautiful land and seascapes.

Another important theme concerns West Australians coming to terms with the nature and scale of our historic past. Mapping out plans to treasure the State's Indigenous cultural history is not about things that happened a long time ago. Such plans and the laws they stand behind can only succeed if we are able to connect the past with the present and the future. Successfully resolving Indigenous cultural protection will bring benefits to all West Australians.

Some will say that the challenge is too hard or too intangible. This sense of despair comes from the Jukkan Gorge debacle which has undermined respect and trust. But it also stems from avoiding tackling the hard questions – such as the identification and use of Indigenous knowledge-holders of the cultural past.

A final theme relates to proposals that are about fresh starts as opposed to building on what already exists. Looking at our thriving resources economy; it sometimes appears self-sustaining. It is not, and already work is underway to help develop new industries and sectors. Some of this can be done by reforming our regulatory environment to enable new businesses to flourish. Some of it requires injections of fresh talent. And some can only happen by creating new institutions or radically reforming existing ones.

Scanning the globe, it is striking that in prosperous countries success has frequently come from governments playing an intelligent and agile role in helping market forces create new wealth. Scandinavia, Germany and Canada, far away, alongside South Korea and Japan, nearby, all show that new industries depend on governments taking an active part in the economy. WA may benefit from some of that thinking and creating new ways to foster future prosperity. WA can also benefit from adapting existing institutions to help business see and exploit new opportunities in the Indian Ocean Rim.

Like all UWA Public Policy Institute reports, our role is to convene and to get the ball rolling. The *GFF* report is packed with big and small proposals and our authors have not been shy in applying themselves to the 'what-should-be-done' question.

Still, smart ideas alone will not get us to where we need to be. People and their values, hopes and expectations matter. So before looking more closely into the proposals presented by our authors in the substantive chapters of the report, I strongly encourage you to read about what West Australians value, as laid out by Julie Lee and Joanne Sneddon over the next few pages.

I hope that you read with interest and enthusiasm, and a readiness to make WA a better place for all.

Shamit Saggar is the Director of the UWA Public Policy Institute and Professor of Public Policy at The University of Western Australia. He is also Visiting Professor at the Policy Institute, King's College, London.

Feature: Values in WA

Julie Lee & Joanne Sneddon

Western Australia, as a prosperous state, has within its reach the ability to lead the way in protecting the natural environment and addressing inequality and unfairness. The proposals in this report are designed to provide new insight as to how we might achieve this over the next four years. However, if we are to benefit from the rich pool of ideas in this report, a deep understanding of the values that motivate West Australians is indispensable.

Our values reflect what is important to us in our lives. They are motivational life goals that give meaning to the things we do and serve as guiding principles for our beliefs, attitudes and behaviours. Values also influence how we evaluate our own actions *and the actions of others*, even though we may not be consciously aware of them.

People naturally assume that what is important to them will also be important to other people, but this is not necessarily the case. Individuals differ widely in the values they prioritise. If we don't understand this, it can be difficult to predict the choices of people who prioritise values that are very different to our own, which can lead to misunderstandings, frustration and distrust. However, if we know and understand what people's value priorities are, we can understand where they are coming from and why.

The Basic Values Circle

To understand values, we need to know what they are. Research identified a broad set of basic values that are common in all societies1. We describe these in Figure 1, which also shows the circular structure of values found in hundreds of studies in more than 80 countries[2]. In this circle, neighbouring values have congruent motivations and opposing values have conflicting motivations. This circle helps us to understand when values are compatible and when they are likely to clash. For instance, the neighbouring values of benevolence and universalism emphasise caring for the welfare of close or distant others. These values prioritise the interests of others above self-interest (*self-transcendence* values). In contrast, the opposing values of achievement and power both emphasise *self-enhancement*; prioritising self-interest over the interests of others. The other main conflict in Figure 1 contrasts values that promote autonomy, novelty and excitement (*openness to change* values) with those that promote the preservation of the status quo (*conservation* values). These differences in value priorities can help to explain why people disagree on political issues, which often involve trade-offs between desirable options rather than between good and bad options.

Improving public policy effectiveness through understanding values

Understanding values is critical for discerning political preferences within society. Studies have shown differences in value priorities influence how people vote[3],

1 Shalom H. Schwartz, 'Universals in the content and structure of values: Theoretical advances and empirical tests in 20 countries', *Advances in experimental social psychology*, 25, 1992, 1-65.

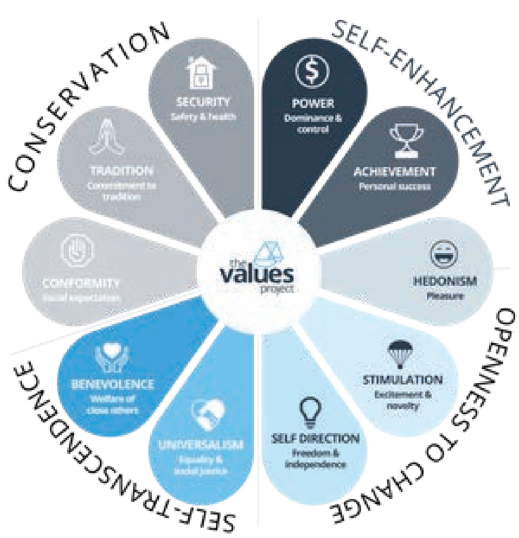
2 Lilach Sagiv, Sonia Roccas, Jan Cieciuch and Shalom H. Schwartz, S. H, 'Personal values in human life', *Nature Human Behaviour*, 1(9), 2017, 630-639.

3 Michele Vecchione, Gianvittorio Caprara, Francesco Dentale and Shalom H. Schwartz, 'Voting and values: Reciprocal effects over time', *Political Psychology*, 34(4), 2013, 465-485.

engage in political activism[4], and evaluate immigration[5]. Choices between freedom and security, or between equality and power, involve trade-offs between values that are desirable but motivationally incompatible.

Understanding this is critical in a democracy, where policymakers need to take account of the values activated by particular issues and the extent to which they are prevalent in society.

Figure 1. Basic Values Circle



Benevolence motivates caring for the welfare of people we are in frequent contact with (e.g., family and friends).
Universalism motivates understanding, appreciation, tolerance and protection of all people and nature.
Self-direction motivates independent thought and action.
Stimulation motivates the pursuit of excitement, novelty and adventure.
Hedonism motivates the pursuit of pleasure and sensuous gratification.
Achievement motivates the pursuit of personal success according to social standards.
Power motivates the pursuit of social status and prestige.
Security motivates the pursuit of safety, harmony and stability in society, relationships and the self.
Tradition motivates the maintenance and preservation of cultural, family or religious traditions.
Conformity motivates restraint of actions and impulses that may upset or harm others or violate social expectations.

What do Western Australians value?

We asked 1,122 Western Australian adults between 18 and 78 years of age (average of 47 years) about their own values, between 2017 and 2019, as part of the Values Project survey. We also asked just over half of these respondents (622) what they perceived to be the values of *most Australians*. Figure 2a shows the values that are *most* important to individuals in our sample. Clearly, Western Australians have diverse priorities, as every one of the basic values is most important to at least some people. However, some basic values are more prevalent in Western Australian society.

- **Benevolence** values are most important for 36% of our sample. Interestingly, men are more likely than women to choose **benevolence-dependability** (being a reliable and trustworthy member of the in-group), whereas women are more likely than men to choose **benevolence-caring** (devotion to the welfare of the in-group) as their most important value.
- **Universalism** values are the next most prevalent in our sample, with 27% choosing these values as their most important. Men are more likely than women to choose **universalism-concern** (commitment to equality, justice and protection for all people), whereas women are more likely than men to choose **universalism-animals** (caring for the welfare of all animals).
- **Security** values, which promote personal and societal safety and security, are also prevalent (15%) in our sample; with women being more likely than men to choose these values as most important.

Across a wide range of countries, these three values, along with self-direction, are the most highly ranked. As such, it might seem surprising that self-direction was only chosen as the most important value by 6% of our sample. However, the prevalence of most important values is not directly comparable with country level means. Figure 2b shows that the average values in our sample, and their perception of most Australians' values, are similar to the ranking of values across countries[6], with benevolence, security, universalism and self-direction ranked most highly and power least highly.

The comparison of personal values and perceptions of most Australians' values is also interesting. Figure 2b shows that Western Australians see themselves, on average, as higher on benevolence and universalism, as well as tradition and conformity, than they see most Australians. Conversely, they see most Australians as being higher on power and achievement, as well as hedonism and stimulation, than they see themselves. This may reflect a natural tendency to see the self as being more concerned with the welfare of others and

4 Michele Vecchione, Shalom H. Schwartz, Gianvittorio Caprara, Harald Schoen, Jan Cieciuch, Jo Silvester, et al., 'Personal values and political activism: A cross-national study', *British journal of psychology*, 106(1), 2015, 84-106.

5 Michele Vecchione, Gianvittorio Caprara, Harald Schoen, Josè Luis Gonzàlez Castro and Shalom H. Schwartz, 'The role of personal values and basic traits in perceptions of the consequences of immigration: A three-nation study', *British Journal of Psychology*, 103(3), 2012, 359-377.

less concerned with self-interest than most other people in society. Regardless of these differences, the rank ordering of how we see ourselves and how we see others in Australia is very similar, as these values reflect what is considered to be good and worthy in our society.

Values motivate behaviour

Understanding the diversity and prevalence of value priorities in Western Australia is important to inform policy direction and to persuade the public on key policy issues facing the State. Values are fundamentally different from behaviour; however, the same behaviour can be motivated by different values. For instance, environmental protection may be motivated by values that reflect a strong concern for the environment (*universalism-nature* values), or by values that emphasise concern for the future of our children (*benevolence-caring* values), or by the desire to conform to rules and norms (e.g. complying with the disposable plastic bag ban). However, it may be more difficult, but not impossible, to motivate people who prioritise values that promote self over other-interests (i.e. *power* and *achievement* values) to engage in environmental protection. In this case, messaging that highlights personal gain may be more effective than appealing to the greater good (e.g. money earned from the container deposit scheme).

We urge policymakers to consider the values in our society as they craft policy agendas aimed at securing future prosperity and a sustainable and fair society. Values are implicated in a wide range of issues, including those targeted in the *Going Further, Faster – A Policy Agenda for WA 2021* report. People's perceptions of and actions toward environmental protection, democratic institutions, the 'new' economy, and issues around Aboriginal cultural heritage are likely to be expressive of their value priorities. There is also growing evidence that mental health, especially wellbeing, is related to value priorities and people's ability to express these priorities in their daily lives. Clearly, a strong understanding of what values are and what they represent can help us to better understand, trust, and communicate with each other to effect change in society.

> "Understanding the diversity and prevalence of value priorities in Western Australia is important to inform policy direction and to persuade the public on key policy issues facing the State".

Professor Julie Lee and Dr Joanne Sneddon are Co-Directors of the Centre for Human and Cultural Values at UWA. Their research focuses on human values and how they inform consumer and prosocial behaviour across the human lifespan.

The authors thank Uwana Evers from Pureprofile for the graphic content of this article.

Figure 2.a Western Australian's most important values

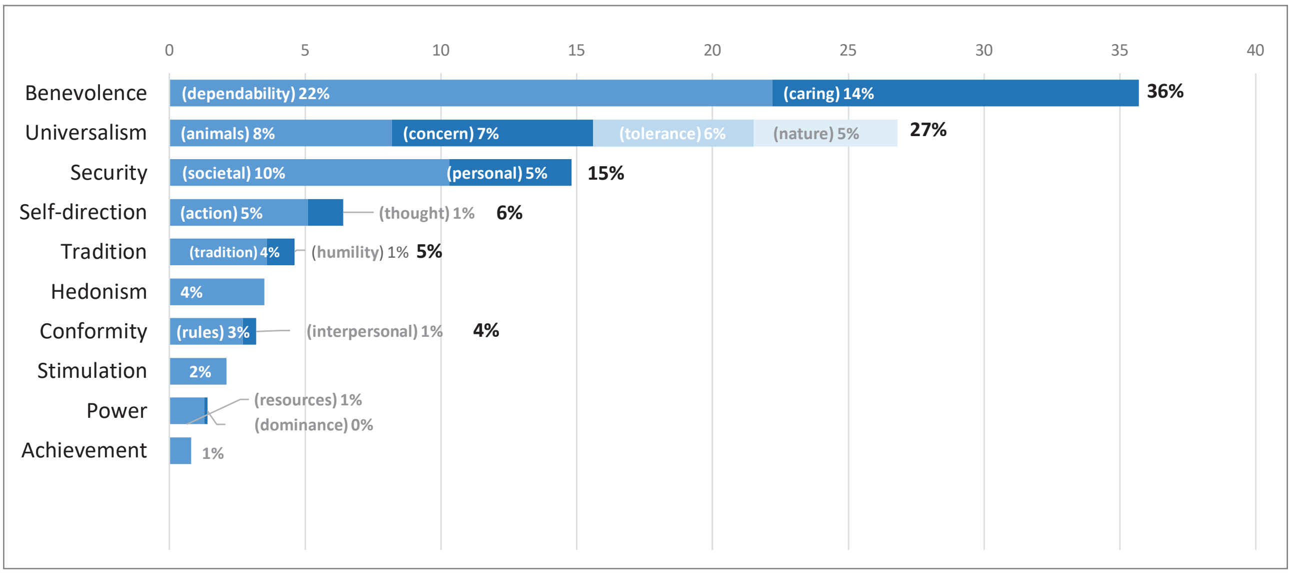
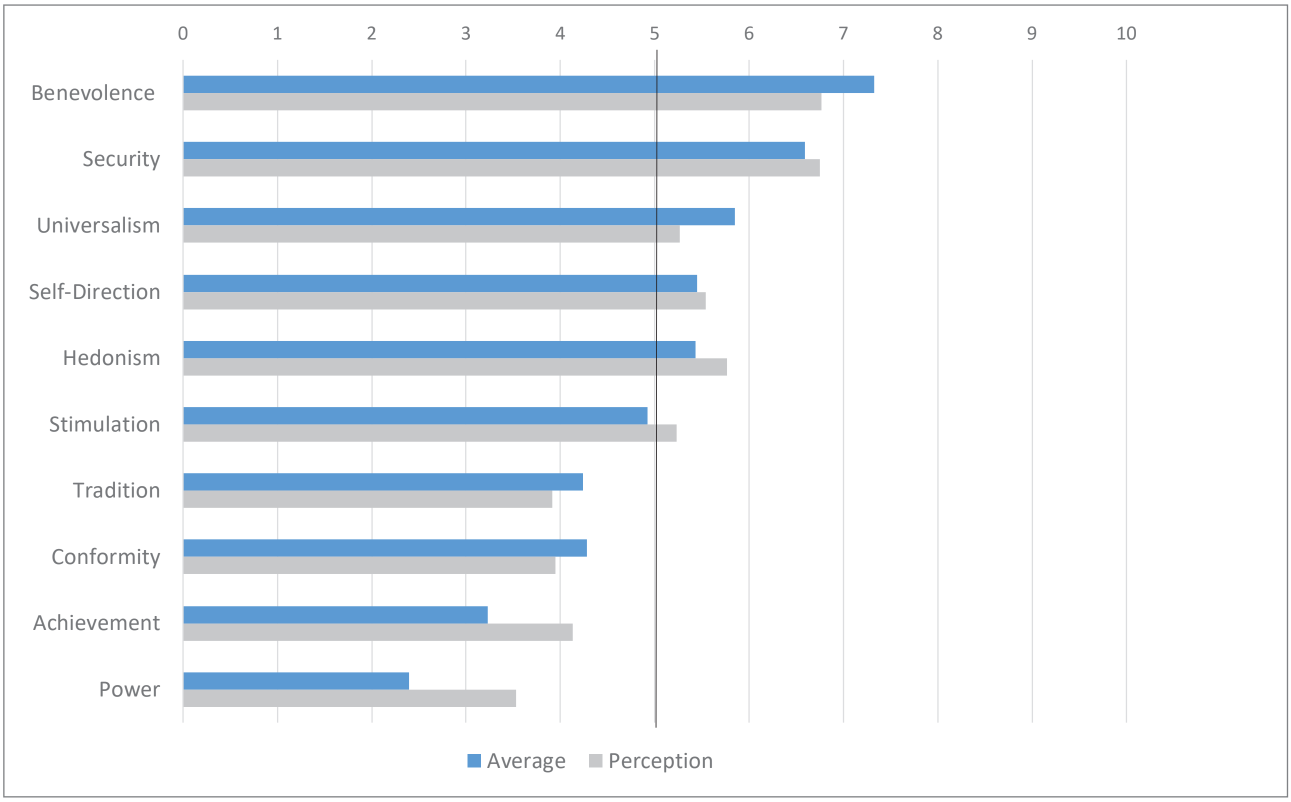


Figure 2.b Average values of Western Australians and their perceptions of the values of most Australians.



Chapter 1:

Strengthening Environmental Protection

Protecting what we value

Petra Tschakert

Animals and plants will be more impacted. They will be extremely impacted in 50 years. There will be more heat and more fires. It is too late for change, there is no plan. We are going to lose so much. (Female participant, Darlington, 2020)

I would sacrifice anything to save plants and animals, and the environment. (Female participant, Willagee, 2020)

Environmental protection means different things to different people, from taking care of our immediate surroundings to defending deeply held sentiments concerning place, home, and security. Citizens often interpret environmental protection as safeguarding animals, plants, and locales around them, particularly those they consider familiar or part of their identity, while appreciating their therapeutic value for mental and emotional wellbeing, as shown in the above quotes from our interdisciplinary research project 'Locating Loss from Climate Change in Everyday Places' in Western Australia (WA).[1] As such, environmental protection becomes an inherently relational effort, between people and places, between residents, environmental managers, and other individuals, and between humans and all other life on Earth, also known as the more-than-human world.[2]

The devastating fires of Australia's 2019/20 'Black Summer', with 3 billion animal lives dead or displaced and 19 million hectares of land destroyed, are not only an omen of life and death in this climate emergency. They also show the difficult ethical, political, and practical choices we all face when deciding what to protect, where, how, and for whom, and what to let go.[3]

The danger of abstractions – addressing underlying inequities and vulnerabilities

In times of uncertainty and existential crises, forward-looking policy can provide direction and restore a sense of hope. In late 2020, the *WA Environmental Protection (EP) Act 1986* including the 2020 Amendments, the *WA Climate Policy*, and the final report on the *Climate Health WA Inquiry* opened a crucial window of opportunity. These pieces of legislation and commitments ought to prevent and minimise environmental harm from emissions and toxins that pollute our atmosphere, lands, and oceans. These common-pool resources should not be catch-all sinks for our 21st century sins. So far, however, policy responses have been inconsistent and have fallen short of their stated objectives. Moreover, environmental protection and the preservation of environmental values, particularly if confined to legal and abstract spaces, risk eclipsing the everyday knowledge, experiences, and aspirations of those who inhabit our landscapes, shores, islands and seas. They also obscure the uneven geographies and power differentials that determine whose voices count in protective actions and timelines, and whose insights are to be dismissed or erased.

> "Environmental protection and the preservation of environmental values, particularly if confined to legal and abstract spaces, risk eclipsing the everyday knowledge, experiences, and aspirations of those who inhabit our landscapes, shores, islands and seas."

For instance, in the proposed amendments to the EP Act there is an explicit focus on community needs and priorities. Nonetheless, the homogenising notion of 'community' conceals the fact that the clearing of native vegetation for housing development at Perth's urban-rural fringe is likely to put more disadvantaged residents at disproportional risk of extreme heat, fire, and sea level rise. A geographic lens that examines socioeconomic

1 Australian Research Council Discovery Project (DP180103700), 2018-2021, involving eight communities along a 400km-long West-East transect from Attadale to Southern Cross.

2 David Abram, 'The Spell of the Sensuous: Perceptual Language in a More-Than-Human World'. Vintage Press, 1996.

3 Petra Tschakert, 'More-than-human solidarity and multispecies justice in the climate crisis', *Environmental Politics*, 2020, 1-20.

and spatial patterns of inequity would reveal that the environmental values of those in such newly cleared areas don't carry the same weight as those of residents in affluent inner-city suburbs who oppose infill subdivisions or high-rise projects. Or, to take another example, urban planning would first have to rethink how to conceptualise inclusive space so it respects and fosters the wellbeing of the many lives in our cities, including animals and plants. Indeed, protecting more-than-human communities requires critical engagement with histories and practices of privilege, non-recognition, violence, and extinction. These histories and practices play out in struggles over life and death zones, as many of us witness, for instance, when remnant bushland conservation, Nyoongar knowledge and agency, and protective efforts for the Carnaby's black cockatoos clash with suburban development in Perth.[4]

The danger of abstractions also lingers in the *WA Climate Policy*.[5] Although significant for WA, with a commitment to achieve net zero greenhouse gas emissions by 2050, the policy remains largely silent regarding people's agency in accomplishing this target. For instance, *Resilient Cities and Regions* –one of the six priority themes – aims to ensure that communities are safe and their adaptive capacities enhanced, and that they become more resilient, alongside the regions in which they life and work. Yet, little consideration is given to the systemic inequalities and vulnerabilities that put thousands of disenfranchised citizens and denizens across WA at risk in the first place. This includes low-income tenants, Aboriginal and remote populations, children and the elderly, groups from culturally and linguistically diverse backgrounds, homeless people, immigrants, and other individuals who are eking out an existence at the margin of society. While it is useful to promote new drought-tolerant pasture legumes for the Wheatbelt, an example for this priority theme in the Policy, it is equally pressing to outline how precisely underprivileged residents could become active agents with boosted capacities. Agency allows participants to negotiate resilient, liveable, and just adaptation pathways that are meaningful to them.

Overcoming the nature-culture binary

One way to address these shortcomings in environmental protection and policy, and local or regional climate change solutions, is to simply jettison the outdated nature-culture binary. Such artificial separation of nature and humans suggests the environment exists 'out there', in need of human mastery, often leading to technocratic or managerial approaches that are blind to both underlying injustices and inclusive modes of governance.[6] Instead, the era of the Anthropocene compels us to recognise interconnected social-ecological systems, relational ontologies and co-existence, mutual vulnerability and multispecies flourishing.

Practically, such a rethinking may well start with lay knowledge and familiar landscapes of everyday life. It acknowledges the plants and animals and other earthly beings that reside in these places, and our relationships with them, which manifest for instance through walking, swimming, gardening, fishing, harvesting, or birdwatching. Through a land- or seascape lens, we can probe what we value, how we co-exist and care for others, and how we wrestle with place detachment and loss, visually, emotionally and viscerally. Such an immersed perspective allows us to see environmental protection and climate change responses as bottom-up approaches to decision and policy-making where everybody brings feasible solutions to the table, anchored in a myriad of more-than-human responsibilities.[7]

Designing resilience solutions from the bottom up

The *2020 Climate Health WA Inquiry* final report comes close to such a bottom-up perspective. In one part, the report details drivers of social vulnerability and draws attention to various vulnerable populations, including first responders during times of emergencies. The chapter also defines community resilience and its core elements. It offers examples of how to strengthen such resilience in WA, e.g. via involving community members in developing plans and decision-making processes and anticipating risks. These aspects provide residents with a stake in the debate and a voice in local narratives and possible trajectories, rather than being treated as passive bystanders to top-down environmental or climate information that is often released too late or is too abridged to be of any tangible use. Hence, co-ownership in environmental protection and responsible adaptation is also essential for reducing mental and emotional harm from extreme events such as wildfires and slow emergencies such as land degradation.

Moreover, community resilience and/or resourcefulness are vital ingredients for dealing with loss and grief over

4 Donna Houston, 'Planning in the shadow of extinction: Carnaby's Black cockatoos and urban development in Perth, Australia', *Contemporary Social Science*, 2019, 1-14.

5 Western Australian Climate Policy: A plan to position Western Australia for a prosperous and resilient low-carbon future. Government of Western Australia, Department of Water and Environmental Regulation, November 2020.

6 Frank Biermann, 'The future of 'environmental' policy in the Anthropocene: time for a paradigm shift', *Environmental Politics*, 2020, 1-20.

7 Nadia Bartolini and Caitlin DeSilvey, 'Landscape futures: decision-making in uncertain times, a literature review', *Landscape Research*, 2020, 1-17.

what cannot be saved, neither today nor in the future. This comprises precious objects and objectives as well as relationships with others and the world. A socially engaged science of loss starts with what people value and wish to protect in the places and spaces dear to them, close and distant, how they make trade-offs between the many things they value, and which losses matter, are intolerable, to whom and why.[8] Such a grounded and forward-looking approach makes it possible to identify not only environmental tipping points where protection may come too late and damage becomes irreversible, but also social breaking points when social cohesion dissolves and the capacity to act is eroded, perhaps beyond repair.

Responsible and inclusive learning to better protect what we value

People often care and grieve not only for those who are similar and close to them, such as family members, friends, and beloved pets, but also for more distant others, as we find in our participatory project 'Locating Loss from Climate Change in Everyday Places'. Those may be homeless people in their suburbs or towns, or climate migrants in offshore detention centres, or birds, lizards, possums, and other critters they rescue during heatwaves, floods, or fires. The COVID-19 pandemic has offered glimpses into remarkable community solidarity across difference. However, caring, protecting and enacting responsibility for distant unknown others, including non-sentient animals (beyond koalas and kangaroos), trees, rivers, soils, and oceans is, without any doubt, a difficult task. This is particularly the case when we also consider future generations that we cannot afford leaving out of today's policies.

So, how do we do this in practice, to protect what we value and empathically and urgently engage with the future? I propose that we begin with our own experiences of joint suffering, connecting with the fringe-dwellers beyond our daily lives, and the realisation that these 'others' (including damaged landscapes and pathogens) can and do speak back at us. This type of inclusive and ultimately political learning enables us to envision genuine togetherness and joint flourishing that deliver environmental, social, climate and multispecies justice, all at once. It is within the reach of the next WA government to develop mechanisms that will encompass this learning. There are practical ways to take a socially just climate change policy forward, and these should not be missed.

Petra Tschakert is a human-environment geographer and the UWA Centenary Professor in Rural Development. She works on climate change adaptation, intangible losses from environmental and climatic changes, community resilience, and societal transformation for a more equitable and sustainable future.

8 Jon Barnett, Petra Tschakert, Lesley Head and W. Neil Adger, 'A science of loss', *Nature Climate Change*, 2016, 6(11), 976-978.

Western Australia can do more to regulate greenhouse gas emissions

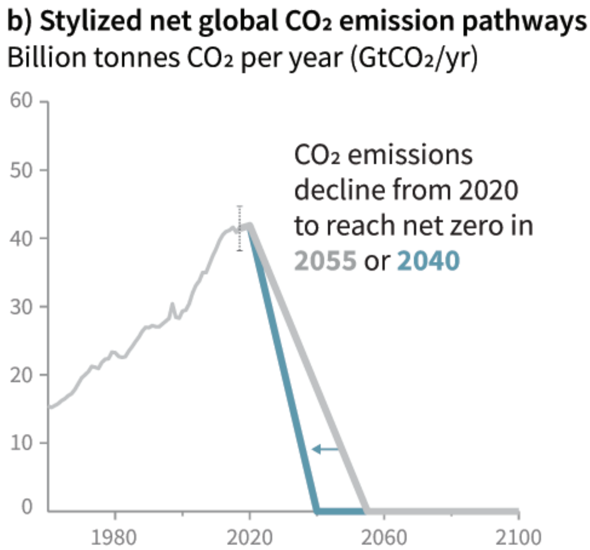
Alex Gardner

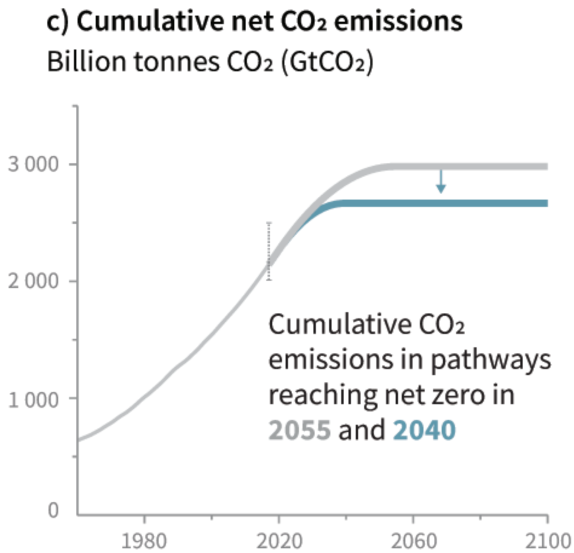
Introduction – implementing the Paris Agreement

Western Australia (WA) needs to improve implementation of the Paris Agreement on Climate Change by reconsidering our contribution to global reductions of greenhouse gas emissions (GHGe). The Paris Agreement, made under the auspices of the United Nations Framework Convention on Climate Change, came into operation in November 2016. 190 of the 197 signatories have ratified it, yet global GHGe are rising (pre-COVID-19). Member states are expected to renew reduction ambitions at the 26th Conference of the Parties in November 2021. Australia's emissions were rising from 2014–2019, led by WA's increasing GHGe, especially from the resources sectors. While the Commonwealth has constitutional authority to mediate our international commitments, the WA Government has constitutional capacity for natural resources and environmental management that equip it to implement a carbon/emissions budget.

1. A carbon budget

The Paris Agreement sets a global carbon/emissions budget to achieve the goal of limiting warming to no more than 2°C, preferably only 1.5°C. The 2018 report by the Intergovernmental Panel on Climate Change (IPCC), *Global Warming of 1.5°C*, estimated the global carbon and other GHGe budgets the global community needs to meet if we are to have any real hope of achieving those temperature goals. Those budgets and emissions pathways are best illustrated graphically (by the IPCC) to explain the scale and urgency of our emissions reduction task:





Australia's nationally determined contribution to the global task is to reduce our total net emissions to 26–28% below 2005 levels by 2030 and to present an emissions budget associated with the target. The WA Government's 'Greenhouse Gas Emissions Policy for Major Projects', tabled in Parliament on 28 August 2019, accepts that target and adds a target of net zero emissions by 2050. However, it is insufficient to commit to those reduction targets without committing to the associated emissions budget; that is, limiting the aggregate amount of GHGe in the period to 2050 that equates to the State's share of the Australian and global emissions budgets. The Major Projects Policy lacks a carbon budget approach. It anticipates "new proposals and project expansions that would emit significant additional greenhouse gas emissions" in WA and allows proponents "to propose their own timeframes and interim targets" to "mitigate and offset the project's direct… emissions" to achieve net zero by 2050.

The WA Climate Policy 2020, released in November 2020, acknowledges the Paris Agreement and reiterates the "aspiration of net zero emissions by 2050". It does not refer to a carbon budget, only to a "low-carbon future" and various strategies to manage the transition to net zero emissions. The Policy promotes innovation incentives without regulatory urgency. It affirms the Major Projects Policy, which the *Climate Change Issues Paper* (September 2019) had made clear was not for revision in the consultation process on the Climate Policy. It accepts, indeed sanctions, indefinite increases in the State's GHGe from the resources sector and transport. The Climate Policy eschews a carbon budget and GHGe regulation, deferring to the national government's Safeguard Mechanism, which explicitly allows major emitters (> 100,000 tCO_2-e/year) to apply to increase their GHGe baselines.

The exception to the State's non-regulation of GHGe is the Major Projects Policy proposition that new resource sector proposals or expansions should be subject to environmental impact assessment (EIA) under Part IV of the *Environmental Protection Act* and present a GHGe management plan that sets GHGe reduction targets contributing to the achievement of net zero by 2050. The Environmental Protection Authority (EPA) followed this policy in its (second) revised *Environmental Factor Guideline – Greenhouse Gas Emissions* (April 2020). The Guideline's objective is "to reduce net greenhouse gas emissions in order to minimise the risk of environmental harm associated with climate change". The Guideline has internal contradictions. It only very generally acknowledges the climate change harm already occurring in WA and predicts that the steady increase in WA's GHGe "is expected to continue in the short to medium term". It also lacks process guidance in failing to require proponents to provide baseline GHGe information from which to assess the proposal's GHGe impact.

The Guideline is also inconsistent with the Environmental Protection Act section 4A objects. It gives only one measure for evaluating a project's emissions – namely, the waste minimisation principle that all "reasonable and practicable measures" have been applied to avoid, reduce and offset the direct emissions over the life of the project. The Guideline makes no reference to the other objects that specifically address pollution and environmental harm: the precautionary principle, and the principles of 'polluter pays' and that users of goods and services should pay prices covering full life-cycle costs.

The EPA's assessment of the first two proposals under the Guideline recommended approval of significant increases in the proponents' and State's GHGe. The proponents included measures gradually to reduce their emissions, declining to do more on the grounds of commercial/economic cost. The EPA rejected appeal arguments that it needed to apply a carbon budget analysis.[1]

1 Government of Western Australia, Appeals Convenor, *Report to the Minister for Environment, Appeals in Objection to Environmental Protection Authority Report 1686: Pilbara Energy Generation Power Station*, January 2021, 16; and Appeals Convenor, *Report to the Minister for Environment, Appeals in Objection to Environmental Protection Authority Report 1687: Waitsia Gas Project Stage 2*, January 2021, 11.

2. Substantial GHGe cause pollution and environmental harm

The Climate Policy 2020 refers to "carbon pollution". The EPA's GHGe Guideline refers to "proposals which would increase the State's emissions, and contribute to environmental harm". Yet, the Department of Water and Environmental Protection declares that EP Act Part V licences cannot be used to regulate GHGe because they are not emissions within the definition of pollution or environmental harm "if all that could be established is that activities from a prescribed premises have added incrementally to the cumulative global problem of GHG emissions".[2] This analysis seems to come from a 15 year-old case law on environmental impact assessment, which held that GHGe from a resource project could be categorised as insignificant because it was impossible to draw a measurable link with an identifiable increase in global temperature or other greenhouse impacts.[3] The EPA and the Minister for Environment recently applied the same reasoning.[4]

This analysis is redundant and legally inadequate after the Paris Agreement set a global carbon budget and member states committed to implement that budget. What matters is the cumulative assessment of emissions against the carbon budget. Once the carbon budget is spent (emitted), the level of GHGe needs to be net zero. As cumulative GHGe contribute to the impacts of climate change, it is justified to refuse a project approval even if the project's total GHGe would be a small fraction of total global emissions.[5] Although, in decades past, the cumulative increase in GHGe from a particular project may have seemed devoid of the identifiable harm that characterises pollution and environmental harm, the urgent need to reduce GHGe means that ongoing cumulative substantial emissions are measurably harmful; indeed, increasingly so as the carbon budget diminishes.[6]

If substantial GHGe are recognised as pollution/environmental harm, the emitter is liable for an offence unless those emissions are authorised by a licence. Under current law, a licence for the prescribed premises activity will impliedly authorise all emissions from that activity.

The *Environmental Protection Amendment Act 2020* (WA) inserts section 74A(2) requiring an emission to be specified in the licence to be an authorised emission. This will have the effect that licensees with substantial GHGe could seek a specific condition authorising the extent of their GHGe, bringing those emissions under the more rigorous emissions control regime of *Environmental Protection Act* Part V, including greater monitoring, reporting and fees.

3. Public and private liabilities

The *Environmental Protection Act* provides ample authority for the Government to regulate GHGe in accordance with a carbon budget to achieve the Paris Agreement goal and address climate change harm. If that regulatory authority is not used to stop the increase in the State's GHGe, there is arguably a common law duty of care from 2020 not to increase the level of GHGe. This argument is founded on a case in WA: *Goldman v Hargrave & Ors* (1966) 115 CLR 458 (PC).[7] The Court held that an occupier of land is under a duty to take reasonable measures to remove or reduce hazards to their neighbours which they have not caused but of which they are aware.

Resource sector proponents have not caused climate change harm by themselves. However, we know that *all* GHGe are contributing to climate change and that increasing GHGe will immediately increase global warming and lead to more climate change harm. Proponents and Government owe a duty of care to those impacted by climate change harm in WA, e.g. farmers[8], to take all reasonable measures within their capacity to abate that risk by stopping the increase in GHGe. In a proper case, an injunction can be available to restrain an apprehended breach of a duty of care where a remedy of damages would be inadequate. That should be true here. It is feasible for a court to measure the effect of the duty by requiring the avoidance of the increased emissions or the provision of offsets to ensure that there is no net increase in GHGe from a new project.

2 Appeals Convenor, Report to the Minister for Environment, *Appeals in Objection to the Conditions Applied to a Licence and Amendment of a Licence: L9102/2017/1: Gorgon LNG Project Barrow Island*, Appeal Numbers 022 of 2018 and 045 of 2019, June 2020, 4-5, citing an Appeals Committee report from June 2015.

3 *Wildlife Preservation Society of Queensland Proserpine/Whitsunday Branch Inc v Minister for the Environment and Heritage* (2006) 232 ALR 510.

4 Appeals Convenor, *Report to the Minister for Environment, Appeals in Objection to Environmental Protection Authority Report 1687: Waitsia Gas Project Stage 2*, Government of Western Australia, January 2021, 13; Minister's Appeal Determination, 3.

5 *Gloucester Resources Ltd v Minister for Planning* [2019] NSWLEC 7 at [441]-[450], [514] and [525].

6 This explanation is drawn from an article by Olivia de Koning, Helena Nguyen and Alex Gardner, 'Licensing Greenhouse Gas Emissions in Western Australia', *Environmental and Planning Law Journal* (forthcoming April 2021).

7 The implications of this case are discussed in Alex Gardner, 'The Duty of Care for Sustainable Land Management', *The Australasian Journal of Natural Resources Law and Policy* 29, 5(1), 1998, especially at 34-42.

8 Dr Steven Crimp, Australian National University, Climate Change Institute, presentation to the UWA Institute of Agriculture Industry Forum, 28 October 2020.

Conclusion

The WA Government needs urgently to improve the implementation of the Paris Agreement by:

- defining a State carbon/emissions budget, beginning by capping the level of GHGe as at 2020 and applying this cap under the Environmental Protection Act Part IV;
- recognising that substantial amounts of GHGe are pollution/environmental harm and can be regulated under the Environmental Protection Act Part V; and
- acknowledging the public and private liabilities for climate change harm.

This will better guide industry, the community and regulators in addressing GHGe.

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> "The WA Government needs urgently to improve the implementation of the Paris Agreement by recognising that greenhouse gas emissions do cause pollution and environmental harm, and to use the reformed Environmental Protection Act to regulate them."

Economic development, the Environmental Protection Act and offsets

Ram Pandit

The context

Economic development at the cost of environmental degradation is not the preferred way for society today. This is because development environmental degradation affects human wellbeing and the quality of life. Environmental or natural resources (sometimes called natural capital) provide a range of goods and ecosystem services (or nature's contributions) that are valued by individuals, households and society.

The importance of ecosystem services for human health and wealth is increasing day by day as development activities that impact the environment continue at local and global scales. For example, agricultural productivity loss caused by land degradation in farms, human health problems caused by water pollution in catchments, and loss of biodiversity from Amazonian deforestation, tell us that development activities have unintended consequences.

The COVID-19 pandemic also provides a painful example of the impact of unsafe handling or use of wildlife on humans and their wellbeing. It is a reminder of the fact that our behaviour, consumption and production patterns should remain in harmony with nature. Therefore, environment-friendly development is our common goal.

On a global scale, environmental protection agendas are framed as multi-lateral agreements, goals and targets. These then provide the basis for regional, national and local development priorities and approaches. The Sustainable Development Goals (SDGs) for 2030 are an example of such. Some other examples include various UN framework conventions, e.g. the United Nations Framework Convention on Climate Change (UNFCCC), the United Nations Convention on Biological Diversity (UNCBD) and the United Nations Convention to Combat Desertification (UNCCD).

Meanwhile, at national and state levels, governments develop environmental legislations, policies and guidelines for environmental protection by aligning with global/regional priorities, as far as feasible. Such legislation, policies and guidelines are periodically reviewed and amended to address evolving environmental concerns and societal needs. From the perspective of environmental protection, the effectiveness of these policies in achieving intended outcomes is even more important.

Australia's biodiversity is unique as it has a relatively high proportion of endemic species. It is estimated 87% of 386 mammals, 45% of 828 birds, 93% of 917 reptiles, 94% of 227 amphibians and about 92% of 18,826 vascular plants are endemic in Australia[1]. Within Australia, Western Australia (WA) is particularly rich in biodiversity. It has eight of 12 Australian biodiversity hotspots, and its south-west region is recognised as one of the 36 global biodiversity hotspots. About 141 Australian mammals are found in WA, of which 25 are unique to the state. Similarly, it harbours more than 400 reptile species (>40% of which are unique), more than 1,600 fish species, and more than 210 vascular plants (50–80% unique). Additionally, 362 plants, 199 animals and 69 ecological communities are considered threatened[2] in WA.

1 Arthur D Chapman, *Numbers of Living Species in Australia and the World*, 2nd edition, Department of the Environment, Water, Heritage and the Arts, Australian Government, 2009.

2 Environmental Protection Authority, 'Theme 5: Biodiversity', *State of the Environment Report: Western Australia 2007*, Department of Environment and Conservation, Government of Western Australia, 2007.

Western Australia also has a resource-based, export-oriented economy. The value of WA's gross state product (GSP) in 2019–20 was $316.3 billion, i.e. 16% of Australian gross domestic product (GDP)[3]. Goods-producing industries accounted for 56% of GSP ($175.7 billion), comprised of 43% mining, 5% construction, 4% manufacturing, and 2% agriculture, forestry and fisheries. Goods-producing and resource-based industries impact our environment during the production and extraction processes in different ways, e.g. land degradation, water pollution and biodiversity loss. Thus, our economic prosperity hinges on maintaining a fine balance between economic growth and environmental protection.

Environmental protection and offsets

The *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) at the Commonwealth level and the *Environmental Protection Act 1986* (EP Act) and *Biodiversity Conservation Act 2016* at the state level are key pieces of environmental legislation. These laws provide the basis for protecting the environment and conserving biodiversity while pursuing economic activities – WA's mining, infrastructure development, housing development, agricultural expansion, etc. There are other sectoral statutes in WA that also provide regulatory mechanisms to protect the environment, including the *Planning and Development Act 2005*, *Metropolitan Redevelopment Act 2011*, *Soil and Land Conservation Act 1945*, and *Conservation and Land Management Act 1984*.

The *EPBC Act Environmental Offsets Policy 2012* (first designed in 2007), the *WA Environmental Offsets Policy 2011* (and their guidelines) are the respective national and state-level policies to determine, design and implement environmental offsets. Environmental offsets are actions that provide environmental benefits to counterbalance the significant residual environmental impacts of a project or activity. These offsets come with operational guidelines and mechanisms to aid implementation.

Under the WA Environmental Offsets Policy 2011, two types of offsets (direct and indirect) are possible, both underpinned by the following principles:

- Offsets will only be considered after avoidance and mitigation options have been pursued.
- Offsets are not appropriate for all projects.
- Offsets will be cost effective, as well as relevant and proportionate to the significance of the environmental value being impacted.
- Offsets will be based on sound environmental information and knowledge.
- Offsets will be applied within a framework of adaptive management.
- Offsets will be focused on longer-term strategic outcomes.

The *WA Environmental Offsets Guidelines 2014* provide a way to implement the offsets policy. It describes the provision of an Offsets Register to aid transparency and accountability in the provision of offsets. There are 285 offset projects (33 completed and 252 current) listed in the register (as of 28 January 2021), comprised of 220 projects related to clearing native vegetation and 65 related to environmental impact-assessment processes. These projects have included one or more direct offsets (such as land acquisition, on-ground management, recovery plans, rehabilitation, restoration) and indirect offsets (e.g. education, research, offset funds) to counterbalance the residual project impacts.

Amendment of the Environmental Protection Act

The primary objective of the EP Act is to protect the environment of Western Australia.

The latest amendment (9 December 2020) aimed to improve and update the Act by streamlining and advance regulatory processes to protect WA's environment. Some of the key amendments include:

- Improving regulatory processes to streamline the administrative efficiency of the environmental impact assessment process, and reducing duplication of assessments and approvals);
- Assessing cumulative environmental impacts;
- Introducing cost recovery provisions relating to environmental impact assessment;
- Ensuring the clearing provisions are efficient, targeted, flexible and transparent while ensuring the protection of native vegetation with important environmental values;
- Introducing some new provisions:
  - » Creating environmental protection covenants;
  - » Declaring environmentally sensitive areas;
  - » Developing environmental monitoring programs to address cumulative environmental impacts and to recover the costs of monitoring;
  - » Facilitating and streamlining the implementation of bilateral assessment and approval agreements under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*, including fees for cost recovery.

3 Department of Jobs, Tourism, Science and Innovation, *Western Australia Economic Profile – December 2020*, WA Government, December 2020.

Amendments and offsets

The streamlined bilateral approval processes (consistency in processes, transparency on the part of Environmental Protection Authority, facilitating clearing permit processes, minimising duplications on bilateral agreement processes with the Commonwealth) would facilitate timely and efficient decision making. The explicit requirement to consider the cumulative effect of the impacts of the proposal on the environment could potentially affect the offset requirements for proposals. Such cumulative impacts have been part of the environmental impact-assessment processes to determine offset requirements in other jurisdictions. For example, the NSW Biodiversity Offsets Policy for Major Projects 2014 and the Queensland Environmental Offsets Policy 2014 (Version 1.7) have provisions to assess cumulative impacts of development proposals. Cumulative impacts will be the focus of forthcoming regulations about the development of environmental monitoring programs in WA.

The provision for strengthening environmental monitoring programs is in line with the follow-up audit report on conservation of threatened species in Western Australia, which specifically highlights a need to improve reporting, information management and prioritisation of threatened species activity[4]. Offset monitoring and compliance audits are also inadequate. Effective monitoring programs could address this and improve offset outcomes.

There is also the problem caused by inherent uncertainty and time-lags associated with direct offsets for 'ecological equivalence' or 'no-net-loss' outcomes[5]. Time-lags to achieve outcomes would be expected when plants or animals are required to be translocated or established in a new place (offset site). The uncertainty associated with determination of offsets requirements and successful translocation or establishment of species to create ecological equivalence is more fundamental. Our understanding of specific sites and contexts of offsetting could remain inadequate for such decisions due to the complexity of ecological systems. Due to this uncertainty, even with strict implementation of the offset plan, anticipated progress on-the-ground could deviate from planned progress. This could also create resource-related (funds) issues in offsetting where offset implementation responsibility has been transferred from the proponent to an implementing agency. In such situations, the agreed costs of offset implantation have normally been provided to the implementing agency in advance, along with the responsibility to deliver offset outcomes. The cost-recovery provisions, where applicable to offsets, would help to address this type of problem in designing offset plans to deliver offset outcomes.

4 Office of the Auditor General of Western Australia, *Rich and Rare: Conservation of Threatened Species Follow-up Audit*, Report 16, Office of the Auditor General, 2017.

5 Martine Maron, Richard J. Hobbs, Atte Moilanen, Jeffrey W. Matthews, Kimberly Christie, Toby A. Gardner, David A. Keith, David B. Lindenmayer and Clive A. McAlpine, 'Faustian bargains? Restoration realities in the context of biodiversity offset policies', *Biological Conservation*, 155, 2012, 141-148.

Concluding thoughts

Environmental protection is increasingly recognised as an important aspect of economic prosperity and human wellbeing. The World Economic Forum ranked biodiversity loss as third among the top global risks in 2020. The global assessment of biodiversity and ecosystem services found that, despite the progress made, the implementation of policy responses and actions to conserve nature and manage it more sustainably is insufficient[6].

Furthermore, The Dasgupta Review on *The Economics of Biodiversity*[7] states that our economies, livelihoods and wellbeing all depend on nature and its degradation has endangered them. It stresses an urgent need for transformative change in how we think, act and measure success, and provides three interconnected options: i) ensure demands on nature do not exceed its supply, and increase nature's supply relative to its current level, ii) change the measure of economic success to help guide towards a more sustainable path, and iii) transform institutions and systems (particularly finance and education) to enable changes and sustain them for future generations.

Additionally, as a follow-up to the Aichi Biodiversity Targets, the Post-2020 Global Biodiversity Framework towards the 2050 Vision of *"Living in harmony with nature"* is planned to be released by the CBD (COP15) this year. In these contexts, the amendment of the EP Act is timely and sorely needed. We now have an Act with new provisions and streamlined processes to tackle environmental management challenges but its effective implementation will be the real test in protecting WA's environment.

"We now have an Act with new provisions and streamlined processes to tackle environmental management challenges but its effective implementation will be the real test in protecting WA's environment."

Dr Ram Pandit is an environmental and resource economist at the UWA School of Agriculture and Environment with a research focus on natural resource management, biodiversity conservation and economic development. His works include economics of threatened species conservation, socio-economic impacts of protected area policies, and valuation of urban green spaces. He is an international member of the Global Center for Food, Land and Water Resources at Hokkaido University, Japan and also serves as an expert to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES).

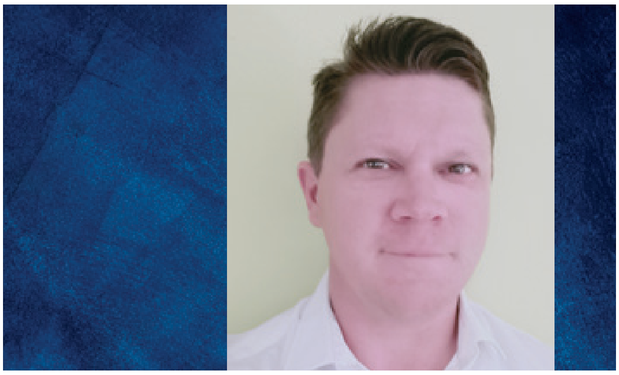
6 IPBES, Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, in S. Díaz, J. Settele, E. S. Brondízio E.S., H. T. Ngo, M. Guèze, J. Agard, A. Arneth, P. Balvanera, K. A. Brauman, S. H. M. Butchart, K. M. A. Chan, L. A. Garibaldi, K. Ichii, J. Liu, S. M. Subramanian, G. F. Midgley, P. Miloslavich, Z. Molnár, D. Obura, A. Pfaff, S. Polasky, A. Purvis, J. Razzaque, B. Reyers, R. Roy Chowdhury, Y. J. Shin, I. J. Visseren-Hamakers, K. J. Willis, & C. N. Zayas (Eds.), IPBES Secretariat, 2019.

7 Partha Dasgupta, *The Economics of Biodiversity: The Dasgupta Review*, HM Treasury, UK Government, 2021.

Red seaweed to boost blue economy and reduce methane emissions

An opportunity for rapid industry growth and optimising social and environmental outcomes

John Statton



Asparagopsis, the 'wheat crop' of Australia's oceans

The agriculture industry is set to become the world's single biggest producer of methane. Meat and dairy consumption are increasing globally and are expected to expand by 60% by 2050. The Australian red meat industry has set a target to be carbon neutral by 2030 (CN30). This means that by 2030, Australian beef, lamb and goat production, including lot feeding and meat processing, aim to make no net release of greenhouse gas (GHG) emissions into the atmosphere.

Western Australia's fledgling seaweed industry is positioning itself to take advantage of this trend. Inclusion of a small quantity of the red seaweed, *Asparagopsis*, to cattle feed could be the key to carbon-neutral beef and dairy, by nearly eliminating methane emissions and enhancing feed conversion efficiency and productivity.

Market estimates expect the domestic demand for this seaweed to be hundreds of thousands of tonnes per annum, and millions of tonnes, globally. To achieve this scale, aquaculture cultivation presents the most economical and environmentally sensible approach for *Asparagopsis* production. In 2020, the Australian Seaweed Institute released key findings from its 'National Seaweed Industry Blueprint', revealing that *Asparagopsis* could make a substantial contribution to the Australian economy by 2025 of $100 million gross value product (GVP), and create 1,200 direct jobs as well as reducing our domestic greenhouse gas emissions by 3%.

Agriculture's climate legacy

The vast majority of emissions from agriculture are in the form of digestive (enteric) methane emissions from belching cattle and sheep. Annual enteric methane emissions are approximately 10% of Australia's total emissions[1]. Methane is a short-lived greenhouse gas with a lifespan of 10 to 15 years compared with carbon dioxide, which persists for centuries to millennia. Critically, methane is a more potent greenhouse gas, trapping over 80 times more heat during its lifetime compared to carbon dioxide.

While the world continues to deliberate on how to reduce carbon dioxide emissions, methane reduction over the next two decades has a greater level of urgency, and conveniently, is readily achievable through introducing *Asparagopsis* into livestock diets. This natural climate mitigation solution could buy us a couple more decades to deal with longer-lived gases, such as carbon dioxide.

A seaweed solution

A naturally occurring compound, bromoform, found in the red seaweed, *Asparagopsis*, disrupts the enzymes of gut microbes that produce methane gas as waste during ruminant livestock digestion. The potential of this marine bioproduct was first demonstrated by the Commonwealth Scientific and Industrial Research Organisation (CSIRO), James Cook University and Meat & Livestock Australia, which hold the patents for the use of *Asparagopsis* for reduction of methane. Of the many different varieties of seaweeds tested, only *Asparagopsis taxiformis* and

1 Department of Agriculture, National Livestock Methane Program, Fact Sheet, Australian Government, March 2014.

Asparagopsis armata have effective concentrations of the compound. CSIRO has now established a spinoff company, FutureFeed Pty Ltd, which holds the global rights, to award and manage licenses around the world.

The effectiveness of this seaweed supplement is unprecedented. From a mere feed inclusion rate of just 0.4% over a 90-day feed period in beef cattle, research has demonstrated:

- 98% reduction in enteric methane
- 42% increase in average daily weight gain, significantly improving the productivity of beef cattle
- 35% improvement in feed conversion ratio
- no difference in product quality in beef and dairy cattle
- no residual bromoform was detected in product, tissue or manure

Growing a greener and bluer economy

Targeted investment in innovative, job-creating blue industries as well as developing new State-business partnerships could fast-track WA-led blue enterprises that, by design, have far-reaching impacts. For instance, if we could develop aquaculture enterprises to support farmers by supplementing their livestock feed with red seaweed, we could tackle two of the biggest global challenges this century: climate change and producing more food with fewer resources.

In Australia, developing a pathway to include this seaweed in the Emissions Reduction Fund's approved methodologies could have substantial climatic and financial benefits. Pragmatically, seaweed cultivation at commercial scales absorbs substantial amounts of carbon from the oceans (seaweed assimilates five times as much carbon dioxide as land-based plants) and mitigates ocean acidification, thereby improving the ocean's capacity to act as a buffer from further atmospheric carbon dioxide emissions. Aquaculture and livestock farmers could potentially gain valuable carbon credits at the same time; one as the cultivator of seaweed and the other by reducing methane emissions from cattle by way of feed supplement. Either approach could provide financial incentive to cultivate and incorporate this seaweed supplement.

Feed also constitutes one of the primary expenses for cattle and dairy producers, and maximising feed utilisation efficiency is a prime industry focus. With 12% of feed lost as methane emissions, enteric methane production infers a direct financial cost to farmers. By improving feed-use efficiency through the addition of this seaweed

> "Targeted investment in innovative, job-creating blue industries as well as developing new State-business partnerships could fast-track WA-led blue enterprises that, by design, have far-reaching impacts that we cannot ignore."

supplement, methane reduction can readily translate into financial gains at the farm gate.

Finally, seaweed cultivation improves water quality and reduces introduced nitrogen and phosphorus in the water. By absorbing excess nutrients, there is a clear economic justification for wastewater treatment facilities and aquaculture farms to integrate seaweed cultivation into their existing operations. For example, expansion of aquaculture farms and their future economic viability is often limited by the loading of nutrients into the system. Integrated seaweed cultivation has enormous potential to assist Australia's expanding aquaculture enterprises in an environmentally sustainable manner.

A climate strategy for 2020–2030

Alternative solutions to reduce methane emissions from ruminant livestock are a decade away or less effective, and none are available commercially. Australia, and in particular Western Australia, with its vast coastline and relatively pristine ocean waters, have a unique opportunity to develop commercial quantities of *Asparagopsis* and become leading suppliers of the *Asparagopsis* supplement to FutureFeed licence-holders.

If there were adoption of this seaweed supplement within the Australian agricultural sector, tens of thousands of tonnes would need to be cultivated annually. For example, in 2018/2019 over 1.1 million head of cattle were sustained on feedlots for the entire year in Australia[2] that would require nearly 150,000 tonnes wet weight of cultivated *Asparagopsis*. In contrast, less than two thousand tonnes of seaweed was harvested in Australia in 2017/18 with a GVP of ~$2 million, the majority coming from wild harvest in Tasmania[3]. None of it was *Asparagopsis*. Clearly, within Australia the demand for *Asparagopsis* is shaping up to be enormous, and with a potential GVP of $1.5 billion, could surpass the western rock lobster industry seven times over.

2 Meat & Livestock Australia, Cattle on feed numbers push new boundaries, Meat & Livestock Australia Limited, 15 August 2019.

3 Jo Kelly, Australian Seaweed Industry Blueprint: A Blueprint for Growth, Australian Seaweed Institute, August 2020.

Taking the lead in sea-country businesses

Indigenous people are disproportionately impacted by climate change, environmental degradation, political and economic marginalisation, and development activities that negatively affect their ecosystems, livelihoods, traditional way of life and cultural heritage. A sustainable approach to a blue economy should consider Indigenous people not only as recipients of development incentives and grants but also as equal partners in the development decisions that affect them and sea-country. Indigenous people are valued as custodians of biodiversity and ecosystem management through their traditional knowledge and practices.

Through an approach that prioritises balancing the use of sea-country with economic and social benefits, sustainable seaweed aquaculture could provide Indigenous people with an opportunity to have a stake in valuable climate mitigation technologies, such as *Asparagopsis* cultivation and its supply chain. Employment opportunities on-country also contribute to more resilient communities and helps preserve cultural heritage. Sustainable, Indigenous-led sea-country businesses address some of the most pressing challenges facing coastal Indigenous groups, including improved livelihoods and alternative employment opportunities that are outside the mining sector (particularly among women and youth), environmental degradation, tenure rights and equitable access to natural resources. The burgeoning seaweed industry could also create new sources of income for Indigenous people through access to agricultural markets by developing regional supply chains, private partnerships and other investment opportunities.

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Chapter 2:

Protecting and Promoting Aboriginal Cultural Heritage

Weebo to Juukan and beyond: Going further, faster

Kado Muir

Photo: Amy Hallam 2020

Introduction

"The white man have taken everything from the Wangkai (Aborigines); they've taken their land and everything; and now they've taken even their private (sacred) things..."

Jack Murphy, Mantjintjarra Ngalia elder 1969, Leonora, Western Australia.

My deceased uncle was one of the lead spokesmen in a dispute, known as the Weebo Dispute, that briefly gripped the imagination of the Western Australian public over the 1968–1969 period and finally resolved itself in 1972.

Weebo is a sacred area some 90–100kms north of the West Australian gold mining town of Leonora. It's a place of great ceremonial, ritual and spiritual significance to Western Desert Aboriginal people. There are some unusual looking stones at this place. These stones are central to the importance of the site, yet in 1968 a prospector in Leonora applied to remove these attractive stones from the sacred area and sell them in the Perth market for ornamental fireplaces. He collected samples of the stone and displayed them in a shop window in Leonora.

The Native Welfare Department reported:
"Natives of this area were greatly agitated that the stones were on display, and threatened to break the window and forcibly remove them if they weren't removed."[1]

These stones were sacred men's only objects and their public display caused outrage. Aboriginal women crossed the road to avoid glancing at the stones and for the first time in nearly 50 years the old Aboriginal men were considering spearing a white man. The custodians of the site were already in trouble, and two Aboriginal men accused of showing this prospector the stones for profit were sentenced to death (in accordance with tribal law).

The Native Welfare Department led an appeal against the mining lease application, and at the same time sought to have the area declared a reserve. It commissioned an anthropologist by the name of Garret Bardon to assist in documenting evidence of the significance of the site and to be an expert witness in the Mining Warden's court.

Bardon consulted with the men and wrote two reports, the first in anticipation of the legal proceedings and the second adding further evidence of significance as well as an analysis of the failure of the legal proceedings.

The matter went to trial in March 1969. The Mining Warden rejected the appeal and granted the mining lease; he dismissed the anthropological evidence as hearsay, only recognised the importance of the stones, not the area and he gave the Aboriginal people two months to remove stones they thought were special before mining could proceed.

The Native Welfare Department was reeling from this decision and in a report to the Commissioner for Native Welfare the divisional superintendent, Mr Budge, highlighted five points of difficulty encountered in the case.

1. Reluctance on the part of Aborigines to discuss sacred matters with white people and particularly in a "white man's Court".
2. The misinterpretation by native witnesses of questions asked in Court and of the answers given by the natives by the Europeans involved in the case due to a lack of knowledge of Aboriginal culture.
3. The rejection of Mr. Barden's evidence by the Court.

1 Letter from J Dunn, Relieving Officer, Department of Native Welfare, 5th November1968.

4. The "commercial attitude" on the part of some Aborigines in respect of the sale of the stones.
5. The unexpected appearance of a lawyer to represent Mr Hoffman.[2]

Haunted by the past

What is so interesting about these difficulties is that today, some 50 years later, these very same issues haunt us, maybe with the exception of a change to the hearsay rule, brought about by native title claims – and certainly point number five would never happen today.

The Mining Warden's decision was not the end of the matter, as a public campaign gained momentum. Aboriginal elders from the region went to Canberra to press their case, "de-tribalised natives" in respectable positions became spokespeople, the pastoral land holders for Weebo station, university students, members of the public, *The West Australian* newspaper, Professor Ronald Berndt and politicians pressured the Government to review the decision.

The Government capitulated and agreed to protect the area, at first with a 25m^2 temporary reserve and after a review they granted a 2m^2 reserve[3] in 1972. This dispute led to the Government under pressure recognising the need for Aboriginal heritage legislation. However, WA Premier Brand's comments when considered in the context of Weebo are useful in understanding the real intent of the legislation.

> Premier Brand said yesterday that the State Government thought a stage had been reached where all Aboriginal sacred sites should be registered. The government was prepared to make a survey of sacred sites, but it could not be achieved in such a short time.[4]

I commence this discussion with some of that historical context to let the reader understand the true nature of Aboriginal heritage protection, Aboriginal heritage approvals and the motivations of government and industry from the very beginning in 1972 through to claims by government and industry today, post the cataclysmic events of the Juukan destruction.

> "The WA Aboriginal Cultural Heritage Act is not about protecting heritage, it is in fact and continues to be a development approvals process."

The new legislation for WA

The current *WA Aboriginal Heritage Act 1972-80* is not about protecting heritage, it is in fact and continues to be a development approvals process. Ritter describes it thus:

- [C]ritical legal theory of 'loaning'…The registering of a site, 'loans' protection to it that is readily recoverable under the Section 18 process.[5]
- Having apparently legislated to preserve Aboriginal heritage, the legislation has the effect (in political substance) of legitimising its destruction.[6]

It is time for government and industry in Western Australia, and at the federal level, to sit down with First Nations groups to develop legislation that commits to enacting the principles of Free Prior and Informed Consent, that celebrates the rich and diverse cultural heritage we enjoy and commit to national principles and standards, so that each jurisdiction has certainty.

What legal reform and investment is needed to properly support Indigenous landholders to respectfully manage country, culture and heritage?

The National Native Title Council (NNTC) made submissions to the Senate enquiry, some relevant sections of which forms the discussion below.

Prescribed Bodies Corporate (PBCs) with their significant land holdings and internal governance systems, and their focus on caring for country, are well placed to assist managing cultural heritage on their country, and in fact have the necessary legal status under Native Title laws. However, significant barriers to their participation can be found in a lack of funding and their exclusion from state-based heritage, mining, land use planning laws and environmental laws.

2 Commission for Native Welfare, Budge report to Commissioner, 19th March 1969.

3 The variation meant an associated women's sacred area was never afforded protection to this day.

4 The West Australian, 16 April 1969.

5 David Ritter, 'Trashing heritage: dilemmas of rights and power in the operation of Western Australia's Aboriginal Heritage Legislation', in Christine Choo and Shawn Hollbach (eds.), History and Native Title, UWA Press, 2003, 199.

6 Ibid, 200.

It is well documented that PBCs are not funded by the Commonwealth Government to undertake their most basic statutory duties (duties imposed on them by the Commonwealth's *Native Title Act 1993*), let alone fulfil their aspirations to properly care for Country. For Traditional Owners to properly participate, they must be funded to do so.

Legislative reform is also required to the *Native Title Act 1993* to provide the right to Traditional Owners to prevent catastrophic development or mining on their country. Under the *Native Title Act*, Traditional Owners only have a right to make an agreement about the development but they do not have the right to say no.

The need for legislative reform was also documented in Professor Graeme Samuel's Interim Report of the Independent Review of the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) released in June 2020. He stated:

> "The EPBC Act has failed to fulfil its objectives as they relate to Indigenous Australians. Indigenous Australians' traditional knowledge and views are not fully valued in decision-making, and the Act does not meet the aspirations of Traditional Owners for managing their land. A specific Standard for best practice Indigenous engagement is needed to ensure that Indigenous Australians that speak for, and have traditional knowledge of, Country have had the proper opportunity to contribute to decision-making."

At best the EPBC Act provides for Traditional Owners to be consulted on development assessment and approval processes and that consultation, if it takes place at all, occurs after most other approvals are in place.

Professor Samuel was also critical of the Commonwealth's failure to protect Indigenous cultural heritage, both under the *EPBC Act* and the *Aboriginal and Torres Strait Islander Heritage Protection Act*. He stated, "Indigenous Australians seek, and are entitled to expect, stronger national-level protection of their cultural heritage," and recommended a review of both those laws.

Best Practice Standards in Indigenous Cultural Heritage Management and Legislation

The Best Practise Standards in Indigenous Cultural Heritage Management and Legislation were developed by the Indigenous members for the Australian Heritage Council (AHC) and Heritage Chairs and Officials of Australia and New Zealand (HCOANZ), in consultation with the NNTC and the Victorian Aboriginal Heritage Council (VAHC).

The Best Practice Standards are drafted on the foundational principle that Australia's Indigenous Peoples are entitled to expect that Indigenous cultural heritage legislation will uphold the legal norms contained in the United Nations Declaration on the Rights of Indigenous Peoples. This principle is missing from the *WA Aboriginal Heritage Act* and most other Australian legislation that determines the capacity of Indigenous Australians to protect their cultural heritage.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the UN General Assembly on 13 September 2007. The Commonwealth Government announced its support for the declaration in 2009. The UNDRIP does not impose new international legal obligations on states. Rather, it restates existing international legal obligations but framed in the specific context of Indigenous Peoples. The UNDRIP is widely understood by the world's Indigenous Peoples as articulating the minimum standards for the survival, dignity, security and well-being of Indigenous Peoples worldwide.

In summary, the Best Practice Standards provide for cultural heritage legislation that recognises Indigenous cultural heritage as a living phenomenon, with a blanket protection. Impacts need to be considered early in the development stage and authorisations for disturbances need to be made by an Indigenous organisation that is genuinely representative of Traditional Owners, accredited under legislation and is adequately resourced to perform its functions. Enforcement regimes need to be effective and broadly uniform across jurisdictions.

Self-determination and representation

Central to the UNDRIP is the principle of self-determination. This is reflected in its language by referring to Indigenous Peoples acting through "their own representative organisations" in the management of their cultural heritage and the arbitration of any proposal that is likely to affect the same.

However, identifying relevant and legitimate 'representative organisations' can be difficult. There are different ways overcoming this challenge.

The NNTC supports the proposal for the Accreditation of State and Territory Indigenous Cultural Heritage Regimes, put forward by the Victorian Aboriginal Heritage Council.

They operate in line with the Best Practice Standards and address practical requirements in relation to matters such as:

- Definitions
- Indigenous Self-Determination
- Process
- Indigenous Ancestral Remains
- Secret and Sacred Indigenous cultural heritage
- Intangible Indigenous cultural heritage

In the absence of such accredited regimes, PBCs are suitable organisations to take on the task. The rigorous processes associated with the appointment of

PBCs under the *Native Title Act 1993* ensure that such organisations, where they exist, satisfy the definition of 'representative organisations' under the UNDRIP. But even where no PBC has been set up, there may be other Traditional Owner organisations or a Native Title representative body that may have the necessary authority and legitimacy to perform this role.

The Commonwealth Indigenous cultural heritage legislative regime should consider including mechanisms for the identification and appointment of such 'representative organisations'.

Going further, faster in Western Australia

In Western Australia, Traditional Owners are faced with the combination of an *Aboriginal Heritage Act 1972 (WA)*, which provides no decision-making power to Traditional Owners in relation to their cultural heritage and is arguably a law designed to systematise destruction, and the *Native Title Act* that provides a six-month window in which they must negotiate with mining companies or face an arbitral outcome that permits mining projects to proceed without any benefits.

This means that the lack of equal bargaining power extends beyond the obvious inequality of resources, it is entrenched in a legal framework that renders Traditional Owners reliant on the benevolence of industry standards and practices. It results in agreements that can and do make provision for protection of cultural heritage, but it also enables the pretence that when destruction is authorised under agreement, it is what Traditional Owners would have agreed to even if legislation had given them the right to say no. This system not only destroys cultural heritage, but it is corrosive of the very basis and identity of Traditional Owner groups as well as their capacity to protect what is theirs, and to make decisions about matters that affect their lives and communities.

In situations such as Juukan Gorge, the Commonwealth Indigenous cultural heritage regime, specifically through the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP Act), operates as a mechanism of last resort when state and territory legislation fails to protect the relevant cultural heritage.

The *Western Australian Aboriginal Cultural Heritage Act 1972* remains obdurately and egregiously out of step with modern standards of heritage management, but also and more importantly, the rights and reasonable expectations of Aboriginal people and the broader Australian public.

The *WA Aboriginal Cultural Heritage Act* predates the Commonwealth *Native Title Act* and the Commonwealth *Racial Discrimination Act 1975*. The Western Australian Government's 2019 Discussion Paper on the review of the Act states:

> The overwhelming weight of stakeholder feedback is that the current *Aboriginal Heritage Act 1972* neither reflects the changed social and legal landscape that has led to the formal recognition of Aboriginal people's deep connections to the land and their culture, nor modern approaches to heritage management generally. Indeed, many of these concepts cannot be comfortably incorporated into the scheme of the current Act, which envisages only a limited formal role for Aboriginal people in its workings. Consequently, modernising the system of protection for Aboriginal heritage in Western Australia needs more than amendment to the existing Act: a new Act is required.[7]

The following observations have been longstanding in relation to the WA *Aboriginal Heritage Act*:

- There is no statutory requirement for Traditional Owners to be involved in decisions on their own cultural heritage.
- The Act does not encourage protection of Aboriginal heritage through co-existence with compatible land uses or modification of proposals to avoid impacts.
- The Act does not recognise the heritage outcomes resulting from agreements made under the *Native Title Act* between land use proponents and Native Title holders.
- The Act does not provide for any right of appeal by Aboriginal people in relation to decisions about their cultural heritage, whereas developers have long enjoyed the right under the Act to apply for ministerial consent to "disturb" any Aboriginal site in the State and the right to appeal such ministerial decisions.

7 Review of the Aboriginal Heritage Act 1972, Discussion Paper, Government of Western Australia, March 2019.

In light of these and the above outlined considerations, the Western Australian Government should be encouraged to repeal and replace that legislation in its entirety.

Indigenous cultural heritage is mainly governed by state-based laws and the Senate Inquiry into the bombing of Juukan Gorge has highlighted the desperate need for review of those state laws, particularly in WA.

However, the National Native Title Council notes that it is the expectation of the international community that national governments facilitate the rights of Traditional Owners to manage and protect their cultural heritage. On this basis the Commonwealth Government is encouraged to enact a national regime of Indigenous cultural heritage protections as set out in the Best Practice Standards.

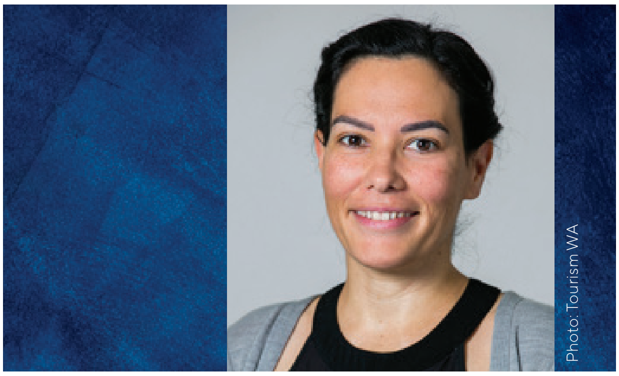
Ultimately, we need laws at the Commonwealth and state levels that ensure Traditional Owners are the ultimate decision makers over management and protection of their cultural heritage.

“In light of the facts, the Western Australian Government should be encouraged to repeal and replace the 1972 legislation in its entirety.”

Mr Kado Muir is a Wati, a Goldfields Aboriginal cultural and community leader and an anthropologist/archaeologist with many years' experience working in Aboriginal Heritage, Language preservation and maintenance, traditional ecological/education and native title research. Kado is a community-based cultural heritage and environmental activist and a cultural leader who has preserved his Ngalia language and helped develop Australian curriculum content incorporating Aboriginal knowledge into education curriculum. He operates a number of businesses including an Aboriginal art business, Sandalwood enterprises, a culturally focused podcast and a Aboriginal heritage consultancy business. He is a director of two Prescribed Body Corporates (Tjiwarl Aboriginal Corporation and Wakamurru Aboriginal Corporation), Chair of the National Native Title Council and a director of Original Power, a First Nations rights advocacy NGO.

Protecting power: Is cultural heritage a new commodity?

Kia Dowell



"The pace at which Aboriginal people are expected to negotiate, consent to and be continuously informed about all matters related to ensuring the protection and promotion of Aboriginal cultural heritage country is incredibly overwhelming and legally complex."

The concept of protection and promotion of Aboriginal cultural heritage has shifted over time, as have the methods by which Aboriginal people exercise their rights. Notwithstanding past and current limitations of laws, regulations and policies regarding Aboriginal cultural heritage, Aboriginal people continue to do what we can to assert and maintain continuing connection to sites, materials, objects, beliefs, customs and practices. This is not always possible and, in the event that Western systems of managing country and cultural heritage matters contradict systems of management by Aboriginal people, we are collectively often left to pick up the pieces of a power imbalance and system that has created more barriers than solutions.

Aboriginal perspectives

This section shares personal experiences, observations and lessons between commercial aspirations and cultural obligations from the perspective of Aboriginal cultural heritage as one of many debated elements of the broader issue of consent, specifically in the context of the Native Title process. It is not aimed at identifying all opportunities or challenges to improve the full suite of legal instruments currently available for interpretation. It is intended to share a handful of realities that are relevant when focusing in on one aspect.

The pace at which Aboriginal people are expected to negotiate, consent to and be continuously informed about all matters related to ensuring the protection and promotion of Aboriginal cultural heritage while upholding compliance with the full suite of laws, regulations and policies associated with caring for country is incredibly overwhelming and legally complex. The drivers for access to land vary, as do the intentions of proponents and the State. But it is yet to be proven that negotiating access to land in exchange for some form of monetary 'gain' for Aboriginal people creates long-term positive outcomes, or if the form of dependency simply shifts.

There are, of course, pockets of Aboriginal people who have made, or are currently making, the most of the opportunities afforded through such agreements via scholarships, employment, business opportunities or other programs delivered through charitable trusts. But the reality is that people's lay understanding or assumption of Native Title across the State largely borders on the perception that all Aboriginal groups who have or are seeking Native Title receive 'big money for doing nothing' or other direct benefits. One example of a direct benefit is the concept of *Toyota Dreaming*[1] which examines "the importance of cars [and] the fact that their use actually transforms the conditions of movement [...] the fact that cars, especially of the 4WD kind, have become a crucial agent (and not a mere tool or device) in the negotiation of individual and collective trajectories, movements and access to country."

Questioning the Native Title process

Not all Aboriginal people who are Native Title holders have the 'privilege' of resource-rich land or waters deemed to be valuable by the Western definition.

1 Martin Preaud, *Country, Law & Culture: Anthropology of Indigenous Networks from the Kimberly*, PhD Thesis, James Cook University, March 2009, 98.

What is clear is that the dependency between the laws, regulations and policies designed to assist Aboriginal people with exercising their rights and duties as custodians and ultimately, Native Title Holders, is the very thing that causes the entire process to be questioned.

In 2013, Mark Dreyfus QC MP, then Attorney-General of Australia, referred to the Australian Law Reform Commission the *Review of The Native Title Act 1993*, which considered the need to update the Act (from a Commonwealth perspective). The *Aboriginal Cultural Heritage Bill 2020* before the WA Parliament is currently undergoing a similar review to test its relevance, reliability and above all whether (or to what degree) it is a mechanism that empowers rather than inhibits Aboriginal people's right to cultural heritage and all matters considered important, valuable and necessary in the broader discussion around the role of connection reports in the Native Title process.

Considering different methods

There is scientific evidence that demonstrates and proves the continued existence of Aboriginal and Torres Strait Islander people across this country. Where the intersection between Western methods of 'evidence' and Aboriginal methods of knowing exist, we often find ourselves in the vast space of interpretation.

The following are observations as a Gija woman from the East Kimberley region and my experiences both within the resources sector and as Chairperson of an Aboriginal Trust currently navigating mine closure with an agreement that is no longer fit for purpose. These are simply reflections and lessons from interactions between commercial aspirations and cultural obligations through the lens of Aboriginal cultural heritage.

- **Elevate cultural knowledge and cultural knowledge holders:** The role of cultural knowledge and cultural knowledge holders varies from pre- to post-determination. Elders are so pivotal in building the knowledge bank for connection reports and claims, yet are often relegated back to life-as-normal once a determination has been made. The challenge with this is that corporate governance is then seen to be more important than cultural governance[2] and consequently, a different knowledge set is perceived to be more valuable. Indeed, Dr Anne Poelina shares in her research that "Colton and Whitney-Squire (2010) and Bunten (2010) emphasise that governance processes provide a cultural authority with the means of ensuring legal recognition, accountability, inclusiveness, participation and conflict resolution with the presence of formalised bodies supporting economic development, access to and decisions on the use of land, living waters and natural resources." While some attempts at cultural governance within certain agreements establish an Elders Council or similar, it is critical that these individuals and the intellectual property collected is returned to the rightful owners of that knowledge. In the absence of doing so, it raises questions regarding cultural heritage becoming a new commodity. Aboriginal people who have been disconnected from country or community for a range of reasons seek truth, knowledge and a sense of place. Arguably, none of that can be achieved without elevating and maintaining the highest of respect and regard to cultural knowledge and knowledge-holders. It is necessary in order to obtain a determination and it is necessary to maintain connection, through evolving forms and mechanisms to enable the ongoing transfer of knowledge.

- **Transfer of knowledge:** When access to knowledge is limited or restricted, Aboriginal people achieving levels of appropriate knowledge at appropriate times is severely disrupted. Western systems of education focus on obtaining knowledge for the first 17 to 18 years of an individual's life and yet when it comes to affording the same level of focus on building, developing and transferring cultural knowledge (including the protection and promotion of Aboriginal cultural heritage) the onus is often placed on families or poorly resourced organisations. As part of the discussion around the protection and promotion of Aboriginal cultural heritage we must also establish appropriate institutions that enable all generations of Aboriginal people to feel that knowledge about one's culture is as valuable as knowledge about STEM, for example. Such institutions should be built locally, on country, managed by local people and revered for the importance of the knowledge protected, preserved and shared across generations alongside an existing curriculum – doing so acknowledges that different physical spaces create different environments for learning.

- **Create space for gender-specific decision-making:** Furthermore, I have observed the morphing of and movement away from gender-specific decision-making. There are places, practices, beliefs and access to certain cultural information that are gender-restricted. There are also many elements that are the domain of all. A very clear lesson from our current negotiation regarding mine closure is that in the absence of an agreed, fit-

2 Anne Poelina and Johan Nordensvard, 'Sustainable Luxury Tourism, Indigenous Communities and Governance', in Miguel Angel Gardetti and Subramanian Senthilkannan Muthu (eds.), *Sustainable Luxury, Entrepreneurship, and Innovation*, Springer Singapore, 2018.

for-purpose cultural governance model and gender-specific decision-making forums, corporate governance takes the lead. This does little to acknowledge, value or provide gender-appropriate spaces for discussions or decision-making associated with the protection and promotion of Aboriginal cultural heritage in a way that continues the practices and modalities of learning and management across generations. Establishing a forum such as a Cultural Heritage Advisory Group needs to go hand in hand with very robust terms of reference, clear decision-making processes and explicitly state the level of cultural authority the members of such a group have, in agreement with the broader community, led by Elders. This does not mean that multi-generational learning is not allowed – if anything, it provides a channel for future leaders and knowledge-holders to be developed further.

- **People change, promises don't:** Perhaps the biggest truth in all of this, is that people change but the promises they make don't, nor are they forgotten quickly. The collective memories of communities are powerful sources of information, insight and intelligence, often overlooked or dismissed because of the frustration and disappointment about unresolved issues or promises. Attempting to resolve more than three decades of issues, misunderstandings and the passing of time in which we have lost many of our Elders who were catalysts for change is difficult. This generation has an incredible opportunity to change the way this story ends so that ultimately the cultural sites that have been decimated and negatively impacted can be rehabilitated, restored and cared for appropriately. The unfortunate reality is that the value of a resource company returning country to Aboriginal people is overrun with good intentions and the resources (time, money, expertise) that went into gaining 'consent' appear secondary to meeting State regulatory requirements. Any discussion around the protection and promotion of Aboriginal cultural heritage cannot and should not be conducted in isolation of discussions around decision-making, consent, authority, governance or benefits; indeed, it is the glue that holds this entire complex yet delicate system together.

As we contemplate the future of consent and the legal instruments intended to provide a just or equitable seat at the negotiating table with companies, it brings to mind the concept of country and who really benefits when the protection and promotion of Aboriginal cultural heritage is not at the heart of discussions or solutions. As anthropologist Kim Doohan describes in her book *Making Things Come Good*[3]: "Country is more than a simple geographic location with particular topography, flora and fauna. It is a life-affirming entity, the basis for living and engaging with the totality of beings that are ever-present in land, water and the heavens."

3 Kim Doohan, *Making things come good: relations between Aborigines and miners at Argyle*, Backroom Press, 2008, 27.

By this definition alone, the State must not only acknowledge the complexities of our laws and our systems of management, they must ensure the process by which Aboriginal people participate in the process of Native Title is redesigned to be more sustainable and more efficient.

Negotiations take years of time and resources. The State must require that the knowledge freely shared by Aboriginal people in seeking Native Title is their intellectual property before, during and after the legal process plays out and that full transparency of negotiations between proponents, including themselves, and Traditional Owners is mandated.

For example, the urgency of mine closure did not fully come to light until about 2018, when at the will of myself and others to hold the mining company accountable, we witnessed an almost instant change in resourcing for the company but very little to enable Traditional Owners to participate as equals in discussions. Notwithstanding years of questions from Traditional Owners, since 2018, we have responded and invested as much as we can to significantly improve the integrity and quality of the Mine Closure Plan that is now sitting with the State for approval. We consider our participation necessary, but by the definition of the laws under which the State and the mining company operate, it is seen to be voluntary.

The State must do what it can to find a balance between the laws they operate under and the laws we operate under. Aboriginal people need reassurance that what is unfolding across the social, economic, political and environmental agendas will not prevent us from achieving our goals as far as the protection and preservation of cultural heritage is concerned.

'Success' requires bilateral support, representation and investment from across the State's various Ministerial portfolios. If we cannot succeed in this together, then we fail to deliver a better future for the next generation of Western Australians, we fail to uphold the intent of what numerous agreements across the State represent, and we fail in the very roles we have been entrusted to lead in.

Kia Dowell is a Gija woman from Warmun Community (Turkey Creek) in the East Kimberley of Western Australia. She is honoured to be the Chair of the Gelganyem Trust and a Tourism WA Commissioner. Kia is passionate about contributing to organisations that serve a greater social purpose for Aboriginal communities.

The case for improved heritage futures in Western Australia

Peter Veth

The loss of the 46,000-year-old *Juukan* rockshelter sites in the Pilbara in May 2020, sanctioned under the *WA Aboriginal Heritage Act* 1972-80, drew global attention to the escalating challenges in protecting Aboriginal cultural heritage in Western Australia. There were profound ramifications for the PKKP Traditional Owners in the loss of their cultural heritage, for the Rio Tinto Executive, and more broadly for heritage regulators and practitioners in WA[1]. The incident led to a cascading examination of heritage laws in all Australian states and territories to see how well they harmonised with national and international cultural heritage standards.

The *WA Aboriginal Heritage Act* ("the Act") is nearly 50 years old and has been viewed as outmoded for some time. In a post-native title era, where the rate of resource extraction and land use has accelerated significantly, national heritage provisions and standards are not being accommodated. *Juukan* was in fact the latest in a string of increasingly high-profile heritage contestations that arguably began in 1978 with the Noonkanbah dispute in the Kimberley, followed by others including the Harding Dam in 1984, Karlamilyi (Rudall River) in 1986, Marandoo in 1991 and a host of more recent conflicts. All have highlighted the limitations of the Act and the need for reform. Despite a clear policy reform agenda being provided through State Government-commissioned reports, including the Seaman enquiry in 1984, the Senior reports of 1991 and 1995, and from other submissions[2], significant reforms to the Act have not been forthcoming.

As many commentators argued, conflicts in heritage would continue until a values- and rights-based reform agenda was adopted. That reform process has now begun with a newly drafted *Aboriginal Cultural Heritage Bill* ("the Bill") which has been circulated for stakeholder review and is due to be introduced in the next sitting of the WA Parliament. Minister Ben Wyatt has argued that the broad architecture of the Bill has found widespread support. Generally applauded improvements include stop-work orders when highly significant sites (such as *Juukan*) are at risk, the abolition of the Section 18 permit for site destruction, recognition of native title parties and their agreement-making, higher penalties for site impacts, inclusion of human remains, and a new model for regional heritage services. The tangible and intangible values of places and landscapes are now identified, as are enhanced Protected Areas which would provide very high levels of protection for the most significant heritage estates.

As John Southalan[3] notes, the Minister believes the Bill's reforms lie in "...three key focus areas: Aboriginal voices, improved protection, and better decisions" and he concludes that the Bill does have improved procedures, but raises concerns over the provisions for Ministerial override, as have previously existed, 'in the interests of the State' (clause 147). Public submissions received on the Heritage Bill from Traditional Owners, industry, heritage practitioners (archaeologists, anthropologists and lawyers) and the public have raised further issues which should be addressed in the draft Bill. These include a) how the local Aboriginal heritage services would be funded, b) how members of a new Aboriginal Heritage Council would be selected, and c) the very high threshold required to have an area declared protected. Other

1 Peter Kerr, 'The inside story of how Juukan Gorge was lost', *Australian Financial Review*, 12 December 2020.

2 Australian Association of Consulting Archaeologists Incorporated, Submission on the Draft Aboriginal Cultural Heritage Bill 2020 – Stage 3 review, 9 October 2020.

3 John Southalan, 'Sorry, not sorry: the operation of WA's Aboriginal Heritage Act', *Australian Public Law*, 11 November 2020.

outstanding matters include the accreditation of heritage practitioners, a tribunal to hear matters of contested heritage values and the harmonisation of the WA Act with federal heritage laws (e.g. the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* and *Environment Protection and Biodiversity Conservation Act 1999*). Proactive measures to identify heritage sites, manage their status against cumulative impacts and to celebrate their value to Traditional Owners and Custodians and to the wider public, form part of the call for heritage protection and community outcomes that go well beyond permits to access land and resources.

The WA Department of Planning, Lands and Heritage (DPLH) currently administers a funding scheme for the protection of cultural heritage; some resource extractors are part of bilateral conservation agreements to proactively document and manage heritage; and many of the major mineral, energy and infrastructure corporations do invest in the study, protection and management of Aboriginal cultural heritage. Critics argue this is part of their business model and specifically their social licence to operate. What has come under particular scrutiny in the *"Never Again" Juukan Enquiry* (Commonwealth 2020) is the asymmetry between Traditional Owners and corporations in agreement-making, the exposure of heritage to ongoing cumulative impacts, and the patchy vigilance afforded to significant heritage by the current legislation.

My view is that there is an urgent need for increased investment in heritage beyond compliance by industry and the State and Federal governments. It was reported in 2019 that the State heritage compliance budget to regulate all land uses in WA was approximately $4 million, including the resource sector which (conservatively) posted sales of $172 billion in that same year. The comparative massive 'under-resourcing' of the heritage regulator's office (DPLH), and their review panel (currently the Aboriginal Cultural Materials Committee), given escalating volumes of requests to access land on which sites occur, create unnecessary pinch-points and thereby unacceptable levels of risk.

There are clear pathways for heritage futures in Western Australia which I believe would see wider support. First Nations heritage must be proactively managed and protected for outcomes beyond compliance frameworks, with acknowledgement of the *Burra Charter 2013*, the *Australian ICOMOS Charter for Places of Cultural Significance*, and the recent recommendations of the Australian Heritage Council. These include *Dhawura Ngilan: A Vision for Aboriginal and Torres Strait Islander Heritage in Australia and Best Practice Standards for Indigenous Cultural Heritage Management and Legislation,* which has been recently supported by federal Minster for Indigenous Affairs the Hon Ken Wyatt[4]. The Bill needs to provide clear regulations as to when different kinds of heritage surveys and management regimes apply,

4 Ken Wyatt, Heritage assessments to focus on Indigenous cultural heritage, Australian Government, Department of the Prime Minister and Cabinet, Media release, 1 December 2020.

"There is an urgent need for increased investment in heritage beyond compliance by industry and the State and Federal governments, and there are clear pathways for heritage futures in Western Australia which would see wider support."

which can vary from vegetation clearance and roadworks through to regional exploration and full-scale mining. There is also a strong case for establishing regional interpretation, visitor and keeping places on Country throughout the State. An increase in Indigenous Ranger schemes and training, as currently occur in some regions, to see Aboriginal people resourced to monitor the cultural and natural health of their Country will create better management outcomes and new employment pathways.

I believe the introduction of an Aboriginal Heritage Tribunal (along the lines of the Land and Environment Court in NSW), which could hear appeals on the *values and significance* of heritage sites and places, would be beneficial. At present the lack of a review, facilitation and mediation mechanism means conflicts are extremely costly for all parties concerned and usually result in loss of social licence. Given that yearly compliances in WA have an aggregate worth of many billions of dollars, surely this reform would be in the national interest?

With a new *Aboriginal Cultural Heritage Act*, WA is poised to do better in managing its outstanding heritage record which demonstrates both extraordinary resilience and the deep-time attachment of Aboriginal people to Country. This is a historically important opportunity to improve the recognition, respect and management of Aboriginal cultural heritage in Western Australia[5]. A genuine consideration and support for meaningful reform of this outdated heritage legalisation will help both celebrate the cultural assets of the First Australians and lay the foundations for life-changing regional economies and heritage futures in Western Australia.

Peter Veth is a Professor of Archaeology at UWA and has carried out heritage and native title studies throughout Western Australia. His collaborative work with Aboriginal Land Councils and Corporations has resulted in numerous research, policy and management reports. He regularly acts as a media commentator and advisor for film series.

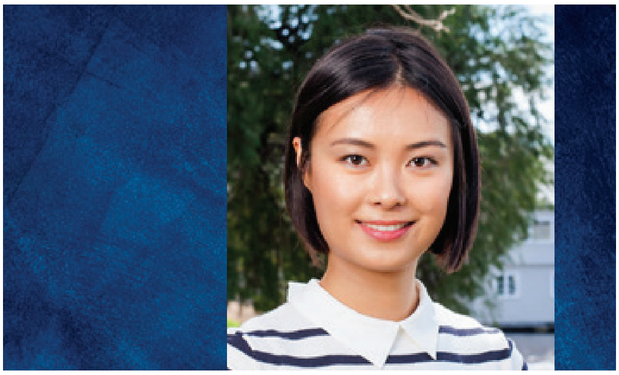
5 Peter Veth, J. Dortch, J. Thomson, and P. Jeffries, 'Embracing the values of Aboriginal heritage reforms to the WA Act', *National Indigenous Times*, April 3 2019.

Chapter 3:

Supporting Mental Health Interventions for Young People

Tackling the youth mental health crisis – Roadmap to a brighter future

Julie Ji



The survival and wellbeing of young people are under increasing threat from mental ill health, exacerbated by the ongoing COVID-19 pandemic. Mental ill health not only causes suffering to the person affected and their loved ones, it also robs them of years of productive life. The 2020 Productivity Commission *Inquiry on Mental Health* estimates that mental ill health costs the Australian economy $70 billion per year. With a rapidly ageing population, safeguarding the mental wellbeing of our young people is not only a moral imperative, it is an economic necessity.

Just as decisive and farsighted policy decisions led to rapid changes that protected Western Australians from the COVID-19 virus, the same must be done to stem the youth mental health crisis. Decision makers across government, community, research and philanthropic sectors must jointly and aggressively pursue game-changing initiatives that strengthen WA's capacity for mental ill health prevention, early intervention and treatment. Failure to do so risks losing a generation of young people to hopelessness and helplessness, and derailing the future of our country.

The youth mental health crisis in Australia

Young people are particularly vulnerable to mental ill health, with 75% of mental disorders occurring before the age of 25[1]. In Australia, approximately 25% of 15–25 year olds suffer from anxiety, depression and/or substance use disorders, the highest of any age group. The top three causes of healthy years of life lost due to death or disability for 15–24 year olds are suicide, anxiety and depression. Young Australians are *three times* more likely to die by suicide than by road traffic accidents in 2019, and rates of psychological distress and suicidality among Aboriginal and Torres Strait Islander youth are double that of non-Indigenous communities[2].

Robust evidence indicates that systemic shocks such as global recessions result in increased rates of anxiety, depression, substance-use disorders and suicide[3]. The current COVID-19 pandemic is a systemic shock of unprecedented scale. Modelling from the University of Sydney projects that over the next five years, the proportion of young people who will not be in employment, education or training (a significant risk factor for mental ill health) will be as high as 38% in cities and 42% in regional Australia. Mental health-related emergency department presentations are projected to increase in young people by 26%, self-harm hospitalisations by 28% and suicide deaths by 30%[4].

1 Ronald C. Kessler, G. Paul Amminger, Sergio Aguilar-Gaxiola, Jordi Alonso, Sing Lee and T. Bedirhan Ustun, 'Age of onset of mental disorders: a review of recent literature', *Current opinion in psychiatry*, 20(4), 2007, 359.

2 Australian Bureau of Statistics, *Causes of death, Australia, 2018*, ABS cat. no. 3303.0., ABS, 2019.

3 Diana Frasquilho, Margarida Gaspar Matos, Ferdinand Salonna, Diogo Guerreiro, Cláudia C. Storti, Tânia Gaspar and José M. Caldas-de-Almeida, 'Mental health outcomes in times of economic recession: a systematic literature review', *BMC public health*, 16(1),2016, 115.

4 Jo-An Atkinson, Adam Skinner Kenny Lawson, Yun Song and Ian Hickie, *Road to recovery: Restoring Australia's mental wealth*, University of Sydney Brain and Mind Centre, 2020.

Psychological vulnerability and maladaptive coping behaviours – the role of future expectancies

How we respond to stressful and distressing experiences in the present is heavily influenced by what we expect to happen in the future. Humans can show remarkable resilience in the face of hardship if we can see in our mind visions of a brighter future. On a grand scale, the COVID-19 pandemic has reminded us all what it feels like to be paralysed by fear and uncertainty about the future, and how quickly we can get into spirals of low mood and loss of motivation when we can't see an end to the current situation. Such experiences are magnified for young people, as disrupted education, social and economic opportunities are threatening their futures more than any other age group. At the same time, young people have rapidly developing brains that are not yet fully equipped to regulate emotions and impulses.

What can turn normal responses to stressors into chronic anxiety and depression is a sense of hopelessness and helplessness in the face of anticipated negative future outcomes. While anxiety and worry are normal reactions to threats as they mobilise our fight or flight system, it can become debilitating if our mind sees potential uncontrollable threats around every corner. Similarly, while feeling sad is a normal reaction to loss, failure or rejection, it can become chronic when we cannot imagine how things might improve in the future. My own research and that of others has shown that depression impairs our ability[1] and tendency[2] to vividly imagine positive future outcomes, and how optimistic we are on a day-to-day level is related to how much our mind tends to spontaneously time travel to positive rather than negative scenes in the future[3].

Turning the tide – building resilience and building early intervention

The WA Government's *Young People's Mental Health and Alcohol and Other Drug Use: Priorities for Action 2020-2025 (YPPA)* action plan and its *Suicide Prevention Framework 2021 – 2025* represent important steps towards enhancing the delivery of mental health, alcohol and other drug support services to young people in WA via existing care pathways. However, more must be done to prevent young people from developing prevalent mental health conditions such as anxiety and depression in the first place.

As recognised in the Productivity Commission *Inquiry on Mental Health*, Australia's mental health system is severely lacking in prevention and early intervention infrastructure. Strategic investment in such infrastructure will help to prevent millions of young Australians at known risk of mental ill health from developing a mental health condition, and provide timely and accessible early-interventions needed to stem illness progression in those showing early symptoms of common conditions such as anxiety, depression and substance dependence.

> "Strategic investment in preventive infrastructure will help to prevent millions of young Australians at known risk of mental ill health from developing a mental health condition, and provide timely and accessible early-interventions."

Enhancing resilience and preventing mental ill health

We already know that vulnerability to mental ill health and the likelihood of developing mental disorders are greatly increased by early exposure to psychosocial hazards, including poverty, violence, abuse and neglect[4]. As such, policies that combat unemployment, alcohol and substance abuse, domestic violence and discrimination, and provide affordable housing, childcare and education, are integral to reducing the number of young people developing mental disorders.

Importantly, mental health is more than the mere absence of mental disorders. Thus, prevention also requires farsighted and psychologically informed policies to build new *psychologically fortified* environments that actively promote young people's resilience to hopelessness and helplessness in the face of stressors and shocks. To do so, parents, early childhood educators, school teachers and employers must possess basic psychoeducational knowledge about what healthy emotional, social

1 Julie L. Ji, Emily A. Holmes and Simon E. Blackwell, 'Seeing light at the end of the tunnel: Positive prospective mental imagery and optimism in depression', *Psychiatry research*, 247, 2017, 155-162.

2 Julie L. Ji, Emily A. Holmes, Colin MacLeod and Fionnuala C. Murphy, 'Spontaneous cognition in dysphoria: reduced positive bias in imagining the future', *Psychological research*, 83(4), 2019, 817-831.

3 Julie L. Ji, Fionnuala C. Murphy, B. Grafton, Colin MacLeod and Emily A. Holmes, 'Emotional mental imagery generation during spontaneous future thinking – relationship with optimism and negative mood', *Psychological research* (under review).

4 V. Patel, A. J. Flisher, S. Hetrick and P. McGorry, 'Mental health of young people: a global public-health challenge', *The Lancet*, 369(9569), 2007, 1302-1313.

and behavioural development looks like, as well as how to spot and address early signs of distress and maladaptive coping.

In the current pandemic context, when the environment is volatile and the future is uncertain, it can be adaptive to foreshorten our mental lens of the future and put longer-term goals and plans on hold to focus on what is within one's control in the near term. To help young people cope with the pandemic and its aftermath, leaders in government and industry must build and shine light on concrete stepping stones that young people can take in the near term to build their future. For example, greater modularisation of tertiary education can allow young people to receive education and training while offering greater flexibility and lowering barriers. Further, enhancing skills training accessibility and providing careers planning support for young people, their parents and teachers, through initiatives such as skillsroad.com.au by the WA and Victorian Chambers of Commerce, can help to ensure that no young person is left behind.

Enhancing early-intervention – digital mental health designed from the end user's perspective

In addition to building resilience, it is essential that we develop game-changing solutions that can directly empower young people to acquire and deploy the knowledge and skills they need to respond to psychological distress in the face of stressors and negative shocks in their own lives early to stem its progression into disorders. Given that the current cohort of young people are the most digitally connected generation ever, innovations in digital mental health services hold the key.

Despite the abundant availability of digital mental health resources and apps, many are not evidence based, and most are not used for more than two weeks[5]. Creating evidence-based digital mental health services that young people are willing to use requires digital products designed to specifically appeal to young people, and to fit around their needs with low barriers of effort and stigma. Going beyond simply translating in-person services into online equivalents, we need real-time digital delivery of mental health knowledge and evidence-based distress reduction techniques and problem-solving tools that young people can tap into, whenever and wherever they need it.

Given the critical shortage of clinical psychological treatment providers, scalable and cost-effective digital mental health early interventions would need to work well without intensive guidance from a human counsellor or therapist. However, current mental health support approaches are based on diagnostic disorder categories, which require help-seekers to possess a relatively high level of clinical mental health literacy and self-insight. Such requirements are challenging for young people without guidance from a clinician, as young people tend to face many concurrent and inter-related causes of distress and have lower capacity to differentiate and label their own emotions and thoughts. Thus, evidence-based trans-diagnostic digital interventions that target core emotional, social and behavioural problems common across disorders may be more effective than traditional approaches.

Summary and conclusion

As the Danish philosopher Søren Kierkegaard wrote in 1844, **"***life can only be understood backwards; but it must be lived forwards."* Youth is fundamentally about working towards a bright future. In psychological terms, policies that fail to protect the mental health of young people are ultimately those that fail to provide a safe and enriched family, school, community, employment and health ecosystem that helps young people develop visions of a bright future and a concrete path to get there.

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5 John Torous, Gerhard Andersson, Andrew Bertagnoli, Helen Christensen, Pim Cuijpers, Joseph Firth, et al., 'Towards a consensus around standards for smartphone apps and digital mental health', *World Psychiatry*, 18(1), 2019, 97.

Togetherness – Promoting shared decision-making in mental health

Deena Ashoorian and Rowan Davidson

Medications remain the cornerstone of mental health treatment. With over 37 million prescriptions dispensed for psychotropic medications in Australia each year[1], it is understandable that medication management is a significant issue for people with mental illness, their families and their clinicians. The impact and management of medications is a significant and complex issue for the recovery of people with mental illness. Patients report feelings of frustration and isolation as they may struggle with a sense of not being heard and understood in regards to their personal responses to treatment regimens. This can sometimes lead to people self-managing their medications without adequate support or information. Therefore, an honest discussion of the effects of these medications is crucial and can offer an otherwise lost opportunity for dialogue between the patient and the clinician.

Shared Decision Making (SDM) is a clinical model that supports a patient's choice, self-determination, empowerment and partnership, and accords with the mental health recovery model[2]. SDM for mental health interventions and treatment options, including psychiatric medications, is a relatively new emphasis in mental health, where implementation and evidence for the effectiveness of collaborative or partnership approaches are only just emerging.

What is Shared Decision Making?

SDM is an approach that requires two 'experts', the clinician (expert in evidence-based medications and treatment options) and the patient (expert in personal experience, goals, values and preferences) to collaboratively determine the treatment decision. Although this approach is not a new concept in healthcare, its application is a newer development in mental health, particularly for psychiatric medication management. Charles and colleagues describe three essential elements that are the basic requirements for the SDM model[3]:

1. Both patient and clinician must be involved and share information;
2. Both express treatment preferences; and
3. Treatment decision is made and both parties agree to implement the treatment.

Medication decisions

While there is an emerging wider body of knowledge on SDM in mental health, decisions relating to medications are some of the most important in SDM. It is also an

1 Australian Institute of Health and Welfare, *Mental health-related prescriptions*, Mental Health Services in Australia, 2019.

2 Australian Health Ministers Advisory Council, *A national framework for recovery-orientated mental health services: Guide for practitioners and providers*, Commonwealth of Australia, 2013.

3 Cathy Charles, Amiram Gafni and Tim Whelan. 'Shared decision-making in the medical encounter: What does it mean? (or it takes at least two to tango)'. Soc Sci Med. 1997, 44(5), 681-92.

"There is an emerging wider body of knowledge on shared decision-making in mental health. Decisions relating to medications are central, since patients are most likely to disagree with the ultimate decision when they have not been included in the process."

area where patients are most likely to disagree with the ultimate decision, particularly when they have not been included in the process.

Psychiatric medications have similar efficacy by class; therefore the choice of which medicine patients take should be based on personal preference and how the patients themselves value the risks, benefits and the impact of the adverse effects. However, mental health patients frequently describe being uninformed and unprepared for the adverse effects of these medications, which can make them feel worse and take away their sense of life and motivation. The debilitating adverse effects of their medications results in a majority of patients discontinuing treatment within the first year. When analysing the reasons for non-adherence, many patients describe – in addition to concerns about medications and adverse effects – feeling that decisions made were not inclusive and feeling disempowered by their clinicians. The consequences of discontinuation are significant and include mental illness relapse, rehospitalisation, relationship breakdown, loss of employment and housing, substance use and self-harm.

The majority of patients who become non-adherent do so without consultation, frequently related to communication inadequacies or difficulties with their health professionals. There is a need to improve the way patients and clinicians communicate about treatment options. By fully understanding the patients' subjective experience with medications a clinician can appreciate underlying drug attitudes, insight and adherence. Medications are one aspect of a recovery-orientated journey. Ensuring patients are encouraged and supported to be involved in shared decision-making can be liberating and empowering, enabling a better understanding of evidence-based treatments.

What are some barriers to SDM?

The limited research in this area has shown that SDM in mental health has not advanced much beyond the first level of SDM (sharing of information between two experts), with many factors involving patients, clinicians, and the system itself being responsible for its low uptake.

There are major benefits for people with mental illness to be actively involved in SDM including reduced symptoms, improved self-esteem, increased satisfaction with medical care, improved treatment adherence and decreased hospitalisation rates. Despite these benefits and many patients wanting to be a part of SDM, there are barriers inhibiting SDM from being part of routine practice.

Patients report lack of confidence and fear of asserting themselves, limited access to information, current symptoms of illness, lack of trust in the health professional and lack of awareness due to cultural attitudes that they have a right to be involved in treatment decisions.

Clinician factors include perceptions about the patients' decisional abilities, such as lack of insight or the nature of their illnesses[4]. Other barriers from the clinician perspective include gaps in communication and the advanced communication skills required to assist patients to articulate their problems and needs. In addition, clinicians describe the impact of unwanted adverse effects of medication on patients' motivation to participate in treatment, as well as (lack of) honesty about adherence to prescribed treatments as barriers.

Limited time available in the consultation is one of the most frequently reported barriers related to systemic factors. Another barrier often mentioned in the literature at the system level is lack of integration and coordination between general practice, and public and private mental health services. Patients who are subject to involuntary treatment orders are clearly a difficult group for SDM, but we would argue that those may still have the principles of sharing decisional choice applied in the SDM framework. Patients under the age of 18 are subject to matters of capacity, which must be resolved while similarly applying the principles of SDM.

4 Jonathan Delman, Jack A. Clark, Susan V. Eisen and Victoria A. Parker, 'Facilitators and barriers to the active participation of clients with serious mental illnesses in medication decision making: the perceptions of young adult clients', *J Behav Health Serv Res*, 2015, 42(2), 238–53.

What are some facilitators of SDM?

To improve the SDM process and outcomes four key approaches have been identified.

Decision aids

Decision aids are evidence-based tools (hard copy, software or internet-based) designed to assist patients in making decisions about their medication treatment. In addition to providing patients with information on options available, the tools are designed to assist patients to construct and communicate their personal values, goals and preferences to those options. SDM tools promote service engagement and improved medication adherence in individuals with serious mental illness. Although these tools can be useful in SDM and improve patient knowledge, disseminating them without training to build an understanding of the complex clinical behaviours involved in SDM will not guarantee quality interaction. Therefore, decision aids are designed to supplement rather than replace effective SDM.

Training for clinicians

Clinicians are not typically trained to engage in SDM and therefore require training to develop the skills to elicit role preferences, values and goals from patients and be able to adapt their communication style to patients' individual needs. Studies have shown that when the clinician is a skilled communicator, they can actively engage the patient in decision-making without increasing the length of the consultation time, which is a known barrier to engaging in SDM. Studies have also shown that training clinicians in communication skills leads to improvements in adherence to prescribed treatments. When speaking specifically about medication effects, patients who have strong therapeutic relationships with their clinicians are more likely to voluntarily report adverse effects. The use of simple questionnaires prior to the consultation, such as the 'validated self-report adverse effect questionnaire', the 'My Medicines and Me Questionnaire (M3Q)', can serve as a communication tool to assist with discussions between the clinician and the patient around the effects of the medications[5].

Training for patients

When assessing patient participation in mental health care, difficulties in communication have been identified as a barrier, suggesting additional skills are required to help patients articulate their problems and needs. Therefore, coaching methods to train patients to initiate conversations and communicate their medication needs could be vital to the SDM process.

Involvement of family and/or carers

The studies in SDM focus on patient and clinician interaction. No research has been identified to understand the views of family/carers of mental health patients when it comes to medication treatment beliefs and preferences, information exchange and their priorities for the recovery process. Family members and carers can offer important information to clinicians as they observe the patient on a daily basis. This could include information on:

- how different treatments affect the individual
- how a particular approach to communication could work best
- environmental factors that could affect medication decisions[6]

Professional strategies and attitudes in mental health care describe the value of family engagement in SDM, describing family and carers as a constant in patients' lives, providing a degree of permanency where mental health services do not. This is particularly important when considering the needs of young persons and adolescents. The high prevalence of mental illness in this population requires clinicians and their parents to consider their capacity to be involved in treatment decision making, given both their age and their clinical condition. Importantly, a SDM approach would allow young persons to identify their personal goals (such as social, academic or sport) and work together with their parents and clinicians to find a treatment plan to support these goals. Young persons and their parents might experience decisional conflict when concerns about adverse effects are perceived to outweigh the benefits of medications, particularly if they are considered to impact achieving their goals. SDM will create dialogue around these concerns and could lead to treatment modifications to address these issues[7].

Developing an implementation strategy

SDM in mental health has been recommended at policy level; however, its implementation remains limited, possibly due to ethical, logistical and cultural reasons. When considering implementation of SDM, a formal framework needs to be developed to guide patients and mental health professionals, across many disciplines, to adopt a recovery-orientated culture. When observing

5 Chief Psychiatrist of Western Australia, *My Medicines and Me Questionnaire (M3Q)*, Office of the Chief Psychiatrist, Government of Western Australia, 7 October 2016.

6 Elizabeth L. Crickard, Megan S. O'Brien, Charles A. Rapp and Cheryl L. Holmes, 'Developing a framework to support shared decision making for youth mental health medication treatment', *Community Ment Health J*, 2010, 46(5), 474-81.

7 Ibid.

the experience of one community mental health service that successfully implemented SDM, key elements that led to its success were a) a champion with authority who drove the process, and b) ongoing training of the service providers. It is recommended that implementation of a holistic framework to SDM should include the role of family and carers. It is worth analysing the local challenges to implementation and finding ways to overcome these, as SDM has the potential to significantly support patients in their recovery journey.

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Dr Rowan Davidson has been in psychiatric practice for 40 years in both public and private practice in WA and he has had continuing involvement in research, including a period in the early 1980s at the psychopharmacological research unit, St Bartholomews Hospital, UK. During his 10 years as the WA Chief Psychiatrist, Dr Davidson had experience in the development of both mental health legislation and public policy in mental health.

The ambulance at the bottom of the cliff

Celine Harrison

On 7 January 2021, the Premier of Western Australia, Hon. Mark McGowan, announced a $58.6 million package for youth programs to help young people in crisis. Of this, $37.2 million will go to the Homestretch program, which supports young people who would exit the state's child protection system when they turn 18. This package would enable Homestretch, in partnership between the statutory child protection agency, the Department of Communities and Anglicare, to provide support to these young people until the age of 21. In announcing this package, the Premier said, "We all know that prevention is better than cure," and we need "to ensure that at-risk young people do not slip through the cracks". This is a welcome and much needed commitment. Still, it is the 'ambulance at the bottom of the cliff'; in no time that ambulance will be full, and ordering more ambulances will come at a cost – already nationally the cost of protection and care services lies at $3.8 billion.

In a survey on behalf of CREATE Foundation, a consumer body representing children and young people with an out-of-home care experience, Joseph J. McDowall[1] obtained the views of 1,275 children in care aged 10 to 17 years. There were some positive findings: critically, these children said they felt secure and safe in their current placements. There were mixed findings about support from case workers, not being asked about important decisions, and not having meaningful relationships with their birth families, especially their siblings. Young people leaving care feel they do not have the skills for independent living, and that their education level limits career options. Many will exit directly into homelessness and become caught up in juvenile detention, the criminal justice system and adult incarceration[2]. Aboriginal children lose their connection to culture, community and country. Young people exiting care at 18 years of age also find themselves unable to re-connect with their birth family, even though most want to have that sense of belonging. These young people struggle with loneliness and anxiety about leaving care and about where they might live, unlike most other young people in their early twenties who continue to live with their families. In one longitudinal study of 41 Australians leaving care, nearly 50% had attempted suicide within four years.[3]

The *Royal Commision into Aboriginal Deaths in Custody Report* remains the sentinel portrayal of Aboriginal disadvantage and racist treatment by government institutions, particularly those with statutory powers. The Australian Law Reform Commission Report on the crossover between out-of-home care and juvenile detention, like other current investigations and reports, begins its findings by referencing the *Royal Commission into Aboriginal Deaths in Custody Report* and the 1997 *Bringing them Home Report*, which highlighted the relationship between the forcible removal of children from their families, being placed in out-of-home care, and coming into contact with the criminal justice system. In 1991, the Royal Commission reported that almost half of the 99 Aboriginal and Torres Strait Islander people whose deaths in custody were reviewed had been removed from their parents. Thirty years later, the picture is of a worsening situation, with *Grandmothers Against Removal*, a national Aboriginal Elders Group, stating that numbers of children in care are far worse than the Stolen Generation of the 20th Century, and these children are 28 times more likely to end up in prison than non-Aboriginal children. I am unable in this essay to do justice to the powerful work done by Aboriginal leaders

1 Joseph J. McDowall, *Out-of-home care in Australia: Children and young people's views after five years of National Standards*, CREATE Foundation, December 2018.

2 Australian Law Reform Commission, *Pathways to Justice-Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*, ALR report 133/15, 27 March 2018.

3 Adina Rahamim and Philip Mendes, 'Mental Health Supports and Young People Transitioning from Out-of-Home-Care in Victoria', *Children Australia*, Vol 41, No 11, 59-68.

and the community to wrest control of the narrative, policy and practice that has caused such trauma and grief, and to replace it with culturally secure child-safety responses consistent with the right to self-determination, to be owned and managed by Aboriginal communities themselves. There is some hope: Australian governments have set a Closing the Gap target to reduce by 2031 the numbers of children in out-of-home care by 45%.

At this time, in Western Australia, there are 930 children in the 15 to 18-year age group in care - they will be leaving care over the next three years. The research on transition programs for care leavers shows that they are successful in achieving what is needed for independent living, education, employment and a home. They are less successful in helping these care leavers to form supportive social networks and close relationships, and to maintain social and psychological equilibrium. These care leavers still carry the scars of pre-care abuse and neglect, the trauma of being removed and separated from family, multiple placements, disrupted attachments and sometimes abuse in care. It is hoped the recent injection of funds and policy reform in Western Australia will have, as its cornerstone, trauma-informed care. Training caseworkers to recognise the need for mental-health support while children are in care, to embed trauma-informed care early in their entry to care and to extend this care to their birth families, will be a step towards early intervention and prevention.

In Western Australia, there are currently 5,875 children and young people in care. In effect, when a child is removed and placed in care, the child is 'disaggregated' and decontextualized, with the state as parent invoking the authority to act in the child's best interests, a principle that evokes vulnerability and the need for safety and protection. A study[4] comparing children in out-of-home care with a similar group of children experiencing the same circumstances, but who remained with their families, found that the children in out-of-home care had worse outcomes. This makes a compelling case for preventing children from entering care in the first place and for supporting their families, most of whom live in poverty and with chronic need. It is a case that is not widely understood or firmly grasped by policymakers.

Risk and the fact that resources have been diverted away from family and community-based support are two of the key factors (among others) that account for the intractable increase in children being placed in out-of-home care. Policies and practice have become risk-averse in the context of high profile inquiries and media coverage of child abuse scandals or a preventable death of a child. Blame-focused scrutiny of practice accompanied by an attitude that requires "heads must roll" is a common and depressing outcome. Child protection workers have become paralysed by risk and fear of the consequences of not assessing risk accurately.

> "Risk-aversion and the fact that resources have been diverted away from family and community-based support are two of the key factors (among others) that account for the intractable increase in children being placed in out-of-home care."

The Department of Communities casework practice manual's section concerning responses to abuse and neglect of unborn infants and high-risk infants defines high risk as 'being at risk of significant harm or death due to the presence of risk factors'.[5] These guidelines encapsulate the discourse that effectively renders invisible the context of poverty and social exclusion, and marginalises what these children will continue to need once the immediate concerns about harm have been addressed. Hazard-warning symbols appear next to some of the paragraphs, arguably as a reminder to caseworkers of imminent danger.

According to the Productivity Commission[6], the child protection agency, Department of Communities WA, spends just 5.6% of its child protection budget on family support and intensive family support; greater weight is given to child removal as a solution, and resources are diverted from services that could support vulnerable families. Families living in poverty struggling to safely care for and nurture their children create a public-health problem, and this needs to be framed as such. Within this framing, the stories of inequality, poverty and universal need, and of vulnerable families and communities, may help to shift the current narrow and individualising frameworks that dominate child protection policy and service delivery. Parent-blaming has prevailed in the sector for at least four decades. Moreover, many structural reforms that have so far been attempted have still left a considerable section of our society, especially the next generation of young people, traumatised and socially excluded.

4 Miriam J. Maclean, Scott Sims, Melissa O'Donnell and Ruth Gilbert, 'Out-of-home care versus in-home care for children who have been maltreated: A systematic review of health and wellbeing outcomes' *Child Abuse Review*, 25, 251-272.

5 Department of Communities, *Casework Practice*, Government of Western Australia, 2020.

6 Productivity Commission, Part F, Section 16. Child Protection Services, *Report on Government Services 2020*, 23 January 2020.

When only a small percentage of the available resources are spent on supportive interventions, the need for ambulances will grow. A fence at the top of the cliff constructed within a universal public health frame is more likely to be held in place when the story is about need and hope rather than risk and fear. Ultimately, there will be social and economic cost savings. I recommend that:

- Once children are removed, maintaining a meaningful relationship with their birth families, their communities and culture must be a casework priority, with a dedicated program aiming to achieve reunification.
- Data needs to be collected to provide a better understanding of how poverty influences and interacts with factors that affect parenting.
- Longitudinal studies that aim to map the lives and wellbeing indices of children in care and compare them to other children in the general population with matched social circumstances need to be conducted. Such studies are especially rich in accounting for the many moving parts that affect outcomes for existing vulnerable children, and help in spotting those who are en route to being vulnerable.
- Reframing the problem and creating new narratives around the problem of child abuse and neglect is a necessary foundation for changes to policy and practice. We should not be naive: the problem is far more complex, and is imbued with basic values about the relationship between state and families, and ideological debate about distribution of public resources.
- At a micro level, attention needs to be paid to the values, judgments and behaviour of the protection and care workforce as a whole, and the skill of individual caseworkers to relate to vulnerable families, understand their needs and intervene with compassion and humanity. When families and children come to the attention of a child protection officer, they need to be assured that the engagement with the agency, followed by detailed information gathering and understanding of their needs, will result in material help as well as support in ameliorating their other needs that are affecting their relationships and parenting.

The above recommendations constitute first steps in what is needed for fundamental and bold reform in this sector.

Celine Harrison retired from her position as Head of the Social Work Department, King Edward Memorial Hospital in 2012, after which she completed a PhD researching child welfare policy creation and its interplay with the media and politics when there is a child abuse scandal. She continues to advocate for vulnerable women to receive legal representation in child-protection litigation.

Working towards evidence-based mental health interventions for children and young people in WA

Karen Martin

Rising rates of mental health issues, self-harm and suicide of children and young people in Western Australian (WA) are serious. Latest Australian Bureau of Statistics figures indicate suicide was the leading cause of death for young people aged 15-24 and the fifth-leading cause of death for those aged between 1 and 14.[1] There is an urgent need for every sector in Western Australia to prioritise mental health promotion, illness prevention and treatment for children and young people. By reviewing relevant policies and investing in effective strategies, the State Government can generate substantial changes.

An important element in improving mental health is to reduce barriers to service provision. For a child or young person to reach the stage of asking for, or agreeing to receive, professional mental health support can be complex and fraught with challenges[2]. By the time they connect with a service they can be highly stressed, very tired, demotivated, and, in some cases, suicidal. One of the regularly promoted sources of mental health support for children and young people, the Kids Helpline, remains under-resourced; data from recent years indicate more phone calls and web-chats remained unanswered than answered[3]. This represents a real service failure for what is a prime opportunity to support children and young people.

The barriers to effective mental health care

The Federal Government's increased funding in 2020 to support 20 mental health appointments annually per person via a Mental Health Plan is a welcomed change. However, a GP appointment is required for the child or young person to access support, after which they must still go through the process of booking and travelling to a psychologist or other mental health service. Getting timely professional help for those not suicidal is rarely cost-free, with gap payments being the norm due to non-alignment of Medicare rebate and service cost. Children and young people also often face further barriers such as transport, poorly aligned service hours, and unwelcoming services[4].

Despite efforts by the WA Department of Education, barriers faced by schools as both service providers and referrers are also numerous. School psychologists have limitations in the services they can provide, cannot meet demand, and often transition between multiple schools. Many schools report they no longer attempt to refer children to the Government's Child and Adolescent Mental Health Service due to restrictive referral criteria and untenable waiting times. Securing third-party mental health services into schools is fraught with bureaucracy and often blocked. Not-for-profit organisations providing mental health services are also overwhelmed by demand, and unable to service the range of schools within this

1 AIHW, Deaths in Australia, Australian Institute for Health and Welfare, 7 August 2020.

2 Monique Platell, Angus Cook, Colleen Fisher and Karen Martin, 'Stopped, Delayed or Discouraged: What Are the Barriers for Adolescents Fully Engaging in the Mental Health System?', *International Journal of Mental Health and Addiction*, 18, 2019, 1-30.

3 Parliament of Western Australia, Question On Notice No. 2857 asked in the Legislative Council on 11 March 2020 by Hon Alison Xamon, Parliament: 40 Session: 1, 2020.

4 See FN2.

vast state. Children and young people who self-harm or attempt suicide report their experience with ill-equipped and under-resourced emergency services is in itself traumatising and exacerbates their condition.

Acting on what we know

Ongoing reviews and reports about service improvements for children and young people is a frustration for many in the sector. For the past decade, the Office of the WA Commissioner for Children and Young People (CCYP) has been strongly advocating for changes to the mental health system. In 2011, the CCYP Inquiry into the Mental Health and Wellbeing of Children and Young People in Western Australia[5] concluded there were serious inadequacies in services in the promotion of strong mental health, prevention of disorders and treatment of mental ill health. The CCYP's following – and aptly named – 2015 report 'Our Children Can't Wait', again highlighted the same issues and provided similar recommendations. In the 2020 review of the recommendation achievements, it was noted that insufficient in-roads had been made. The CCYP declared: "despite the recommendations made by my office in 2011 and 2015, and those made through at least eight reviews and inquiries on the mental health system in WA, the gaps for children and young people remain"[6]. It is unsurprising that core child services have largely 'given up' on seeking support from, and referring to government-run mental health services due to waiting times and 'screening out' of children and young people not fitting the rigid criteria. It is commonly reported that an individual's mental health issues may be classed as not severe enough, too severe or too much in the middle to fit a service. The mental health system for children and young people in WA is in crisis and we are failing our next generation.

Funding our kids' future

For young people, the very recent Mental Health Commission priorities vision[7] outlines immediate action, top priorities, and future steps for service provision, illness prevention, and mental health promotion in WA. A large number of gaps and issues were identified via the preceding consultation with young people and stakeholders who informed the framework. While the vision holds promise, the 'immediate actions' proposed are based on the premise that current funding is sufficient. The 'top priorities' and 'future steps' will be *considered* during the next planning phase, and are contingent on further funding – which does not appear to be on the table. Probably the most concerning aspect of the plan was its addressing Commonwealth and state issues of fragmented funding, service delivery gaps and lack of service integration and coordination as 'future action' rather than 'immediate action'. Next on the agenda for the MHC is the development of an implementation plan based on the priorities over the next five years. However, there appears to be no plan for additional funding. A summary quote by a consulted stakeholder – "people are over words" – seems a somewhat ironic inclusion in a document that provides only further words, no funding and no action.

Collaboration and training to promote evidence-based services

Local services and experts are aware of what is needed to improve the support provided to children and young people. The contributors to the many reviews and reports are ideally placed to help generate a sufficiently funded action plan that commences immediately. Many of the suggestions are practical policy changes. There is good cross-sector collaboration in WA. Mental health experts within many of UWA's groups and schools, such as Young Lives Matter, Social Work, and the School of Population and Global Health, work closely with many services, the Telethon Kids Institute, not-for-profits and government agencies. Services regularly come together and there are plentiful ideas and concepts.

Collaboration between service providers, reducing bureaucracy, and early screening and intervention are all likely to assist with the mammoth task of improving the state of children and young people's mental health in WA. A 'no wrong door' policy, follow-up and outreach, rapid progress through to a service, and increased support in schools are likely to lead to improvements in service engagement by children and young people. But most changes cost money, and it is difficult to see any substantial changes occurring in these and other service- and consumer-identified priorities without significant financial investment by the State Government.

Another process vital to ensuring that change occurs is to ensure service provision is based on evidence. Increased education and training for service providers who work with children and young people, by experts

5 Commissioner for Children and Young People, *Report of the Inquiry into the Mental Health and Wellbeing of Children and Young People in Western Australia*, Commissioner for Children and Young People, Western Australia, April 2011.

6 Commissioner for Children and Young People, *Progress update for agencies on the recommendations from the 2015 Our Children Can't Wait report*, Commissioner for Children and Young People, Western Australia, September 2020.

7 Mental Health Commission, *Young People's Mental Health and Alcohol and Other Drug Use: Priorities for Action 2020-2025, Mental Health Commission*, Government of Western Australia, December 2020.

who are up-to-date with the latest research about mental health, is vital. Ensuring all aspects of wellbeing are considered when working with children means that experts from various disciplines need to provide this evidence-based training to a range of service providers. In addition to mental health services, the services that require education and training include (but are not limited to) schools and early learning centres, police, the justice system, and out-of-home care.

Measuring service effectiveness presents another gap in the current approach to supporting mental health. Presently, reported outcomes of a mental health service are usually limited to summaries about the number of children and/or young people treated, the number of sessions attended and 'no-shows'. Services should demonstrate that the children and young people they support are satisfied with the service. This should be combined with objective measures of mental health and illness to demonstrate that the participants improve in line with service provision. Using a range of validated indicators would help to establish where funding should be invested, as well as the most effective type of service for the differing requirements of individuals. Universities are well placed to assist services with identifying appropriate measures.

The window of opportunity is open

The WA Government predicts an operating surplus of $1.2 billion for 2020-21. A large slab of this money is marked for 'congestion-busting' transport and other road and rail projects. Yet suicide is the leading cause of death for WA young people and poor mental health an ongoing issue for our community. Mental and substance-use disorders are the fourth-highest disease contributing to morbidity and disability in Australia, responsible for 12% of the total burden of disease, and the second-largest contributor (23%) to the non-fatal burden of disease8.

A state-based cost-benefit analysis examining the return of investment of effective mental health interventions would assist with identifying cost savings and reduced harm to children and young people as they grow into adulthood. Children and young people do not have a voice in how taxpayer money is spent, and yet they are amongst the most vulnerable in our society. How many children and young people have lost their life or developed a mental health disorder due to inadequate action? How many more will suffer in the coming five years? The mental health of children and young people must become a real priority, and this will only be evident when there is major additional financial investment by the State Government. It is time to stop reviews and reporting, and actually invest in change. This all must be supported by funded evaluation and research to ensure that the services and mental health promotion strategies are effective and safe. Vitally, the voices of children and young people must be heard and incorporated into the whole change process.

"The WA Government predicts an operating surplus of $1.2 billion for 2020-21. A large slab of this money is marked for 'congestion-busting' transport and other road and rail projects. Yet suicide is the leading cause of death for WA young people and poor mental health an ongoing issue for our community."

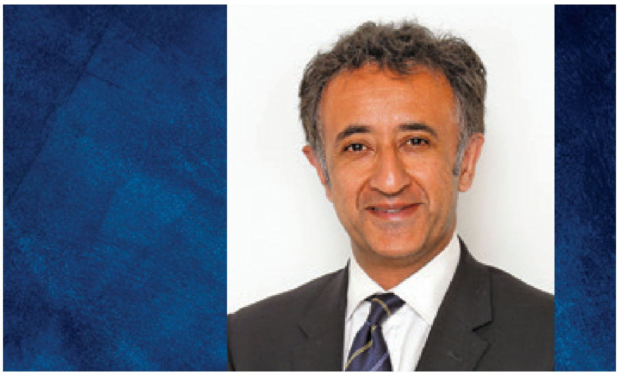
Dr Karen Martin is an Assistant Professor in the School of Population and Global Health, UWA Public Policy Institute Fellow, and a member of the Mental Health Commission Suicide Prevention Coordinator Advisory Group. Dr Martin initiated the WA Trauma-informed and Restorative Schools Collaboration (TARSC) and generated the Thoughtful Schools Program, an evidence-informed strategy to support schools to be trauma-informed. She has been awarded three large grants to support the Thoughtful Schools research and another grant to generate an Australia-wide Thoughtful Schools plan and framework.

8 AIHW, Mental health services in Australia, Australian Institute for Health and Welfare, 29 January 2021.

Chapter 4: Stimulating the ‘New’ Economy

Enterprise WA – New ways to advance our economy

Matt Judkins and Shamit Saggar



WA has avoided recession, in sharp contrast to the rest of the country. In somewhat of a silver lining, Covid-19 has prompted record numbers of financially successful WA expats to return home, laden with global business acumen. State-led investment to accelerate infrastructure projects has provided confidence where it was faltering six months ago.

So, what can WA do to capitalise on the opportunity and reshape its own economic future?

Investing in enterprise

The answer lies in creating a new bipartisan consensus to allow the State and business to work together towards shared economic goals and bring to WA the best lessons of how such partnerships work elsewhere. And it lies in spending that is targeted at developing innovative, new job-creating industries.

“The answer lies in creating a new bipartisan consensus to allow the State and business to work together towards shared economic goals and bring to WA the best lessons of how such partnerships work elsewhere. And it lies in spending that is targeted at developing innovative, new job-creating industries.”

This would start by examining hard-headedly the facts about which potential industries present the greatest growth potential in the post-COVID world and allow WA to play to its strengths.

What forms of support would help these sectors to take off? Sometimes this will be by decongesting infrastructure or creating shared facilities that any one business could not afford to bankroll by itself. Elsewhere, it might involve providing intelligence to scout out new markets that can benefit businesses that are unable to gather these insights alone. It could harness universities to identify innovation opportunities at different points in the value-creation process. In other instances, it may require direct investment and partnerships to develop and grow WA businesses, helping them to pursue new markets and opportunities.

Critical minerals are a prime example. Chris Stavrianou, a Western Australian investment banker, argues that “critical minerals processing industries can be accelerated by government providing common user facilities or infrastructure – it would address a market failure and be co-designed between industry and government.”

This type of approach to industry policy is far from new. Australia’s publicly-owned Clean Energy Finance Corporation takes innovative projects based on new technologies, develops partnership for businesses cases, forms funding syndicates with private investors – even taking equity positions – and then enjoys commercial returns upon success, reinvesting the value produced back into new ventures.

There are many examples around the world where national and state governments partner with enterprises in the pursuit of sustainable economic growth, regional development and secure employment: paramount goals in the post-COVID world.

Learning from others

One obstacle will be generating enough resources within the State to fund some new ventures. This can be overcome, says Rod Tyers, a distinguished UWA economist: "If global trading conditions continue to deteriorate as heightened rivalries separate strategic opponents abroad, it may be left to the State Government to find ways to finance major projects".

The most important thing we can do now is to acknowledge that successful, high-growth businesses are frequently the result of states being involved from the groundfloor up. In Taiwan, South Korea and Japan there is a long tradition of firms sitting down with government to address blockages to innovation, support new technologies and prise open new overseas markets.

And size matters in the next phase. "Perth is a city which, while growing, still lacks critical mass – its fortunes as a world-leading city will depend remaining open to the global economy", cautions Peter Robertson, Dean of the UWA Business School.

How many in the WA business community know that it was the US National Science Foundation's grants, using public dollars, that supported Google's original search algorithm; or that Elon Musk's much-heralded Tesla cars were originally backed by over $700m by the US federal Energy Department?

Antiquated ideology about the 'proper' role of government in the economy can set us back. Forty years ago, Ronald Reagan won the White House by saying that government should get out of the way: ''Hello, I'm from the government and I'm here to help" was not part of the solution, he joked. He was politically shrewd but economically shortsighted. But government needs the discipline to facilitate business innovation and to maintain focus.

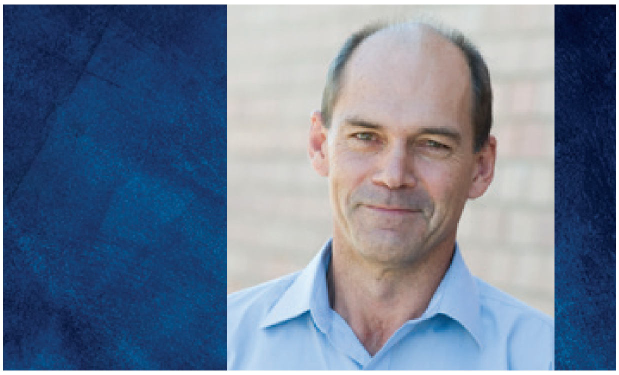
Our underlying economic funamentals are strong, relative to the rest of the globe. WA is ideally placed to build an economic recovery for the next generation, harnessing our innovation and inherent strengths and delivering secure employment. But creating that new economy requires new thinking: about building infrastructure *and* industries; about co-creating new markets and opportunities; about new types of partnership between an innovative business community and an enterprising State.

Matt Judkins is a passionate West Australian. He is a frequent commentator on the WA economy and on the future areas of opportunity for the State. He leads Deloitte's WA government practice as well as the Deloitte Access Economics team in WA. Originally trained as a mechanical engineer, he also holds a commerce degree in economics from Sydney University and an MBA from London Business School.

Shamit Saggar is Director of the UWA Public Policy Institute, Visiting Professor at the Policy Institute, King's College London and Emeritus Professor of Political Science at The University of Essex. He has research interests in migration, public policy, political participation, regulation and radicalisation.

Wave energy – The untapped potential in the renewable energy sector

Sam Leighton



"Increased and diversified investment in the development and commercialisation of renewable energy technologies is imperative in limiting global warming and meeting the UN Sustainable Development Goals on 'affordable and clean energy' by 2030."

Increased electricity generation – driven largely by global population growth, a rising middle class and increased urbanisation – is one of the primary contributors to increasing CO_2 levels in the atmosphere and the resulting climate change.

Increased and diversified investment in the development and commercialisation of renewable energy technologies is therefore imperative in limiting global warming and meeting the UN Sustainable Development Goals (SDGs) on 'affordable and clean energy' by 2030.[1]

The energy renewal sector in the medium term

Ocean energy has the potential to deliver 337GW of wave and tidal energy worldwide by 2050 and to create 1.2 million direct jobs (OES International Vision Report). The assessment by ocean energy company Bombora shows that, with a modest uptake of wave energy, close to one billion tonnes of CO_2 can be saved by 2050.

The European Union has adopted one of the most ambitious renewable energy policies in the world, with the target of reaching an electricity consumption incorporating at least 32% renewables by 2030[2] and achieving net zero greenhouse gases (GHG) by 2050[3]. As well as addressing climate change, a systematic transition to renewable energy sources will reduce air pollution, create highly skilled jobs and reduce dependence on energy imports, thus increasing energy security.

In 2018, renewables accounted for 26% of global electricity generation. Hydropower remains the dominant supplier of renewable energy[4], however this is now being supplemented by the wide commercialisation of wind- and solar-energy technologies[5]. Wind and solar energy have experienced significant drops in Levelised Cost of Electricity (LCOE), with wind down by 29% between 2010 and 2019[6]. This has largely been driven by technology improvements and industry scale.

At the same time, it is clear that a full system shift to renewable energy cannot be achieved by a single technology in isolation – a tapestry of different conversion and storage solutions is going to be needed to meet the ambitious global targets.

Offshore wind, despite impressive cost reductions, suffers from the disadvantage that its energy output is

1 UNDP, United Nations Sustainable Development Goals, Goal 7: Affordable and clean energy, UNDP, 2021.
2 European Commission, *Factsheet: The Revised Renewable Energy Directive*, European Union.
3 European Commission, Renewable Energy Directive 2018/2001/EU, 2 February 2021.
4 Hannah Ritchie and Max Roser, 'Renewable Energy', *Our World in Data*.
5 IEA, *Renewables 2019*, International Energy Agency, 2019.
6 IRENA, *Renewable Power Generation Costs in 2019*, International Renewable Energy Agency, June 2020.

still highly variable. One way to mitigate this, as well as maximise the energy being extracted from a given area, is to complement wind power in hybrid solutions with other renewable sources such as wave power.

Wave power shows great promise in this respect. While currently less mature than wind or solar, the great potential of wave resources is attracting attention in the form of increased investment and policy targets, such as those set by the International Energy Agency's Sustainable Development Scenario. In order to reach their target of 15TWh by 2030, electricity generation from ocean power technologies should experience an annual growth of 23% through 2030. However, in 2019, this sector reached only 19% growth.[7]

Case study: Bombora's technology and business model

Founded in 2012 in Perth, Western Australia, Bombora is an award-winning ocean energy company. Relocating to Wales in 2018, Bombora has established its European operations in Pembrokeshire, in the heart of a dynamic, wave- and tidal-energy focused region.

Bombora is currently at the final assembly phase of its £19.5 million, 1.5MW mWave™ Pembrokeshire Demonstration Project. This project is supported by a £13.5 million ERDF grant through the Welsh Government. The demonstration product will be commissioned in mid-2021.

Bombora's innovative mWave™ product produces environmentally friendly, consistent and cost-competitive energy for commercial power generation in coastal locations throughout the world. mWave can operate in both nearshore and offshore environments.

Bombora's core business is the supply of key mWave components (Cell Modules and Power Take Off Modules) into major utility power projects. Bombora is currently developing key relationships in the project delivery chain to achieve this ambition.

Bombora recently announced the first of these key partnerships with global engineering contractor TechnipFMC. Project InSPIRE, being conducted with TechnipFMC, sees offshore wind turbines combined with Bombora's mWave into single, integrated offshore floating platforms. Phase 2 of the InSPIRE project will see 12MW wind turbines combined with 6MW of wave energy to deliver industry-leading 18MW platforms.

Significant gains are made from integrating wind and wave onto a single platform: it is possible to generate 50% more power from seabed lease areas and 50% more consistent power than just offshore wind. Most important of all is the ability to accelerate the cost-reduction pathway for this emerging sector, delivering a 20% lower cost of energy than floating offshore wind alone.

7 Heymi Bahar and Piotr Bojek, *Ocean Power Tracking Report*, International Energy Agency, June 2020.

Incremental or step-change improvements? And how?

Wave energy has two clear commercialisation pathways – wave-only solutions and wave-plus-wind solutions.

The wave-only solution will see incremental and steady falls in the Levelised Cost of Energy as the industry scales up. As the volumes increase, costs reduce and the requirements for support can be gradually phased out. This approach is similar to the support mechanisms that have allowed the solar and wind industries to achieve global success, and would see an incremental business scale-up.

As an alternative, Bombora's current approach is to join with the offshore wind industry, offering an incremental reduction in the Levelised Cost of Energy in this market segment. This will see volumes rise quickly and costs quickly become competitive. This approach delivers a 'step change' for both the offshore wind sector and the wave sector.

Barriers to expansion of the renewable sector

The ocean energy sector has the potential to deliver a vital, sustainable, renewable energy supply, boost economic prosperity and support the transition to a zero-carbon economy. If we are to capitalise on its vast natural resource and enable the ocean energy sector to realise its economic potential on the global stage, financial support mechanisms must be in place to nurture innovative technology through the development lifecycle to commercial maturity. Without early-stage support and investment, startup technology companies will struggle to attract the required private investment.

Overcoming the barriers

Support mechanisms provide a clear pathway to attract private investment.

The Offshore Renewable Energy Catapult UK (OREC) has published an evidence-based assessment showing that for every £1 of public money invested in major UK marine energy businesses, it has leveraged £7 of private investment. Further analysis shows that more than 77% of this investment was spent in the UK supply chain.

With the right support, the ocean energy sector can create highly skilled, innovative jobs and provide supply chain diversification and resilience.

Wave energy sectors working elsewhere

In Europe, offshore renewable energy project developers are rapidly moving into deeper waters, with floating offshore platforms. These large-scale projects are securing large seabed lease areas and are able to capitalise on the more consistent offshore wind resource. The ocean-facing lease areas have large and consistent wave resources that would support a combined wave-plus-wind solution.

Australia has one of the best wave energy resources in the world. The wave resource is large and consistent along the southern and western coastlines as a result of the proximity to the Southern Ocean.

Several large offshore wind energy projects are currently being promoted off the coast of Western Australia – some considering hydrogen production. These are considered ideal to contemplate as combined wind and wave energy projects, delivering significantly increased power output from the seabed lease area, as well as more consistent power output and power at a lower cost. Our plan is to identify future project opportunities and work alongside the offshore renewable energy project developers to bring these projects to life.

Western Australia has the opportunity to secure a position in the fast-track floating offshore wind and wave market. This will require all parties to come together to ensure that the consenting financial support mechanisms and industrial supply chain are aligned to deliver.

Sam Leighton is the Managing Director of Bombora. He has more than 30 years' experience developing emergent technologies globally. He has led Bombora for the last five years, transitioning the company from early-stage development through to full-scale product validation. Under Sam's leadership, Bombora has built an experienced and capable team, developed a world-class supply chain and has a clear commercialisation pathway for its market-disruptive mWave product.

Higher education loan for ASEAN international students – A policy proposal

Daniel Bloch, Nina Murray, Ching Wei Sooi and Niamh Wilkins

"International students generate additional spillover benefits including job creation, increased tourism and migration, and the potential attainment of high skilled workers following the students' graduation. The outcome necessarily contributes to the long-term prosperity of Australia's economy and WA is no exception."

Background

As Australia's fourth-largest export industry (after iron ore, coal and natural gas), higher education services generate an income of $24 billion a year, underpinning Australia's research, trade, investment and diplomatic engagement with the world.[1] Moreover, international students generate additional spillover benefits including job creation, increased tourism and migration, and the potential attainment of highly skilled workers following the students' graduation, thereby contributing to the long-term prosperity of Australia's economy.

According to a study by the Department of Immigration and Border Protection, three in five international students will also seek permanent residency status in Australia upon the completion of their degree, with more than 76% of students rating access to temporary graduate work as important to making their decision about where to study.[2]

Since March 2020, COVID-19 has driven immense losses to the higher education sector. One study reported there are currently 210,000 fewer international students in Australia than would otherwise be expected, with applications for international student visas 80-90% below what they were in 2019.[3] With international travel caps remaining, modelling suggests international students residing within Australia will be at only 165,000 in July 2022, with more students actually electing to leave Australia.[4]

Even prior to the COVID-19 pandemic, WA's growth of international student enrolments has been the lowest of any Australian state or territory, sitting at just 4.2%

1 Universities Australia, Data Card 2017: https://www.universitiesaustralia.edu.au/wp-content/uploads/2019/06/Data-Card-2017-v25.pdf.

2 Tran, L; Rahimi, M; Tan, G. (2019). Temporary graduatification: impacts of post-study work rights policy in Australia. Research for educational impact, Deakin University. Melbourne.

3 Hurley, P. (2020). Coronavirus and international students. Mitchell Institute, Victoria University. Melbourne.

4 Hurley, P. (2020). Coronavirus and international students. Mitchell Institute, Victoria University. Melbourne; Department of Home Affairs (2020).

per annum.[5] This is surprising given WA's geographic proximity to the ASEAN region, along with its favourable time zone, which sees it align with approximately 60% of the world's population.

Given the unprecedented nature of the pandemic, a proactive policy approach needs to be taken in order to attain and retain talented international students in Western Australia, with a particular focus on the ASEAN region. This would serve to boost the state's economy, fill areas of key high-skills shortages, and help Western Australia diversify away from its overreliance on the mining sector.

Perspective

The need for policy reform in this area has been brought into sharp focus by the co-author Ching Wei, a Malaysian citizen currently undertaking undergraduate studies at the University of Western Australia. Tuition rates for international students are, on average, three times higher than that of local fee rates, and as he and others international students do not qualify for existing schemes such as a HECS Loan or JobKeeper, many of these students consider an Australian tertiary education as unattainable. In turn, significant numbers of talented students throughout the ASEAN region are not able to afford international study opportunities.

Against this background, we propose to introduce a new Western Australian scheme of Higher Educational (International) Loans for students originating from the ASEAN region. This will provide financial support and assistance for such students to pursue higher education studies within Western Australia, modelled off the Commonwealth Supported Place framework and existing visa schemes.

Recommendations

Two recommendations are put forward in order to facilitate this proposal and reinstate Western Australia as an attractive destination for international students.

1. **Bilateral agreements with ASEAN countries**
   It is recommended to implement bilateral agreements with ASEAN countries (beginning with Commonwealth states), modelled on the relationship Australia has with New Zealand, which sets out that students from New Zealand are offered a Commonwealth Supported Place at Australian Universities.

2. **Contractual obligations**
   The Western Australian State Government and Federal Government should establish contractual obligations with students originating from the ASEAN region, in order to entice them to stay and support their endeavours post-graduation. This approach builds on existing policies such as the Visa 485 scheme and Singapore's international student agreement, which afford international graduates the opportunity to stay in Australia beyond graduating from their tertiary studies for up to three years of work. By developing a framework for industries with skilled-labour shortages, the new loan program could also be a driver in encouraging international students to fill these gaps.

5 Economic Contribution of International Education in Western Australia. Study Perth, June 2020.

Students should also be given the option to repay the higher education international loan in their home countries, with debt repayments expedited should they work within a company or industry with strong Australian ties – further encouraging trade and business ties into the wider region.

Outcomes

It is anticipated the suggested international loan program will drastically improve the appeal of Western Australia as a place to study. Some of the foreseen outcomes for the Western Australian and Australian economy include:

- a larger skilled labour force, increased quality of research and diversity of graduates;
- a more competitive education sector to attract international students, particularly given Australia's isolated location and the (to date) successful handling of the COVID-19 pandemic;
- increased soft power for Western Australia and Australia;
- increased migration and recovery from COVID-19 related migration losses; and
- a significant first step in labour market integration for highly qualified workers across the ASEAN region, a key building block in the advanced integration of economies.

With an academic background in Business and International Relations, Daniel Bloch specialises within the aviation industry, having authored a range of published papers and launched his own independent consultancy. Daniel has a particular focus on the overlap between aviation, public policy and regional development, which in turn reflects the sector's capacity to drive relation-building initiatives between Australia and its neighbours.

Nina Murray is an occupational therapist with a background of working on global health projects in the Indo-pacific region.

Ching Wei Sooi is working passionately towards a career in research while in his final year of undergraduate studies at UWA, triple-majoring in Law and Society, Politics and International Relations, and Criminology. He was the Vice President of UWA's Wine Appreciation Club, has competed in international intervarsity debating tournaments, and enjoys reading, writing, and snorkelling in his free time.

Niamh is a LLB/BCom student at Curtin University, completing her final year of studies in 2021. She is currently a legal clerk at Clayton Utz, working in real estate, and construction and major projects, and hopes to secure a 2022 law graduate role or an associateship position.

WA, defence and securing Australia

Peter Dean

The 2021 security climate

While everyone is still holding their collective breath after last year, 2021 does have the chance to provide for significant improvements for the manifold security concerns that 2020 served up – locally, nationally and in the international sphere.

For the WA defence community, like many others in Australia and around the world, the transition of power in the United States from Donald Trump to Joe Biden has been a cause for considerable relief. Biden's election provides both much greater international certainty as well as much less daily 'doom scrolling' of news sites and Twitter that characterised the Trump administration era.

But Biden's election offers no silver bullet for international or regional security.

As the Federal Government outlined in their *Defence Strategic Update* on 1 July 2020, the difficulties we face for the security of Australia, and the Indo-Pacific more broadly, will only intensify in the near future. These risks go far beyond the domestic politics of the US. In the past year COVID-19 added an extra layer to existing security concerns, raising health security to new levels of global focus. However, we should not overlook that while health security currently sits, rightly, front and centre in national and global strategy and operations for many countries, long-term traditional security concerns, such as the balance of power, territorial integrity and political sovereignty, as well as the long-term impacts of rapidly accelerating climate change, remain undiminished. In fact, COVID-19 does not only add to but has the potential to accelerate these security issues.

The geostrategic significance of the Indo-Pacific

The nature of these threats and the Federal Government's focus on the Indo-Pacific region means Western Australia's value and contribution to the nation's security and defence capabilities has the potential to grow exponentially. The Federal Government's *2013 Defence White Paper* introduced the concept of the Indo-Pacific as a geographical organising principle for Australian strategic policy. This return of geography to defence planning was reaffirmed in the *2016 Defence White Paper* and, as Graeme Dobell from the Australian Strategic Policy Institute has noted, the *2020 Defence Strategic Update* sees "geography triumphant"[1].

Many of the Government's new defence initiatives in the last 18–24 months have been focused on geostrategic competition in the South Pacific. However, that sub-region, while critically important to Australia and its immediate region, sits on the periphery of the Indo-Pacific. The real locus of power in this region is concentrated in Australia's north and north-western approaches.

Thus WA finds itself perched on the epicentre of the Indo-Pacific. Specifically, Australia's location is at the south end of the regions hinge – the peninsula that runs downs through maritime Southeast Asia to north-western Australia. It is here, at the intersection of the Pacific and Indian Oceans that the major strategic competition, and cooperation, of the 21st century will play out.

This places WA on the frontline of Australia's defence. This is reflected in defence investment terms. As the WA Premier noted in the foreword of the WA Government's *Defence and Defence Industries Strategic Plan:* "Conservative estimates are that Defence related activity currently contributes $3 billion to Western Australia's

1 Graeme Dobell, 'Australia's strategic update by the numbers', *The Strategist*, Australian Strategic Policy Institute, 13 July 2020.

GDP" and that with approved State and Commonwealth plans this "should double in the decade ahead".[2]

Balancing federal and state strategic directions

The WA Government has positioned itself well in recent years to engage with the growing economic need for a robust defence industry in WA, including the establishment of Defence West and the development of a *Defence and Defence Industries Strategic Plan,* which is currently being updated. This update needs to further capitalise on WA's unique geography, natural assets and economic foundations.

The first iteration of the State Government's strategic plan was well received and provided a road map for the State to develop infrastructure, encourage investment and engage with key stakeholders in politics, government, industry and the community. The next version will need to focus on responding to the rapid changes in the strategic environment and reflect the priorities laid out in the Commonwealth Government's *2020 Defence Strategic Update and Capability Development Plan*.[3] It also needs to further clarify which areas of the defence industry and sustainment WA should focus on. This is critical to further develop the unique capabilities WA will provide to sovereign industry capability, and it is important as the Department of Defence's Science and Technology Group looks to work with preferred partners is areas of focused strategic importance.

Much of the focus of the State Government in recent years has been on securing Full Cycle Docking (FCD – this is an extensive maintenance and upgrade refit program, typically involving thousands of tasks over two years) for the Collins Class submarine fleet based at HMAS *Stirling*. The logic of moving FCD to WA, based on economic, workforce and capability considerations, is overwhelming. FCD has been a major focus but the decision is tied up with political machinations in Canberra. The WA State Government should keep the pressure on, but it is highly likely that the FCD outcome will not be known until after the next federal election. The risk here is that the Commonwealth Government's political manoeuvring leaves the decision to late, leading to cost overruns.

"There are multiple opportunities for WA to develop its defence industry, beyond FCD and current defence industry plans, in response to the geostrategic issues – both in the short term and long term."

WA's role in shaping Australia's defence industry

Looking into the future, there are multiple opportunities for WA to develop its defence industry, beyond FCD and current defence industry plans, in response to the geostrategic issues – both in the short term and long term.

A key driving force is the Commonwealth Government's response to the changing strategic environment announced on 1 July 2020 through the *Defence Strategic Update*. This was a well-received document that lays down $270 billion in spending over a decade. This includes an 88% real growth in funding, taking the defence budget past 2% of GDP in 2020–2021. Much of the funding is for a new suite of capabilities, including enhanced and expanded maritime capabilities, long range precision strike, extended intelligence, surveillance and reconnaissance, robotics, automation, cyber capabilities, land systems, space capabilities and a new force design.

Overall this is a muscling up of defence capabilities in response to an assessment that war in the Indo-Pacific amongst major states, "while still unlikely, is less remote than in the past". The major challenges are a gap between policy and capabilities plans, given the time frames for many of these new capabilities such as for submarines and future frigates, and the announcement of the end of the 10-year rolling 'warning time' for major conflict in the region.

WA as a State, in terms of government, industry and the research sector, must work together to proactively engage the Commonwealth on how to focus this spending. This is particularly important as the acquisition spend of the defence budget rises to more than 40%. As such, the Department of Defence will need to spend around $10 billion annually for capability on Australian industry. In addition, there will be $16 billion a year in sustainment cost spend directed at local industry – that is a combined $26 billion a year spend for Australian industry to absorb – no mean feat and one that will need

2 Western Australian Government, *Western Australian Defence and Defence Industries Strategic Plan*, Defence West, Department of Jobs, Tourism, Science and Innovation, Western Australian Government, 2018.

3 Australian Government, *2020 Defence Strategic Update*, Department of Defence, Commonwealth of Australia, 2020.

to be guided and directed to key projects and regional areas.[4] The key question is how can the Department of Defence maintain this level of spending? The opportunity for WA is the ability to shape the Commonwealth's focus of this spending.

While major strides have been made by WA to begin to bring the public, private and university sectors together in order to capitalise on the pipeline of funding and investment from the Commonwealth, it will require even closer cooperation. Only through coordinated action will WA have the ability to leverage the State's capabilities and assets to increase its share of defence investment and spending to provide for the nation's security in the future.

One key opportunity in this shaping exercise is for the State Government and the broader security community in WA to push the Commonwealth Government to fill a now obvious hole in strategic planning – force posture. Force posture is all about the military's disposition (location), strength and condition of readiness as it affects its capabilities – put simply, where defence put its furniture and people, and where it will have bases for operations and exercises. With the *2020 Defence Strategic Update and Capability Plan* in place, a new force posture review now critical.

The last two force posture reviews were conducted by two WA defence ministers: Beazley (1986) and Smith (2013). The 2013 Review notes that the "Australian Defence Force needs a force posture that can support operations in Australia's northern and western approaches, as well as operations with our partners in the wider Asia Pacific region and the Indian Ocean". However, the implementation of many of the recommendations of the 2013 Review remains incomplete, especially in relation to Australia's north-western approaches.[5]

Developing WA as regional defence hub for Australia, allies and partners

Further to this, WA should look to leverage engagement with the Commonwealth Government to further position itself as a regional defence hub for allies and partner. WA has some of the best training and military exercise areas in the region that remain underutilised. In order to support the development of WA as a regional hub for maritime capabilities, work with the Commonwealth should continue apace to develop the Australian Maritime Complex at Henderson into a facility capable of building major surface combatant ships.[6] This precinct would also serve as major hub for maintenance and upgrade not only to the Royal Australian Navy but for use by regional partners.

One key piece of infrastructure that would encourage this and other investments would be in the acquisition of a large traditional dry dock or graving dock. An industry briefing for 'Early Market Engagement for Large Vessel Dry Berth Development' already took place in late 2020 with more than 180 industry participants. The development of such a facility in WA would place it in a unique position, both nationally and regionally, to provide maritime industrial services.

Opportunities also exist for greater use to be made of WA defence facilities by our largest ally and partner, the United States. Many of these ideas can be traced back into the 1970s. However, initiatives stemming from as recent as the last decade remain unfulfilled. A 2011 agreement struck between the Obama and Gillard governments for a greater US military presence in Australia provided for the rotation of US Marines in Darwin, as well as for greater use of HMAS *Stirling* by the US Navy – the latter of which still remains to be realised. More recently, in November 2020, US Navy Secretary Kenneth Braithwaite called for the Navy to establish a "new fleet closer to the border of the Indian and Pacific Oceans…to more fully address the naval challenges in the U.S. Indo-Pacific Command area of the world".[7] While Singapore has been touted as a suitable location, the potential for WA to host this Fleet HQ and subsequent activities is compelling. This, however, will require strong advocacy from the Commonwealth and State Governments as well as further investment into facilities and infrastructure in WA.

4 Marcus Hellyer, 'The Cost of Defence 2020-2021. Part 1: ASPI 2020 Strategic Update Brief', *Australian Strategic Policy Institute*, 12 August 2020.

5 Prime Minister/Minister of Defence, *Release of final Defence Force Posture Review Report*, Parliament of Australia, 3 May 2012.

6 Western Australian Government, *Building Western Australia's Defence Industry Australian Marine Complex Infrastructure Strategy November 2020*, Department of Jobs, Tourism, Science and Innovation, Western Australian Government, 26 November 2020.

7 Megan Eckstein, 'SECNAV Braithwaite Calls for New U.S. 1st Fleet Near Indian, Pacific Oceans', *USNI News*, 17 November 2020.

Overall there are major strategic economic opportunities for WA that lie in bolstering the State's position as a hub for defence and security within the country and building a strong defence industry sector. The State has come far in recent years, and has quickly accelerated the development of its local defence economy. The time is now ripe to enact plans that will cement WA's place at the forefront of Australia's national defence industry – in economic terms as much as geographical ones.

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Three ways to diversify and stimulate WA economic growth

Paula Rogers

Simandou is for many an unrecognisable name but for those involved with the iron ore market, it is also known as the 'Pilbara Killer'. It is a place in West Africa, home to what is generally acknowledged as the largest undeveloped iron ore deposit in the world with significant Chinese interest. In 2025/6 it is anticipated that China will have access to high grade iron ore from Africa that could marginalise Western Australian iron ore possibly as surplus to requirements.

In 2019, China imported more than 1 billion tons of iron ore, 70% of the global supply and 80% of the country's total demand. About 80% of China's iron ore imports come from the four largest mining companies – Brazil's Vale S.A. and WA headquartered Rio Tinto, BHP Group Ltd. and Fortescue Metals Group.[1]

In January 2021 prices for iron ore remained over $160, a level not seen since October 2011.[2] This is outstanding news for Western Australians, Australians and the WA State and national budgets but it highlights the clouds on the State economic horizon and I believe we have five years to really embrace and harness a diversification strategy for the WA economy.

In July 2019, the Western Australian Government launched a plan called 'Diversify WA'. This plan was developed to provide an economic road map to future-proof the State. It identified six priority economic pillars to transform WA into a more robust and sustainable economy. The six areas of focus are Energy; Tourism, Events and Creative Industries; International Education; Mining and Mining Engineering and Technical Services; Technology and Advanced Manufacturing; and Primary Industries.

This document provides us with a very detailed and comprehensive plan. 'Diversify WA' has identified the strategic levers to enhance the opportunities and government initiatives in place to support this economic diversification. Instead of reinventing the wheel, I would like to compound what we already have and select three areas of focus to reignite this important discussion to diversify and stimulate our economy.

1. Dream BIG
2. Engage with Asia
3. Embrace our Aboriginality

Dream BIG

Have big ambitions. I have lived in WA since 2002 and one thing that confuses me is how we consistently undersell ourselves. We have the biggest blue skies, the best beaches and wealth of natural commodities to sell to the world yet we rarely 'think big' and capitalise on this embarrassment of riches on our doorstep. We sit in the most advantageous part of the globe where 60% of the world's expanding economic class live in the same time zone and somehow still manage to underplay it. So, if we as a state could harness self-belief, confidence and an agreed 'Brand WA' narrative, then there would be nothing stopping us. Recently Dr Andrew Forrest, whenpresenting his first Boyer lecture, reminded us that "change takes courage" as he spoke about the opportunity that has arisen for Australia to lead the world in green hydrogen – "but only if it capitalises on its advantage immediately".

1 Luo Guoping and Han Wei, China's opportunities and risks in Africa's giant iron ore field, *Nikkei Asia*, 26 August 2020.
2 Trading Economics, Iron Ore.

> "Think about our strengths, our climate, our relaxed lifestyle, our minerals. Everyone in the world should know Perth. Certainly, after the way we have managed the COVID-19 crises we have every reason to stand up loud and proud."

Certainly, after the way we have managed the COVID-19 crises we have every reason to stand up loud and proud. We need to stop comparing our city and state to what we are not and rather celebrate and promote who we are. According to World Urbanization Prospects the population of Perth is ranked 239 in the world cities with a population of 2,041,959 in 2020, ahead of many famous cities including Dublin, Calgary, Zurich, Dallas, Yangzhou, and Stockholm. Think about our strengths, our climate, our relaxed lifestyle, our minerals. Everyone in the world should know Perth.

"Western Australia is the envy of the world right now" – Mark McGowan, July 2020.

Who would have thought that COVID-19 would reframe the West Australian narrative? Before March 2020 we were led to believe that high-density living and big cities were more desirable. According to the World Economic Forum, in 2020, 56.2% of the world population was urban. Half of these people lived in towns with less than 500,000 inhabitants.

Living through COVID-19 has provided Western Australians with a moment to get to know and appreciate our very special State. After years of 'Dullsville commentary' and everyone wanting to be over East or elsewhere, it is now common to hear people talking about 'living in the best place on earth'. I have long wondered about the lack of confidence in our State and believe now more than ever every single 'West Aussie' needs to hold their head up high and 'dream big'. This 'dream big' attitude will enable Western Australia to embrace the opportunities and necessity of economic diversification.

Engage with Asia

In August 2019, the Asian Engagement strategy was launched with four key themes to lead this plan:

1. Maximising Investment and Trade Opportunities
2. Supporting Asia Literacy and Capability
3. Enhancing People-to-People Links
4. Supporting Business and Communities

This strategy has been designed to reduce our risk and broaden our horizons from the often-all-consuming focus on China. It encourages the diversification of our investment and trading partners. Western Australia needs to embrace and celebrate our place in the region, our children need to learn Asian languages at school, not only the traditional French and Italian. Our company and State boards need to have Asian representation to enhance a greater cultural and economic understanding. We need road signs and other methods of communicating with our Asian neighbours for the growth and development of ou State.

The WA Government reminds us that Western Australia is home to the largest proportion of people born overseas in Australia, making WA the most culturally diverse state in the nation. I think we could use this fact to build better relationships in Asia to diversify our economy.

We have five years to focus resources for language and cultural education and work with organisations like the Australian Institute of Company Directors (AICD) to set targets and encourage the WA business community to truly engage with Asian business opportunities. For this approach to succeed, I recommend the appointment of an Asian Business Engagement Manager within the Department of Premier and Cabinet (DPC) – preferably someone from an Asian background – to set targets and work with business to track and measure expectations. The role could be established with a five-year mandate to develop targets based on the Asian engagement strategy with real identified outcomes that can be measured and reported against, and to engage with business on them. Think, for example, of the opportunities that lie north of us in Indonesia with a population of 276 million and India with a population of approximately 1.39 billion in 2021. To diversify our economy, the Asian Engagement Strategy needs to be more than a document to be reviewed. With this new role in place, I am much more optimistic we will see its impact on our economy.

Embrace our Aboriginality

In closing, the third element to support economic diversification is for all Western Australians to embrace and celebrate our Aboriginal heritage. WA is founded on some of the oldest land in the world and our First Nations People have cared for the land for 65,000 years. According to Tourism WA, 82% of tourists who come to WA want an Aboriginal cultural experience when they visit but only 26% receive one. A discussion paper entitled *A Path Forward*, released in 2020 by the WA Government, develops the Government's Aboriginal Empowerment Strategy. One of the six pillars is the focus on supporting economic participation in WA. It calls for every government agency, employer, procurer, regulator, landholder, funder, educator and facilitator to explore ways to develop and grow economic possibilities for the benefit of our Aboriginal brothers and sisters and ultimately for the benefit of us all. For this to truly impact and make a difference there needs to be a measurement structure connected to each of the six pillars and reported on annually. The Aboriginal Engagement department in DPC should be tasked with developing the matrix and reporting on progress.

WA has an opportunity to lead this real commitment to building the economic power base for its Aboriginal communities. From a global perspective, having successful outcomes in this sector will benefit our economy from tourism, arts and cultural heritage and investment, ultimately strengthening our social license as a State. As we are walking on a path to reconciliation, we have much to learn and contribute to the future of the State together. The WA Museum Boola Bardip opened in November 2020 and has over 10,000 items forming the Aboriginal Cultures collection. Work has begun planning for the opening of the Australian Aboriginal Cultural Centre in 2029. This centre is expected to be a global leader in Aboriginal cultural development, creating jobs and a new future as we all walk together for the cultural and economic future of our State. It should be Aboriginal-*led* rather than having an Aboriginal committee advising the leadership team. This new centre needs to be a true bi-cultural partnership in the planning, development and execution stages. In conclusion, all of this is about really embracing the Aboriginality of our State for the benefit and reconciliation of all.

"Here in Australia, we're fortunate enough to have one of the richest and oldest continuing cultures in the world. This is something we should all be proud of and celebrate." - Dr Tom Calma AO.

With decades of experience in stakeholder management, communications, marketing and business development and founder of Paula Rogers Consulting, Paula is passionate about the role Western Australia must play in the Australian economic landscape. A key focus given the current climate, is the economic recovery of WA and the role she can play to inform decision making and deliver the best outcomes for the State and nation.

Chapter 5: Modernising Democratic Institutions, Practices and Culture

WA's democratic deficit

Benjamin Reilly

Western Australia's Labor Government sits on one of the biggest parliamentary majorities seen in recent Australian history. It holds 43 of the 59 seats in the lower house, the Legislative Assembly, and 54 seats – an absolute majority – in the 95-member Parliament.

Yet despite this, attempts to fulfil the Government's mandate in areas ranging from environmental zoning of the Roe 9 wetlands to limiting election campaign spending and even banning puppy farms have fallen victim to the Government's lack of a majority in the State's upper house, the Legislative Council.

Government efforts to introduce limits on political donations, ban foreign donations and regulate campaign expenditure – routine in most other states and, to a lesser extent, at federal level – all failed to pass the Council in the last sitting of 2020.

This raises the spectre of billionaire businessman Clive Palmer – who is locked in various legal disputes with the State Government, as part of a high-stakes battle over iron ore royalties – reprising his blanket advertising and campaign spend at the March 2021 State election.

> "In a chicken-and-egg dilemma that has characterised WA politics for decades, the reforms most needed are the same ones that threaten the existing membership of the highly unrepresentative Legislative Council."

It also means that the most China-exposed economy in the nation remains vulnerable to millions of dollars in party donations from wealthy business people aligned with the Chinese Communist Party, such as those engaged by Huang Xiangmo, Chau Chak Wing and Zhu Minshen before bans on foreign donations in other jurisdictions were introduced.

However, the problems in WA's political system run deeper than just political financing. In a chicken-and-egg dilemma that has characterised WA politics for decades, the reforms most needed are the same ones that threaten the existing membership of the highly unrepresentative Legislative Council.

To understand why, we need to go back to earlier reform eras in WA.

Western Australia is geographically the largest state in the Commonwealth by far, and the one most affected by issues of distance and remoteness. As a result, there has always been a weighting built into our political system to recognise the realities facing those living outside the Perth metropolitan area. But over time, this weighting has grown to the point where it is now unbalancing our parliamentary democracy and creating unforeseen public policy challenges.

In 1986, the Legislative Council was divided into six regions (three in the metropolitan area and three in the regions), each electing multiple members via Hare-Clarke proportional representation, similar to the federal Senate.

Also like the Senate, rural regions had more representatives per voter than metropolitan regions – just as Tasmania receives the same number of senators as New South Wales, despite having one-tenth of its population.

But in WA, this malapportionment has intensified over time. Much-heralded one vote, one value reforms were made in 2005, but only applied to the Legislative Assembly. In the Legislative Council, regional vote weighting was retained, in recognition of the real issues of distance and remoteness facing those living in WA's vast rural and remote regions.

However, rural-urban migration has seen this compromise turn into an increasingly unjustifiable disparity between

urban and rural voters. Each of the six regions returns six members, or MLCs, but they represent vastly different numbers of electors, with around 400,000 electors in metropolitan regions, but one-sixth as many – fewer than 70,000 – in the smallest non-metropolitan region.

Today, just one tenth of enrolled electors – those from the mining, and pastoral and agricultural regions – choose one third of MLCs. These rural and regional voters – and the parties representing them, such as the Nationals, One Nation and Shooters and Fishers – have far more political influence in the WA Parliament than their population would warrant. Indeed, a vote in some regions is now worth six times the value of a vote in the city.

Moreover, the Electoral Act specifies that the number of electors in the three metropolitan regions should be roughly equal, but there is no such stipulation for the non-metropolitan regions. This situation is getting worse with each electoral cycle, as population continues to shift towards the South West and metropolitan regions.

As a result, the WA Legislative Council has by far the most extreme malapportionment of any state or territory in Australia. Perth, the only city, contains around three quarters of all enrolled electors, but they get to choose only half the MLCs. This level of variance has no parallel in other state jurisdictions, or indeed internationally, outside Senates that include big and small states.

Ticket voting for the Council is another problem. Ticket voting requires parties and aligned candidates to lodge, prior to the election, a preference schedule or group-voting ticket which sets out how their preferences will be allocated when they receive an above-the-line vote (in contrast to an elector ranking every candidate standing if they vote below the line).

In WA, as in other cases, the vast majority (more than 90%) of electors use the above-the-line option, rather than numbering a full slate of preferences below the line – effectively accepting their chosen party's full preference ordering.

Over time, this has provided opportunities for parties to game the system through the direction of their preferences. Micro parties have found they can win seats by making promiscuous preference-trading deals with others and reaping the (essentially random) rewards that accrued to whichever was able to assemble the necessary quota for victory.

Such 'preference whispering' saw several micro-party candidates elected and hold crucial balance-of-power positions in the 2013 Senate, for example. In response, in 2016, the system was changed to allow Senate voters an optional preferential vote above the line between parties, or the alternative of needing to number at least 12 preferences below the line to enact a valid vote.

These reforms have been widely seen as successful, and have been replicated in other states such as NSW and South Australia.

In WA, however, a single ticket vote above the line, or a full ranking of all candidates below it, remains the only way to enact a valid vote for the Legislative Council. This means that nearly all WA voters rely on parties to allocate their preferences, rather than doing it themselves.

The continuation of this model in WA has amplified the possibility that preference deals will be gamed, and result in micro-parties not just winning representation with negligible public support but also potentially holding the balance of power. At the 2017 State election, several micro-parties such as Flux the System, Fluoride Free WA and the Daylight Savings Party all engaged in apparent preference harvesting. A Liberal Democrats candidate won a Council seat on less than 4% of the primary vote by receiving preference transfers from all of these parties, and others such as One Nation and the Australian Christians.

An obvious route is to follow the Senate and states such as New South Wales and South Australia, and allow voters to indicate their preferences between parties above the line, on an optional basis. This would make voting more consequential by eliciting more information about voters' true preferences between parties, and undercut any preference-harvesting strategies such as those adopted by micro-parties at the 2017 State election.

However, a 2019 private members bill to do exactly this, introduced by the Greens, failed to progress in the Legislative Council. The malapportionment issue faces even steeper hurdles. Given that the currently advantaged rural and regional members are unlikely to be turkeys voting for Christmas, fixing this problem would appear to rely on an overwhelming – and unlikely – political realignment.

The Legislative Council plays an important role in representing under-populated parts of WA. However, its inability to reform itself means that it is now also undermining the ability of governments to progress their electoral mandates or to effect widely supported legislation. The next parliament, elected in 2021, needs to make Legislative Council reform a priority. Failure to do so will see WA's democratic deficit continue and likely worsen in the years ahead.

This paper draws upon the work of the WA Electoral Policy Network, representing four WA universities, and a forthcoming article by Martin Drum, Sarah Murray, John Phillimore and Benjamin Reilly, "Western Australia's Long Road to Electoral Reform".

Benjamin Reilly is Professor of Political Science and International Relations in the School of Social Sciences at The University of Western Australia, and a Fellow of the UWA Public Policy Institute. His work focuses on democratisation and electoral reform in ethnically divided societies.

The challenges of misinformation

Ullrich Ecker

"Misinformation and disinformation present significant challenges for modern democracies, and especially for evidence-based policy-making and free and fair elections."

Misinformation and disinformation[1] present significant challenges for modern democracies, and especially for evidence-based policy-making and free and fair elections.

The psychology of misinformation

Misinformation is often attractive due to cognitive biases towards information that is simple, novel, negative and emotive, or confirms a pre-existing worldview. Misinformed beliefs can influence people's reasoning and decision-making even after the beliefs have been shown to be false. This continued reliance on misinformation can occur even when people acknowledge a correction and understand that they have been misinformed.

In addition to affecting people's specific beliefs, exposure to misinformation can distort perceived social signals (e.g. people who hold a minority view can be led to assume they are in the majority, or vice versa). Moreover, consuming conspiratorial content is associated with reduced trust in institutions and negative behavioural consequences (e.g. reduced compliance with public health measures; violence).

It is important that false statements are fact-checked and corrected. However, corrections tend to be less engaging and have poorer reach than the misleading content. Even if people engage with fact-checks, memory updating and knowledge revision are cognitively demanding and error-prone tasks. Thus, corrections often have limited efficacy; however, their impact can be increased if corrections are well-designed.[2] Conspiracy theories are particularly difficult to counter due to their self-sealing nature (i.e. evidence against a conspiracy is re-interpreted as evidence for a conspiracy).[3]

At the extreme end, substantial exposure to misinformation and conspiracy theories can lead to confusion, deep-seated mistrust, and the conviction that truth is no longer determinable. At the societal level, consequences include civic disengagement and social division. This represents a significant threat to democratic processes, which at their core rely on shared truths and the foundation of a basic set of agreed-upon facts.[4]

The role of the media

Strong and trusted mainstream media serve as a protective factor against disinformation. However, changes in the media landscape have provided a fertile ground for misinformation. The increasing concentration of media ownership is conducive to biased, misleading coverage. Social media content is customised by opaque algorithms designed solely to maximise user engagement. Without regulatory intervention, such platforms can therefore not be expected to give priority to

1 Misinformation intentionally created or spread to mislead or cause harm.

2 Stephan Lewandowsky et al., *The Debunking Handbook 2020*, Centre for Climate Change Communication, George Mason University, 2020.

3 Stephan Lewandowsky and John Cook, *The Conspiracy Theory Handbook*, Centre for Climate Change Communication, George Mason University, 2020.

4 Stephan Lewandowsky et al., 'Beyond misinformation: Understanding and coping with the post-truth era', *Journal of Applied Research in Memory and Cognition*, 6, 4, 2017, 353–369.

information veracity.[5] Given the social media bias towards sensationalist and conspiratorial content, malicious actors – which can also include political actors – can use social media to influence debate or weaken and destabilise government through social division.[6]

Misinformation is especially malicious if it is targeted at receptive consumers. The data that internet users produce allow malicious actors to identify and exploit consumer preferences and vulnerabilities, and even build sophisticated personality profiles. This information can be used to provide consumers with maximally persuasive content through a process of micro-targeting. Such tactics were used in the 2016 U.S. election and the Brexit referendum. Of particular concern, targeted misinformation has the ability to fuel (unwarranted) fears and mobilise opposition, which can unduly impact public debate and political agenda-setting.

Combating misinformation

Solutions that involve content regulation or anti-disinformation legislation harbour the obvious risk of censorship. However, one should keep in mind that providing misinformation is already considered illegal in certain cases (e.g. lying in court; defamation), that there are already accepted boundaries of free speech (e.g. hate speech, incitement to violence), and that the right to free speech does not entail the right to amplification of that speech. I therefore argue that, in the context of protecting democratic processes, there are clear benefits of enhanced regulation.

Measures that could help address issues arising from misinformation (e.g. its influence on votes), while also counteracting the erosion of public trust in democratic systems, include:

- Changing legislation or application of existing law to facilitate penalising creation and dissemination of disinformation where intentionality and harm can be established.
- Mandating social media platforms to be more proactive: to be more transparent about the origins of posts, to more efficiently remove misleading content, and to more readily take action against malicious or non-human actors. Regulators could insist on the amount of misleading content remaining below a certain threshold, and on platforms exercising greater duty of care in protecting users from misinformation – for example, if a post is deemed misleading, platforms could be mandated to notify all users who previously engaged with the post of its misleading nature. Platforms could also be required to be more transparent about the user data they obtain and how these are used, and the algorithms used for content curation and identifying dubious content.[7]
- Encouraging platforms to create more 'friction' to make engagement with and sharing of low-quality content more difficult, for example by requiring an additional click to view or share content deemed as likely misleading, or by querying people to clarify their intentions ("Do you want to read the article before sharing?"; "Do you want to share this? – it has been flagged as potentially-misleading"). Such 'nudges' positively influence sharing behaviour.[8]
- Implementing changes to political advertising, e.g.: independent fact-checking of political ads; extending the 48-hour pre-poll-day ban on political advertising to social media; enforcing public availability of political ads together with information about the target audience; ban micro-targeting for political ads; consider expenditure limits.
- Enhancing transparency around political donations – specifically in the context of media campaigns but also more generally (e.g. restrictions of donations via associated entities).
- Given links between susceptibility to misleading and conspiratorial content and alienation, disenfranchisement, disempowerment, anxiety, and uncertainty, any interventions that reduce societal inequality and build confidence are fundamentally important.

5 Also note benefits of social media, e.g. promotion of free expression, minority voices, civic engagement.

6 Philipp Lorenz-Spreen et al., 'How behavioural sciences can promote truth, autonomy and democratic discourse online', *Nature Human Behaviour,* 4, 2020, 1102-1109.

7 Stephan Lewandowsky et al., *Technology and Democracy: Understanding the influence of online technologies on political behaviour and decision-making*, EUR 30422 EN, Publications Office of the European Union, 2020.

8 Anastasia Kozyreva et al., 'Citizens versus the internet: Confronting digital challenges with cognitive tools', Psychological Science in the Public Interest, 21, 2020, 103-156.

Local interventions

Many of the above-mentioned countermeasures will need to rely on national initiatives or regulation of social media. However, there is much that can be done locally:

- **Inoculate against future misdirection.** Provide explanations regarding misleading argumentation strategies that can prepare people for misinformation and protect them against being misled (see example in box).
- **Boost information literacy.** For example, in the context of the COVID vaccine rollout, to avoid exaggerated fears about side-effects arising from illusions of causality, clarify that if 1 million people receive an entirely safe vaccine, within two months we can expect 1,000+ deaths from *unrelated* causes, as well as a large number of non-fatal heart attacks, cancer diagnoses etc.[9]
- **Invest in education initiatives that build media literacy skills.** While assessing credibility and sharing misinformation can be a problem especially for older citizens, do not assume that all young people are equipped with superior media literacy skills, and be mindful of educational inequalities. Many consumers are not fully aware of the manipulation that results from social media algorithms or how their data are used. Countries that place a strong emphasis on information literacy at primary and secondary school level achieve the highest media literacy scores and report the least amount of problems with online disinformation.
- **Apply nudging to promote better decision making.** 'Nudges' are subtle prompts that do not restrict available options but promote higher-quality decisions. Nudges can be incorporated into choice architectures (e.g. opt-out defaults achieve greater 'buy-in' than opt-in defaults; ensure good choices are convenient and freely available) or can take the form of incentives (e.g. the 'no jab, no play' policy) or subtle cues (e.g. prompts to consider source credibility before sharing information; GP vaccination reminders).
- **Support fact-checking.** Prepare well-designed refutations and counter-narratives, focusing on misinformation that is likely to gain traction and become problematic. Train community-facing staff to ensure they know how to effectively and empathetically respond to misinformation and conspiratorial ideas, but also how to reframe conversations to focus on facts, evidence, and aims. Support independent fact-checkers.

An inoculation (e.g.: cherry-picking)

"Some people opposing COVID restrictions will cherry-pick numbers to make their case – a deceptive strategy. For example, stating that more than 99% of people survive COVID-19 ignores the bigger picture, namely that young people can spread the virus to more vulnerable groups with higher mortality rates, that an overwhelmed health-care system will lead to additional suffering and deaths, and that COVID-19 is likely to have significant long-term health impacts even in younger survivors."

- **Promote social norms.** Emphasise relevant norms – for example, that it is not OK to spread misleading information (an injunctive norm), and that most West Australians oppose the promotion of misinformation, or support vaccinations (descriptive norms).[10]
- **Support a diverse, independent media.** Media monopolisation and defunding of public broadcasters are risks to a well-informed populace.
- **Pledge to defend the truth.** Both historically and recently, politicians globally have been prolific sources of misinformation. Accountability of leaders is pivotal. Public pledges by community leaders to defend the truth, share only facts, and base decisions on evidence have had demonstrable success.
- **Rebuild trust.** Trust is a core determinant of public compliance; thus measures that strengthen trust in government, science[11], and other institutions are measures against misinformation. Arguably, public trust has been damaged by misconduct and aggressive partisanship. There is an urgent need for more transparency and accountability, as well as communication based on genuine engagement with diverse communities.[12]

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9 See Stephan Lewandowsky et al., *The COVID-19 Vaccine Communication Handbook. A practical guide for improving vaccine communication and fighting misinformation*, 2021.

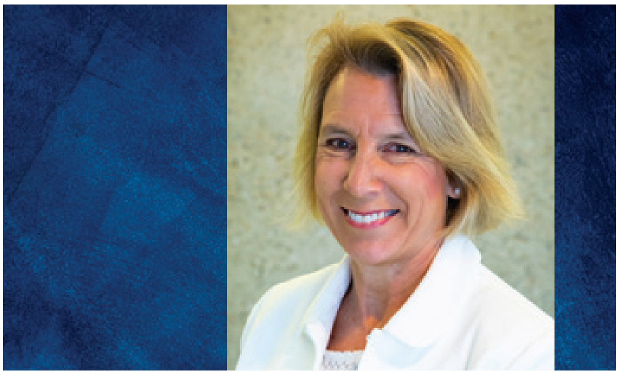
10 Jessica Paynter et al., 'Evaluation of a template for countering misinformation', PLOS ONE, 14, 2019.

11 Trust in science has experienced a boost recently, due to its role in the pandemic response and enhanced transparency ("open science").

12 Bernadette Hyland-Wood et al., 'Toward an effective government communications strategy in the era of COVID-19', Humanities and Social Sciences Communications, 8, 30, 2021.

Building trust, transparency and opportunity through access to information

Catherine Fletcher



For more than two decades the international communications firm Edelman has conducted surveys across 28 countries, including Australia, about levels of public trust in the four major societal institutions: government, business, media and non-governmental organisations. These studies reveal the changing nature of trust levels.[1] In January 2020, following decades of steady decline, trust in government was reported to be at an all-time low, although the highest levels of trust were reported among those sections of the community with more access to information. Australian research in 2019 following the last federal election also found similar results in a study that examined public opinion of political leaders and democratic institutions over the past 40 years.[2] Winning back that eroded trust was seen as a significant challenge for governments in Australia and elsewhere.

Public trust in institutions and the COVID-19 pandemic

So a few months later, in May 2020, with the COVID-19 pandemic now entrenched around the globe, Edelman issued an update revealing a surprising global shift in which trust in government had surged. In Australia and New Zealand the improvement of trust in government was particularly strong, as demonstrated by another mid-year survey in which over 80% of respondents agreed government was generally trustworthy and around 75% agreed that management of the pandemic had increased their trust in government. Interestingly, the researchers found little difference in trust levels between Australian states "despite different political parties in state government and differing approaches to COVID-19 management."[3]

Yet, fast forward to early 2021, the Edelman analysts have now found that trust in government has again declined in many countries around the world. The exceptions to this include a number of countries that, according to the Lowy Institute[4], have on average managed the pandemic with considerable success. New Zealand came in as the most successful country out of almost 100 in its pandemic management. Australia, ranked as the eighth most successful country, has shown the greatest increase of 18 nations with improved trust in government over the previous half year.

A comprehensive explanation for the decline in trust in many countries during the latter half of 2020 is beyond the scope of this article. However, the Edelman analysts emphasise that their latest survey reveals "an epidemic of misinformation..." and a "raging infodemic [that] feeds mistrust". They suggest that fake news, misinformation, reporting bias and politicised information are key issues that put at risk both pandemic and economic recovery. They conclude that "...in times of turbulence and

1 Edelman Research, 2020 Edelman Trust Barometer, 19 January 2020; Edelman Research, 2020 Edelman Trust Barometer Spring Update: Trust and the Covid-19 Pandemic, 5 May 2020; Edelman Research, The Edelman Trust Barometer 2021, 13 January 2021.

2 Sarah Cameron and Ian McAllister, The 2019 Federal Election: Results from the Australian Election Study, ANU Australian Election Study, School of Politics & International Relations, ANU College of Arts & Social Sciences, December 2019.

3 Shaun Goldfinch, Ross Taplin and Robin Gauld, 'Trust in government increased during the Covid-19 pandemic in Australia and New Zealand', *Australian Journal of Public Administration*, Institute of Public Administration Australia, 6 January 2021. This article notes that in a 2009 survey by some of the authors asking similar questions, only 49% of Australians and 53% of New Zealanders agreed government was generally trustworthy.

4 Lowy Institute, *Covid Performance Index – Deconstructing Pandemic Responses*, Interactive Presentation, 2021. The 10 top (of 98) countries ranked (from 1–10) on their average performance in managing the COVID-19 pandemic in the 36 weeks following their 100th confirmed case of the virus are: New Zealand, Vietnam, Taiwan, Thailand, Cyprus, Rwanda, Iceland, Australia, Latvia and Sri Lanka (note: China is not included in the ranking due to a lack of publicly available data on testing).

volatility, trust is what holds society together and where growth rebuilds and rebounds." This analysis is backed by the influential commenter, Francis Fukuyama, in his recent account of how states have risen to the Covid-19 global crisis.[5]

Evidence, transparency and trust

Governments in Australia have long recognised that trust in government involves, in large part, evidence-based information underpinning policy and decisions. The government's pandemic response in Western Australia has relied heavily on health and other expert information to guide decision making. It has also involved regular, pro-active sharing of much of that expert information with the public. The community, in turn, has responded with widespread compliance and respect for public health measures that are, at the very least, disruptive to everyday life. Engendering trust in government is critically important as, in times of crisis, it can literally save lives.

At any time, not just in a crisis, high levels of government transparency equip citizens with the information they need to understand and evaluate public policy and decision making, permitting informed debate and, ultimately, informed choice at the ballot box.

But beyond these immediate benefits, information access always supports a fair and equitable society. It enables effective delivery of public services and can drive economic opportunity. It also confirms the role of public institutions as a source of reliable information that can counter or minimise the effects of misinformation and disinformation, whether through informal channels or active campaigns.

The right to information

Internationally, access to information is recognised by the United Nations as a universal human right integral to the right to freedom of expression and also for democratic participation.

Australia is among more than 120 nations around the world that now provide citizens with a guarantee of access to government-held information, through freedom of information (FOI) or right to information (RTI) laws.

Western Australia enacted FOI laws in November 1992 in the wake of the 1992 seminal report of the *WA Royal Commission into the Commercial Activities of Government and Other Matters* (also known as the 'WA Inc' Report) that addressed the corrupt dealings

"Engendering trust in government is critically important as, in times of crisis, it can literally save lives. At any time, high levels of government transparency equip citizens to take part in informed debate and, ultimately, informed choice at the ballot box."

and poor governance practices investigated by the Commissioners. In their report the Commissioners referred to the 'trust principle' that underpins effective government. A subsequent Commission on Government (COG), established in response to the recommendations of the Royal Commission, delivered a report in 1995 which addressed issues of open government, accountability and the administrative system. In connection with 'open government' the COG Commissioners noted the importance of public access to information in the democratic process.

The challenges of digital transformation of government

However, almost 30 years after the Royal Commission and the enactment of the *Freedom of Information Act* in WA, the government information landscape is undergoing a radical transformation. In addition to millions of physical records, government now holds and continues to create a huge store of data and digital information. Technology and digital information systems combined with analytic tools yield transformative data insights that can inform policy and decision making while also providing opportunities for innovation. The pandemic response has also demonstrated the significance of the timely sharing of data between government departments and between state and territory jurisdictions.

However, accompanying this digital transformation is a growing public demand for transparency and accountability regarding the use of technology and government data. During a crisis, transparency regarding forecasting models and data that influence or underscore government decisions or strategies is reassuring to both individuals and business as it increases legibility. Without that, trust is at risk.

Concerns about privacy issues associated with personal information, particularly in digital form, are also now common and need to be addressed in order to maintain

5 Francis Fukuyama, 'The Pandemic and Political Order: It Takes a State', *Foreign Affairs*, July/August 2020.

trust. The development of a legal framework in Western Australia for privacy and responsible information sharing in the digital age should continue to be an ongoing priority to facilitate government business and economic opportunities while also protecting rights and public interests.

Both the OECD and the World Bank[6] have recognised the transformative potential of the digital economy, emphasising that it relies on the accessibility of trusted data and information. They also emphasise that robust public sector information governance is now more important than ever for transparent, accountable and inclusive government in the digital environment.

An open and trustworthy government

Australia is also one of more than 70 countries involved in the Open Government Partnership (OGP), a recent global initiative that aims to promote open government, empower citizens, fight corruption, and harness new technologies to strengthen governance. In Australia's second OGP action plan for the years 2018–2020, various commitments were made which include improving the sharing, use and re-use of public sector data and enhancing state and territory participation in the OGP.

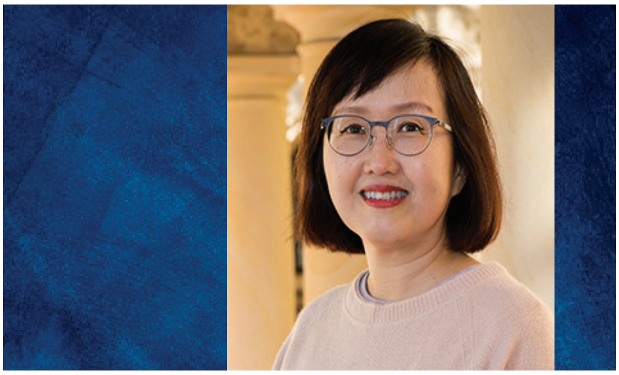
At a time when public trust in government is critical for pandemic and economic recovery, an opportunity exists for a renewed commitment to open government principles that actively promote access to reliable and trustworthy government-held information and data while also protecting privacy. Such a move has real potential for significant future prosperity and a more sustainable, open and fair society.

Catherine Fletcher is the Information Commissioner for Western Australia, an independent officer reporting directly to the WA Parliament. Catherine's main role is to deal with complaints about decisions made by state and local government agencies about access to or amendment of government-held documents, but also whose role includes ensuring those government agencies and the public are aware of their rights and responsibilities under the Freedom of Information Act 1992 (WA). Catherine is also an ex officio member of the State Records Commission. The Commissioner is a UWA alumna holding qualifications in Law and Business Management.

6 Anne Thurston, *Right to Information: Managing Records and Information for Transparent, Accountable and Inclusive Governance in the Digital Environment: Lessons from Nordic Countries*, World Bank Group, 2015; OECD, *Government access to personal data held by the private sector: Statement by the OECD Committee on Digital Economy Policy*, Organisation for Economic Development and Cooperation, 22 December 2020.

Internal whistleblowing and organisational culture: Ensuring that WA keeps ahead of the challenge of modern governance

Jeannette Taylor



The corruption scandals of senior bureaucrats in some WA government departments in recent years illustrate the risk of corruption in the WA public service, and at the same time, the value of whistleblowing as a mechanism for uncovering corrupt acts. Democratic institutions rely on employees to alert the authorities to unethical acts in the workplace, such as fraud, when checks and balances fail to pick up the faults – or when others lack the courage to speak truth to power. Employees who step up and report the wrongdoing to an appropriate authoritative member of their organisation provide it with a unique opportunity to address this issue. When public service leaders do not listen to such whistleblowers, and the problem escalates to the point that it becomes public or creates significant harm, the organisation often ends up facing considerable damages, such as loss of public trust. Ignoring a whistleblower is, therefore, a sign of leadership failure.

This piece emphasises the key role of public service leaders in facilitating a culture that encourages critical upward reporting of wrongdoing or internal whistleblowing. This is because an organisation's culture is often identified as one of the main deterrents of whistleblowing in the public sector. In a culture of silence or muteness, people are reluctant to speak out against wrongdoing and instead tolerate or accept it as a norm. The whistleblowing rates in the Australian Public Service (APS), for example, have been progressively declining over the past decade. In 2012, the APS census showed that 56% of APS employees who had witnessed integrity violations in their workplace reported the offence in question. This figure dropped to 33% in 2015, and further declined to 19% in 2019. In 2019, 64% of APS employees who had observed wrongdoing chose to stay silent.[1]

But how should managers and leaders go about influencing their organisation's culture in order to encourage internal whistleblowing? An organisation's culture is like someone's personality – it is not changed easily by a command or an emotion-laden description of a new vision. This piece draws upon Edgar Schein's layered model of organisational culture. He argues that organisational culture exists at different levels in an organisation, and these levels vary in visibility and ease of change.[2]

A layered view of an organisation's culture

Culture manifests itself at three different levels in an organisation. The deeper one goes into an organisation, the harder it is to identify, measure and change its culture. The levels consist of the following:

- **Artefacts**, such as ceremonies and symbols or logos. They are the most visible products or physical manifestations of an organisation's culture.
- **Espoused values** about how things ought to be and how one ought to behave and respond in the organisation.

1 The remaining 17% indicated that someone else reported the wrongdoing.

2 Edgar H. Schein, *Organizational Culture and Leadership*, Hoboken: Jossey-Bass, 2016.

They are the documented norms, goals, and aspirations, of the organisation.

- **Basic assumptions**, such as mental maps, which are internalised beliefs about how the world works that guide employees' behaviour. Compared with the former two levels, these are hardest to change and are a source of resistance or defensive routines in organisations.

Fostering a culture of internal whistleblowing

This piece calls for bold and sustained leadership of cultural change in order to encourage internal whistleblowing within the public service. Ethical and accountable leadership is critical for encouraging ethical conduct among employees, including their willingness to engage in internal whistleblowing.[3] Many APS employees who trust their senior managers are more likely to report wrongdoing.[4] Organisations that turn a blind eye to integrity violations and ostracise their whistleblowers send a clear message to others that they have not just failed to uphold their responsibility to prevent and correct integrity violations, but they also accept and possibly even encourage these violations.

"In bearing down on integrity violations and supporting internal whistleblowing, the buck stops with public service leaders. They must 'walk the talk'. Well-functioning democratic institutions require leaders with strong ethical credentials."

The biggest risk is reputational, namely that the public begins to suspect that there are low standards in high places and effectively discounts any faith they once had in public institutions and public policy. In bearing down on integrity violations and supporting internal whistleblowing, the buck stops with public service leaders. They must 'walk the talk'. Well-functioning democratic institutions require leaders with strong ethical credentials.

Public service leaders should also pay attention to improving their organisations' cultures. Improvements are unlikely if the changes are too one-dimensional – for example, changing a culture does not solely involve

3 Shahidul Hassan, 'The Importance of Ethical Leadership and Personal Control in Promoting Improvement-Centered Voice among Government Employees', *Journal of Public Administration Research and Theory*, 2015, 25(3), 697–719.

4 Jeannette Taylor, 'Internal WhistleBlowing in the Public Service: A Matter of Trust', *Public Administration Review*, 2018, 78(5), 717–726.

introducing a new visible logo or a set of guidelines. The goal is to change hearts and minds across the organisation.

Public service leaders must ensure that changes to all three levels of culture in their organisations are in sync with rather than contradict each other. Just as it is important to pay attention to all three levels of culture, it is equally important to ensure that the change at each level is compatible or consistent with one another. Leaders risk being accused of paying lip service to improving their organisation's culture when their public statements are not matched by concrete actions.

Conclusion

Whistleblowing is based on core human ideals, such as truth, justice and equality. These ideals are emphasised in the goals and values of many democratic institutions. Citizens too expect public officials – appointed and elected – to uphold these ideals when delivering public services. Yet, those who attempt to live by these ideals by reporting wrongdoing in their workplace often experience severe repercussions.

Effective whistleblower protection laws are essential for whistleblowing. But to secure lasting reform we should also address the culture within which poor practices can take hold. Public employees are unlikely to even consider standing up against wrongdoing in their workplace when their organisation has a toxic culture. WA policymakers are naturally minded to ensure that standards in public life remain high. To achieve this, the priority is not merely to develop better rules and monitoring/enforcement regimes for whistleblowing, but to ensure that these take full account of the culture of organisations in which these standards must be upheld.

Jeannette Taylor is Associate Professor of the Political Science and International Relations discipline in the UWA School of Social Sciences. Her research interests focus on the management of public organisations and employees, particularly on performance management and integrity management.

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Going Further, Faster

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