



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE

ESTIMATES

(Budget Estimates)

FRIDAY, 27 MAY 2005

CANBERRA

BY AUTHORITY OF THE SENATE

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SENATE

LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE

Friday, 27 May 2005

Members: Senator Payne (*Chair*), Senator Bolkus (*Deputy Chair*), Senators Greig, Kirk, Mason and Scullion

Senators in attendance: Senators Carr, Crossin, Greig, Payne and Scullion

Committee met at 9.07 am

**IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS
PORTFOLIO**

Consideration resumed from 26 May

In Attendance

Senator Vanstone, Minister for Immigration and Multicultural and Indigenous Affairs

Department of Immigration and Multicultural and Indigenous Affairs

Executive

Mr Bill Farmer, Secretary

Mr Wayne Gibbons PSM, Associate Secretary

Mr Ed Killesteyn PSM, Deputy Secretary

Ms Philippa Godwin, Deputy Secretary

Mr Bernie Yates, Deputy Secretary

Internal Products

Financial Services

Ms Louise Gray, Chief Financial Officer, Financial Strategy Division

Human Resource Services, Internal Investigations and Property

Mr John Moorhouse, First Assistant Secretary, Corporate Governance Division

Ms Christine McPaul, Acting Assistant Secretary, Human Resource Management Branch

Parliamentary and Legal Services

Mr Des Storer, First Assistant Secretary, Parliamentary and Legal Division

Information Technology and Office Services

Ms Cheryl Hannah, Chief Information Officer, Business Solutions Group

**Outcome 1—Contributing to Australia's Society and Its Economic Advancement
through the Lawful and Orderly Entry and Stay of People**

Output 1.1—Non-humanitarian entry and stay

Mr Abul Rizvi PSM, First Assistant Secretary, Migration and Temporary Entry Division

Ms Arja Keski-Nummi, Assistant Secretary, Temporary Entry Branch

Ms Julie Campbell, Acting Assistant Secretary, Business Branch

Ms Jacki Hickman, Acting Assistant Secretary, Delivery Innovation Branch

Output 1.2—Refugee and humanitarian entry and stay

Mr Peter Hughes PSM, First Assistant Secretary, Refugee, Humanitarian and International Division

Mr Robert Illingworth, Assistant Secretary, Onshore Protection Branch

Ms Karen Visser, Acting Assistant Secretary, International Cooperation Branch

Ms Robyn Bicket, Assistant Secretary, Humanitarian Branch

Output 1.3—Enforcement of immigration law

Mr Steve Davis, First Assistant Secretary, Unauthorised Arrivals and Detention Division

Mr Jim Williams, Assistant Secretary, Unauthorised Arrivals and Detention Operations Branch

Mr David Doherty, Assistant Secretary, Detention Contract and Infrastructure Branch

Mr Matt Moroney, Acting Assistant Secretary, Detention Policy and Coordination Branch

Mr Vincent McMahan PSM, Executive Coordinator, Border Control and Compliance Division

Ms Yole Daniels, Assistant Secretary, Compliance and Analysis Branch

Mr Todd Frew, Assistant Secretary, Entry Policy Branch

Ms Janette Haughton, Assistant Secretary, Identity Fraud and Biometrics Branch

Mr Stephen Allen, Acting Assistant Secretary, Border Security and Systems Branch

Mr Des Storer, First Assistant Secretary, Parliamentary and Legal Division

Mr John Evers, Assistant Secretary, Legal Services and Litigation Branch

Output 1.4—Safe Haven

Mr Peter Hughes PSM, First Assistant Secretary, Refugee, Humanitarian and International Division

Ms Robyn Bicket, Assistant Secretary, Humanitarian Branch

Output 1.5—Offshore asylum seeker management

Mr Vincent McMahan PSM, Executive Coordinator, Border Control and Compliance Division

Mr John Okely, Assistant Secretary, Offshore Asylum Seeker Management Branch

Outcome 2—A Society Which Values Australian Citizenship, Appreciates Cultural Diversity and Enables Migrants to Participate Equitably**Output 2.1—Settlement services**

Mr Peter Vardos PSM, First Assistant Secretary, Citizenship and Multicultural Affairs Division

Ms Gabriela Samcewicz, Acting Assistant Secretary, Settlement Branch

Output 2.2—Translating and interpreting services

Mr Peter Vardos PSM, First Assistant Secretary, Citizenship and Multicultural Affairs Division

Ms Mary-Anne Ellis, Assistant Secretary, Citizenship and Language Services Branch

Mr Chris Greatorex, Director, TIS National

Output 2.3—Australian citizenship

Mr Peter Vardos PSM, First Assistant Secretary, Citizenship and Multicultural Affairs Division

Ms Mary-Anne Ellis, Assistant Secretary, Citizenship and Language Services Branch

Output 2.4—Appreciation of cultural diversity

Mr Peter Vardos PSM, First Assistant Secretary, Citizenship and Multicultural Affairs Division

Dr Thu Nguyen-Hoan PSM, Assistant Secretary, Multicultural Affairs Branch

Outcome 3—Sound and Well-Coordinated Policies, Programs and Decision-Making Processes in Relation to Indigenous Affairs and Reconciliation**Output 3.1 Indigenous policy****Office of Indigenous Policy Coordination**

Ms Helen Hambling, General Manager, Policy Group,

Ms Dianne Hawgood, General Manager, Partnership and Shared Responsibility Group

Ms Kate Gumley, Manager, SRA Strategy Branch

Ms Jennifer Bryant, General Manager, Performance, Single Budget and Streamlining Group

Mr Bryan Palmer, Manager, Performance and Single Budget Branch,

Mr Pat Watson, General Manager, Corporate and Business Support Group,

Mr Brian McMillan, Manager, Investigations Unit,

Ms Ros Kenway, Manager, Legal Unit,

Mr Paul Omaji, Manager, Resources, Reconciliation and Repatriation Branch

Mr Greg Roche, Manager, Land Rights Services Branch

Ms Kerrie Tim, General-Manager, Leadership Development Group

Outcome 4—The Economic, Social and Cultural Empowerment of Aboriginal and Torres Strait Islander Peoples In Order that They May Freely Exercise Their Rights Equitable with Other Australians**Output 4.1 Policy and advocacy****Output 4.2 Evaluation and audit**

Mr Pat Watson, Acting Chief Executive Officer, Aboriginal and Torres Strait Islander Services

Outcome 5—Effective Delivery of Policy Advocacy Support and Program Services to Aboriginal and Torres Strait Islander Peoples**Output 5.1 Promotion of cultural authority****Output 5.2 Advancement of Indigenous rights and equity****Output 5.3 Improvement to social and physical wellbeing****Output 5.4 Economic development****Output 5.5 Capacity building and quality assurance**

Mr Pat Watson, Acting Chief Executive Officer, Aboriginal and Torres Strait Islander Services

Mr Michael Fileman, Acting Chief Financial Officer, Aboriginal and Torres Strait Islander Services

Migration Agents Registration Authority

Ms Venie Ann Moser, Executive Officer, Migration Agents Registration Authority

Mr Len Holt, National President and Director, The Migration Institute of Australia Limited

Ms Laurette Chao, Immediate Past President and Director, The Migration Institute of Australia Limited

Mr David Mawson, Chief Executive Officer, The Migration Institute of Australia Limited

Migration Review Tribunal

Mr Steve Karas AO, Principal Member

Mr John Lynch, Registrar

Mr Rhys Jones, Deputy Registrar

Refugee Review Tribunal

Mr Steve Karas AO, Principal Member

Mr John Blount, Deputy Principal Member

Mr John Lynch, Registrar

Mr Rhys Jones, Deputy Registrar

Torres Strait Regional Authority

Mr Wayne See Kee, Acting General Manager

CHAIR (Senator Payne)—I declare open this public meeting of the Senate Legal and Constitutional Legislation Committee. The committee will today continue its examination of the Immigration and Multicultural and Indigenous Affairs portfolio, proceeding according to the order on the circulated agenda. The committee will begin this morning with questions to the Torres Strait Regional Authority. The committee has authorised the recording and rebroadcasting of its proceedings in accordance with the rules contained in the order of the Senate dated 31 August 1999. The committee has agreed to the date of 15 July 2005 for receipt of answers to questions taken on notice and additional information.

I welcome Senator the Hon. Amanda Vanstone, the Minister for Immigration and Multicultural and Indigenous Affairs; Mr Bill Farmer, the Secretary of the Department of Immigration and Multicultural and Indigenous Affairs; and officers of the department and associated agencies. I remind officers that the Senate has resolved that there are no areas in connection with the expenditure of public funds where any person has the discretion to withhold details or explanations from the parliament or its committees unless the parliament has expressly provided otherwise. I also draw to the attention of witnesses the resolutions agreed to by the Senate on 25 February 1988, ‘Procedures to be observed by Senate committees for the protection of witnesses’, and in particular to resolution 110, which states in part:

Where a witness objects to answering any question put to the witness on any ground, including the ground that the question is not relevant or that the answer may incriminate the witness, the witness shall be invited to state the ground upon which objection to answering the question is taken.

I also draw attention to resolution 116, which states:

An officer of a department of the Commonwealth or of a State shall not be asked to give opinions on matters of policy, and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a Minister.

Evidence given to the committee is protected by parliamentary privilege. I also remind you that the giving of false or misleading evidence to the committee may constitute a contempt of the Senate. Minister, do you or Mr Farmer wish to make an opening statement this morning?

Senator Vanstone—Yes, very briefly, if I might, to say in a very selfish sense what an opportunity I regard it to be the minister for this area at a time when this government is introducing what I describe as a quiet revolution in how Indigenous affairs are handled—to finally be in a position where the Australian government is giving local small individual

communities their own voice instead of listening to a couple of elected people in Canberra; where people are having to get out and talk face to face with individual communities and ask them what their problems are, what their priorities are, what they can do to solve them and what help they need from us to solve them.

It is also a time when the state and territory governments—one territory perhaps; I am not sure about the degree of commitment the Australian Capital Territory has to this arrangement—which I will remind the committee are Labor states and territories, are working in such a positive and cooperative fashion to improve the lives of Indigenous Australians and, by and large, putting the politics, the day-to-day Liberal-Labor or state-federal politics, aside to get on with it and do a better job, which is terribly rewarding.

We have made very significant inroads here, I think—a tremendous start. We set ourselves a target of having 50 of these shared responsibility agreements by the end of June. We are already at that point and we aim to keep going. While the initial agreements are, many of them, very simple, that is to be expected. It is not a situation where we are dealing with communities that, in the past, necessarily had such a direct Australian government arrangement, and they will become more complex. I want to pay tribute to the work that has been done by the bureaucrats in this area. They have worked tirelessly to put this in place—people who have been largely committed to and working in this area for a very long time. I look forward to continuing that work and, of course, to answering the committee's questions.

CHAIR—Thank you very much, Minister.

[9.12 am]

Torres Strait Regional Authority

CHAIR—Our questions this morning begin with the Torres Strait Regional Authority—and, Mr See Kee, let me apologise again for the delay to your appearance before the committee. This is your first appearance and we are very pleased to welcome you here today. Questions this morning will start from Senator Carr.

Senator CARR—Welcome, Mr See Kee. It is your first appearance before the committee, as the chair just said—is that correct?

Mr See Kee—That is correct.

Senator CARR—Have you appeared before any other committees?

Mr See Kee—No. I am the acting general manager at the moment.

Senator CARR—How long have you been Acting General Manager?

Mr See Kee—I have been acting since September last year.

Senator CARR—How long do you think you will be in that acting position?

Mr See Kee—My current appointment is till September this year or until the general manager position is filled permanently.

Senator CARR—What steps are being taken to fill the general manager's position?

Mr See Kee—The position was advertised in February and interviews took place on 5 May. So the TSRA board will be meeting to deliberate on the candidates and the interview process in a couple of weeks.

Senator CARR—I look forward to the outcomes of that. Could you explain to the committee what you see as the implications for the TSRA of the abolition of ATSIC?

Mr See Kee—The TSRA has always been treated quite separately from ATSIC, so when ATSIC was abolished there was no impact on us in the Torres Strait.

Senator CARR—I understand that you will still be running elections—is that right?

Mr See Kee—Yes.

Senator CARR—Will they be conducted by the Australian Electoral Commission?

Mr See Kee—Yes.

Senator CARR—I take it the Commonwealth will continue to fund those elections?

Mr See Kee—Yes.

Senator CARR—There was an election last year. When is the next one due?

Mr See Kee—The next one is due in 2008.

Senator CARR—The TSRA used to have a commissioner on the ATSIC board. Was there any benefit in having a commissioner on the ATSIC board?

Mr See Kee—In terms of the Torres Strait region itself, it was more or less about having a person who could articulate and progress any views that the Torres Strait Regional Authority had, to ensure that there was coordination with ATSIC. So that is really the role that the commissioner played in relation to ATSIC.

Senator CARR—Was there any benefit in sharing the experiences with other Aboriginal leaders from across the country?

Senator Vanstone—With respect, I do not think the officer can answer. He is acting now. That question may have been able to be answered by those people who were in the position over the last few years, but not this person. In any event, in my view, it is asking for a political comment to be made.

Senator CARR—Has the authority discussed the ATSIC abolition?

Mr See Kee—Only to the extent of finding out whether or not the TSRA would be affected. To that effect, the TSRA was not.

Senator CARR—Was there a formal decision on that matter?

Mr See Kee—No.

Senator CARR—Was there any representation from the department as to why the authority has been left in place when all other regional authorities have been removed?

Mr See Kee—Not to our knowledge.

Senator CARR—No explanation given as to why those arrangements have been made?

Mr See Kee—No.

Senator CARR—Have you been approached by any of the other regional authorities or groups replacing them about your experiences, given that you were able to survive this onslaught by the government?

Mr See Kee—No.

Senator CARR—You must have something to offer. It is a remarkable achievement.

Mr See Kee—Yes.

Senator CARR—To be the only one left standing.

Mr See Kee—We have not been approached by any of the other regions.

Senator CARR—Have you initiated any discussion with other regional groups yourselves?

Mr See Kee—No.

Senator CARR—At last year's budget estimates hearings, my colleague Senator O'Brien asked officers in the department about proposals by Mr Ruddock made in July 2003 for further changes within the TSRA. Have you been briefed on that?

Mr See Kee—Yes.

Senator CARR—What progress has been made about further changes to the TSRA.

Mr See Kee—Just recently, in April, the TSRA chairperson wrote to the steering committee that was established back in 2002 to develop an alternative model for consultation for the region. Essentially, at this point in time there has not been any progress made or a consensus view reached on a model for the region or how to get to that model.

Senator CARR—Is that fact that there has been no consensus—I take it that is at the local level.

Mr See Kee—Yes.

Senator CARR—Rather than between the Torres Strait region and Canberra?

Mr See Kee—Yes, at local level.

Senator CARR—Could I ask—

CHAIR—Is your question to the minister?

Senator CARR—Yes. What are the government's plans for further changes to the TSRA?

Senator Vanstone—Let me answer your question. You raised with the officer the question as to why it was the regional councils and not the TSRA. The TSRA is a separate authority. It is, I think, running very well. Quite apart from the geographic issue of the Torres Strait Islanders being separate from the mainland—although plenty are on the mainland; I understand that—there is the quite distinct nature of the community: they see themselves as being different. Every time I go there, someone will raise with me the issue: 'Why do you talk about Indigenous Australians? You should talk about Aboriginal and Torres Strait Islander Australians.' They see themselves as very different. We have said that one size does not fit all. We are looking at arrangements that suit particular areas. It happens that the arrangements in the Torres Strait suit us and suit the Torres Strait Islanders.

Senator CARR—What further changes are you proposing?

Senator Vanstone—I do not have any particular changes on my plate at this point.

Senator CARR—Are the proposals that Mr Ruddock advanced in July 2003 being advanced?

Senator Vanstone—I will have a look at what proposals you are referring to.

Senator CARR—I draw your attention to a reference on page 124 of *Hansard* of 27 May 2004. You will take that on notice, will you?

Senator Vanstone—Yes.

Senator CARR—Mr See Kee, in last year's budget estimates there was a question raised about dengue fever. There was an outbreak in the Torres Strait. I understand that 277 cases were identified and there was actually one death.

Mr See Kee—That is correct.

Senator CARR—Has the outbreak been brought under control?

Mr See Kee—The outbreak was brought under control last year, but there has been a further outbreak again this year. There are currently 67 cases of dengue in the Torres Strait, plus they identified another mosquito that can carry dengue. We have been working pretty closely with Queensland Health and a whole range of other agencies to bring a whole-of-government type approach to managing the dengue situation up there.

Senator CARR—Do the outbreaks occur only during the wet season?

Mr See Kee—That is correct.

Senator CARR—What action have you taken to control the problem?

Mr See Kee—Last year, we went about removing bulk waste—vehicles and stuff like that—from our communities. A lot of that has been followed through. This year we have assisted Queensland Health by allowing them to use some of our vehicles. Also, we have written to all the councils—all our clients—through our loan system and grants just notifying them of precautionary measures that they can take with monitoring dengue. And Queensland Health has reacted a lot more quickly this time in keeping the outbreak to a minimum.

Senator CARR—You have mentioned Queensland Health a number of times. What assistance are you getting from the Commonwealth authorities?

Mr See Kee—I am not too sure what other Commonwealth departments are putting in, but I know that Queensland Health has been coordinating a forum with all agencies in the region to assist with the management of dengue.

Senator CARR—I am surprised that you cannot identify assistance from the Commonwealth on this matter.

Mr See Kee—There is the assistance that we have given. The other departments I am aware of that would have been engaged may have been the Australian Quarantine and Inspection Service and the usual round of agencies that are consulted at the regional level. That would be Customs and maybe the department of foreign affairs. They would all sit around the table as well and see how they could participate and lend assistance.

Senator CARR—You would expect that, but has it happened?

Mr See Kee—As far as I am aware, it has.

Senator CARR—When did it occur?

Mr See Kee—They confirmed the current outbreak in about March this year.

Senator CARR—In March there was an identification of the problem. When was there a meeting of Commonwealth officials on the matter?

Mr See Kee—I will have to take that on notice.

Senator CARR—I thought you were saying before that you could not readily identify what the Commonwealth had done.

Mr See Kee—Yes. I could not tell you what specific agencies have done. All I can tell you is that there was a group formed to have a look at the issue. We have met separately with Queensland Health because of our arrangements with the health partnership. We essentially did not attend those other meetings.

Senator CARR—Who is coordinating the response to the dengue fever outbreak?

Mr See Kee—Queensland Health.

Senator CARR—Minister, are you intending to meet formally with TSRA about its future development?

Senator Vanstone—I will be going to the Torres Strait soon, and I will meet the TSRA if they want me to.

Senator CARR—You were not anticipating that?

Senator Vanstone—I would have to check my diary to see whether there was something specifically arranged.

Senator CARR—Mr See Kee, with regard to the infrastructure development program, can you indicate to us what progress has been made on the implementation of that program?

Mr See Kee—Yes. At this point in time we are going through the planning process or are in preparation for the implementation of stage 3 of that program. Stage 2 is about 85 per cent complete, and we are getting ready to go into the first year of implementation of stage 3.

Senator CARR—I am told that there was an incident last year in which the seawall at Saibai proved to be inadequate. Is the repair or improvement of that seawall part of the infrastructure program?

Mr See Kee—Initially, it was going to be included but it was decided that that would be a more appropriate project to be done under the Natural Heritage Trust 2 up there. There is another community as well, Boigu, which had the same seawall problems, but it would have cost an enormous amount of money to do the seawall on Saibai.

Senator CARR—That is not part of the program. Can you take me through the different stages of this infrastructure development program to remind me what they are?

Mr See Kee—In terms of planning?

Senator CARR—You said there were three stages. Can you explain to me what those stages are.

Mr See Kee—The first stage was essentially looking at upgrading the water supply within the Torres Strait region. From there we moved to looking at sewerage, drainage and subdivisions. The third stage is continuing on with that as there are still a number of communities to have their sewerage put in. We are addressing some of the water supply issues again this time.

Senator CARR—But the projects do not go to the issue of actually protecting the two islands from sea water.

Mr See Kee—That is correct. That is why, initially when NHT2 were not up there, they were considering putting it under this program to see if the works could be done, but when NHT2 came to the Torres Strait area, that is when it was deemed appropriate that it was more in line with coastal protection or coastal erosion under NHT2.

Senator CARR—Are there steps being taken to protect the communities from sea water?

Mr See Kee—They are preparing submissions for the NHT2 process for Saibai. For Boigu, there is some flood mitigation work happening. The difference between Boigu and Saibai is that the seawall at Boigu is essentially the only area that you need to protect because it is quite secure in the other parts. With regard to Saibai, you would have to put up a wall or go all the way around the community, so it will be a lot more expensive. There is some flood mitigation work happening on Boigu to address that problem, which should see them through, but Saibai is going to cost a substantial amount.

Senator CARR—A so-called ‘bund wall’ is being used as an alternative to a seawall—is that right?

Mr See Kee—Yes.

Senator CARR—What progress is being made on the construction of that?

Mr See Kee—I will have to take that on notice.

Senator CARR—When did the authority make the submission for additional funds to protect these two communities from flooding?

Mr See Kee—I will have to take that on notice but I am not aware that we have made any submission to anyone specifically for those walls.

Senator CARR—What is the projected cost of both of those infrastructure projects?

Mr See Kee—I will have to take that on notice.

Senator CARR—I understand there is also a bid being prepared for the Natural Heritage Trust for a waste strategy—is that right?

Mr See Kee—There was a waste management strategy put together under MIP2. Essentially there was going to be linkage there with NHT2. When that process starts to happen, we will have to see how that goes. At this point in time, there is some money set aside under MIP3 to go through with waste management education for the region and also to

possibly look at further feasibilities on how to implement such a strategy. It is quite a big strategy, when you look at the issues of waste management and the range of communities.

Senator CARR—How much money has been set aside for that education program?

Mr See Kee—Roughly about \$200,000.

Senator CARR—I would have thought that protecting the community, particularly the sewerage system from flooding, would be a pretty serious part of any waste strategy. I am surprised that there has not been a submission for funding, given that there is \$200,000 for education. How much money has been put aside for infrastructure work that would advance that cause?

Mr See Kee—In terms of waste management, we are looking at \$15 million to \$20 million as the approximate figure they have been throwing around for that type of thing to happen.

Senator CARR—Of course, given that is a very large sum of money and that the Commonwealth may not want to grant that amount at once, have there been any proposals or any discussions at all with Commonwealth officials about getting a staged development for those projects?

Mr See Kee—Not at this point.

Senator CARR—We were told that last year there was progress being made on the preparation of submissions for the Natural Heritage Trust 2 funding. That was a year ago. How much advancement have you made in a year?

Mr See Kee—The Natural Heritage Trust in the Torres Strait region was being administered by a company called Torres Strait Natural Resource Management Ltd. They were, at that point, being established. I think they had four or five priority projects that they were going to do. They operate quite separately from the TSRA. Until now, there has not been any opportunity really for us to put submissions in to NHT2 for it.

Senator CARR—I am sorry; I misunderstood you. You are saying there has been no opportunity to put submissions in, not that you did not want to put submissions in.

Mr See Kee—That is correct.

Senator CARR—Minister, how come there are no opportunities to put in submissions for major infrastructure works of these types?

Senator Vanstone—I will just get some advice on the details of this, Senator. If you want to continue with your questioning, I will come back to you.

Senator CARR—You could, particularly given the seriousness of the issues. There are a couple of newspaper articles I have here concerning what was reported to be tensions in the Torres Strait relating to the desire of some islands, particularly Horn Island, to establish their own councils rather than be administered by the Torres Shire Council. Is there a view that Horn Island should have its own council?

Mr See Kee—Amongst some of the factions of the Kaurareg tribe there is a view. But that is an issue that the Kaurareg people have been discussing directly with the Torres Shire Council.

Senator CARR—Can you explain to me what the differences in responsibilities are between you and the Torres Shire Council?

Mr See Kee—The Torres Shire Council basically administer the Horn Island, Thursday Island and Prince of Wales areas. They look after all the municipal stuff and services to all those communities, as opposed to the TSRA, who essentially provide grants to organisations across the board in the Torres Strait, through programs.

Senator CARR—Do you have some responsibility for waste management?

Mr See Kee—Not at the community level.

Senator CARR—You do not assist communities with waste management?

Mr See Kee—I will have to take that on notice. All I can say is that we have assisted with bulk removal of waste in terms of the dengue type stuff, but, like I have said, we are going to have to go through a process now of having a look at exactly what can be done up in the Torres Strait area in terms of the waste management in the mid to long term.

Senator CARR—When you are taking that on notice, could you explain to me where the boundaries are in terms of responsibilities? I have an article here from the *Torres News*, dated 12 April 2005. It quotes Mr Isaac Savage as saying that the Torres Strait Regional Authority supports the establishment of a Horn Island council to administer the island but the Torres Shire Council has rejected such a proposal. Is that how you understand the situation?

Mr See Kee—There was a meeting with Mr Savage in which the TSRA and Mr Savage's faction had a discussion about their aspirations and the sorts of things they wanted to do. All the TSRA said was essentially: 'Let us know exactly what you want to do and we will have a look at where we can go after that in terms of assisting you.' But there have been no public statements from the TSRA.

Senator CARR—I see. So that is just an opinion?

Mr See Kee—Yes.

Senator CARR—In preparing your waste management strategy, are you working with the Torres Shire Council in your representations to government, for instance?

Mr See Kee—Not in terms of representations to government, but at a local level we liaise with the Torres Shire Council quite regularly. They have offered to provide assistance as well and also any technical advice in terms of developing an overall implementation strategy for the region.

Senator CARR—Do you cooperate with the shire council on any other matters?

Mr See Kee—They have received some funds for the Horn Island sewerage project. As well as that, we have also gone in and jointly funded a sports facility for Horn Island. That was in the shire. We have provided some money to the shire over the last couple of years.

Senator CARR—I notice on your web site that there is a report of a meeting between the authority and the Cape York Boundary Interim Committee, which is of course made up of traditional owners from the region. What is the purpose of those discussions reported on 7 July last year?

Mr See Kee—I will have to take that on notice and follow that up for you.

Senator CARR—Given that the state government has a responsibility for local government matters in terms of division of powers, could you advise the committee as to what the position of the authority is in regard to the proposal for a Horn Island council?

Mr See Kee—Yes.

Senator CARR—I come back to the minister. Have you had an opportunity to establish why it is that there was no occasion for the submissions to be made on infrastructure development?

Senator Vanstone—I said I would come back to you on that. I think there are occasions, but I will get some further detail for you on how that can happen. This might be the opportunity to say that the government believes it enjoys a very positive relationship with the Torres Strait Regional Authority and will, of course, always be interested. I want to answer your question carefully. It is always the case, of course, that people can tell you what they want, but I think the question relates to appropriate timing to be able to deliver as opposed to appropriate timing to just have a conversation.

Senator CARR—Absolutely. And you go around the country and you hear from all sorts of people about their requests for infrastructure programs, but requests for infrastructure programs have to fit within the guidelines for broader government programs.

Senator Vanstone—Yes, that is right.

Senator CARR—It is appropriate, therefore, that the government make it known what programs are available and for which there can be applications for funding. I am surprised that the authority does not seem to be aware that there are these opportunities to tender for or to seek—

Senator Vanstone—I am getting some detail on that for you, as I said.

Senator CARR—Mr See Kee, thank you very much.

Senator CROSSIN—Before you go, Mr See Kee—

CHAIR—In fact, I might be the person who is indicating to Mr See Kee when the session is finished, but nevertheless—

Senator CARR—I have simply thanked him very much for his appearance here today. I have finished my questions. I was not commenting about anyone else.

Senator Vanstone—I do not often agree with Senator Carr, but since it is the officer's first appearance I thought a thankyou was quite courteous.

CHAIR—Yes, it was very kind of Senator Carr.

Senator Vanstone—It quite surprised me.

Senator CARR—Do not worry; I will not disappoint you later on.

Senator Vanstone—No, I am sure you will not.

Senator CROSSIN—Mr See Kee, we were talking about whether or not any other Indigenous groups or regions had contacted the TSRA about your status post ATSIC. Is it the

case that you are not aware that other groups have contacted the TSRA? Is that something you might need to take on notice for us? Certainly during the hearings of the Senate Select Committee on Indigenous Affairs a number of Indigenous groups told us they had made contact with TSRA and had asked for information on how the authority ran and the structure of the authority.

Mr See Kee—Certainly, I can take that on notice.

Senator CROSSIN—Can you take that on notice, please, and see if there have been any formal approaches? You may need to go back at least a year or so.

Mr See Kee—Yes.

Senator CROSSIN—It may be that you were not in the position to have actually received that correspondence, but I would be interested to know if there were any approaches.

Senator SCULLION—Mr See Kee, in the same way as my colleague, I was also on the select committee. My question is in response to some earlier questions from Senator Carr in regard to the particular difference that appears with the TSRA and other areas around Australia. I was only a very casual visitor to the Torres Strait area but while I was there I observed that there seemed to be a tremendous amount of local support for the TSRA. We were there for a committee and quite a lot of people turned up—there was quite a lot of interest. That obviously was not the case in other places in Australia that I went to. Could you perhaps give us your view, having lived in the area, as to whether there is broad community support for the TSRA? Do people feel a bit of ownership of it and know what they are doing?

Mr See Kee—Yes, there does appear to be broad support for the Torres Strait Regional Authority. I think the authority works well because of its linkages to the local governments in the area—that is, the council chairpersons. There is a direct connection there and awareness of a lot of the local issues. So that gets discussed at the regional level. Because of that arrangement, you have the authority being quite responsive to the needs in a lot of these communities, so we have a very good working relationship with them. Hence there is a fair bit of support there.

Senator SCULLION—I understand that the island's council is fairly closely associated with the TSRA.

Mr See Kee—Yes.

Senator SCULLION—Can you explain to us briefly the makeup of the island's council, who those people are and perhaps the differences between those people and the TSRA?

Mr See Kee—Once the island council chairpersons are elected, they go to the state umbrella body, which is the island coordinating council, established under the Community Services (Torres Strait) Act 1984. From there, the members of the island coordinating council are the members of the TSRA plus two additional members who are elected via ward elections. Essentially, apart from the two ward members, the board is made up of island council chairs.

Senator SCULLION—How do you communicate the sorts of issues that you are dealing with within the TSRA with the people who live in the Torres Strait and the region you are

responsible for? The reason I ask the question is that they always seem to be across a lot of the issues. How do you actually go about communicating with them what you do?

Mr See Kee—Once board meetings happen, especially with regional or maybe broader issues, the council chairs, to my understanding, go back to their communities. Obviously they have their community meetings where they table a lot of those issues and take questions. If there is anything to follow up, it normally goes back to one of the TSRA meetings.

Senator SCULLION—You said we are still holding elections. I have actually been in the Torres Strait in an earlier life when there have been elections. There seems to be quite a bit of fanfare. Everybody seems to turn out. You might be able to take this on notice: what percentage turn-up do you get from the voting base for the TSRA?

Mr See Kee—For the TSRA ward elections or the council elections?

Senator SCULLION—For the council elections.

Mr See Kee—Council elections are compulsory under the community services and, I suppose, the Queensland legislation. The TSRA elections are not compulsory but I can get those figures for you.

Senator SCULLION—Thank you very much.

CHAIR—Mr See Kee, thank you very much. We are grateful and we are again very sorry about the significant disruption to your timetable.

[9.46 am]

Office of Indigenous Policy Coordination

CHAIR—We move to outcome 3, the Office of Indigenous Policy Coordination.

Senator CARR—I will take this opportunity to acknowledge that yesterday was the National Day of Healing. I would like to put on the record the Labor Party's congratulations to the National Sorry Day Committee and the many various other community groups that have organised the activities for the day. Minister, could you help the committee by telling us what the government has done on improving reconciliation?

Senator Vanstone—I am sorry; I was having a discussion with the secretary. Did you direct your question to me, Senator Carr?

Senator CARR—I did.

Senator Vanstone—Would you mind repeating it? I am sorry.

Senator CARR—Given that yesterday was the National Day of Healing, what leadership action has the government taken on reconciliation?

Senator Vanstone—Thank you for the opportunity. Yesterday was the first National Day of Healing. I met with people who handle that committee. I very warmly endorse their change of name. I think it is a very good indication of where we need to be going. He indicated to me—I will come back to the gentleman's name—that the committee had put quite a lot of work or thought into that change. The government very warmly welcomes it.

It was my view and the view of a number of other ministers that calling it National Sorry Day, while well intentioned on the part of most people involved, was an opportunity to look

back, and what we want everyone to do is to look forward and to look to what can be done under the reconciliation umbrella. You will have noticed that in the last budget we gave a very significant injection to Reconciliation Australia, which is in a sense independent of the government—I think that is important—but they did need funding and we have attended to that. I welcome their press release or letter, I think, welcoming the money, which is to be expected.

That is in a sense what other people are doing. The government, by way of showing leadership, is—to my understanding, for the first time since Federation—doing a number of things. First and foremost in my own mind, it is giving individual communities a voice, actually asking people in the communities what they want. This is a tremendous change from listening to a range of representatives. It is going directly to the people and saying, in effect: ‘You have got views that are of value. We want to hear them. You have got a role to play in your own future. You are not without that capacity, and we are treating you as though you have both a role to play and a capacity to influence your future, as well as a contribution to make and a voice that deserves to be heard.’ I feel very strongly that that is a critical part of what we need to do in the future. Over and above that, of course, you will have seen the budget provided some half a billion dollars of additional money—though I saw your press release, Senator, being critical of that.

Senator CARR—It certainly was, because you misled the public again, didn’t you? You misled the public again—another propaganda effort by this government.

Senator Vanstone—With respect, Senator—

Senator CARR—Your spin doctors at work.

Senator Vanstone—Madam Chair, I do not mind: we can have an estimates committee, as we sometimes do and have had in the past over the last 9½ years of government, where we listen to Senator Carr listening to himself, or he can ask a question and get an answer. I do not mind which, but it is not going to be a combination of the two.

CHAIR—We have been through this before this week, Minister.

Senator Vanstone—I do understand; it is a difficult task, Madam Chair. I understand what it is like to take on difficult tasks, but so it is a difficult task chairing a committee.

CHAIR—I do not find the task difficult at all, Minister.

Senator Vanstone—I am turning to you for guidance in this respect, as to whether you expect the committee to be conducted in a fashion where a question is asked and the answerer is given time to answer it.

CHAIR—I expect members of the committee to use the time constructively and positively and I do not encourage the committee to be used for exchanges that combine yelling and non-productive behaviour from any side of the table. I am nevertheless in the hands of the committee. So I encourage the senators and the minister and officers to use the time constructively, as has been the case overwhelmingly over the last few days, and we will see how we go. Senator Carr, do you have a question?

Senator CARR—I do, and I would ask—

Senator Vanstone—If I may, I was seeking to get an instruction and then I would be able to answer my question, but since I did not get that I would ask if I can continue to answer the question that I was asked.

CHAIR—I am sorry, Minister; I thought you had completed your answer. If not, please do.

Senator Vanstone—Thank you. Senator Carr, the point at which you chose to interrupt me was the point at which I indicated that—

Senator CARR—Which you provocatively—

CHAIR—Senator Carr!

Senator Vanstone—I had seen your press release and I understood your view, but the plain facts are that around half a billion dollars is money that, but for decisions made by this government—active decisions taken—would not have been spent. There is new money there and there is money for programs that were otherwise going to end that the government decided, having made an active decision, to continue. You will have seen in the budget, Senator, that there is a very significant increase in funding for health because the government has decided on some priorities for communities and obviously health in the communities is critical. You would have seen a wide range of other initiatives—I am happy to get a copy of the press releases and go through them, but I am sure you have got the budget kit—that I presume you would welcome.

These initiatives have come to the budget for the first time in a coordinated budget across all portfolios with an interest in this area. My understanding is that, since Federation, that has never happened before. Never before has an Australian government sat down with all ministers and officials involved and worked out collectively a coordinated, targeted Indigenous affairs budget submission. That also highlights that the funding I am referring to has come about because of the changes we have made.

Despite the criticism of some—Senator Carr may be amongst those who have offered a criticism of our changes and, in particular, of our putting into mainstream departments some of the remaining matters that ATSIC had to deal with, and we know that some were already there—that things would fall apart, that this was a way of cutting Indigenous affairs and there would not be any interest, quite the opposite has happened. Why has it happened? It has happened because mainstream ministers and mainstream departments have had the problems put front-up on their agenda. They have sat down together and recognised the problem, so some of that money comes from mainstream departments that have diverted money into Indigenous affairs.

So what has happened is quite the opposite of the view that was put and bandied around, which was that this money would disappear into the bowels of mainstream departments. That, I think, is indicative of changes we can expect to see because we now have a genuine whole-of-government focus, with every interested minister focusing on this. When we can deliver more than we have thus far in terms of health, education and economic opportunities for Indigenous Australians to share in the economic and social wealth of Australia and that practical reconciliation work is finished, we will have done our job.

Senator CARR—Minister, the amount of money you have given Reconciliation Australia is \$15 million—is that right?

Senator Vanstone—I think that is about right, yes.

Senator CARR—Was that money from ATSIC?

Senator Vanstone—That is new money.

Senator CARR—So it is money that was transferred from ATSIC.

Senator Vanstone—You just asked the question and were given an answer. I will get Mr Gibbons to give you point-by-point detail, in case you do not understand what ‘no’ means.

Mr Gibbons—The 2004-05 budget provided \$15 million for Reconciliation Australia. That was not offset by a cut in the funds for ATSIC-ATSI.

Senator CARR—That was with the abolition of ATSIC, wasn’t it? It was a transfer of funds that were to have been spent on the administration of ATSIC.

Mr Gibbons—No.

Senator CARR—What do you expect from the spending of that money? Is there a deed of agreement?

Mr GIBBONS—I presume that the money was appropriated by the parliament to Reconciliation Australia, which is an independent office.

Senator CARR—Are there any conditions on the spending of that money?

Mr Gibbons—I am not aware of any conditions.

Senator CARR—Are there any requirements for acquittal?

Mr Gibbons—With respect, I think that question would have to be put to another agency—I think the Department of the Prime Minister and Cabinet.

Senator CARR—This is a pattern I am finding now right across the budget process. There was a time when I could ask a question of officers who were responsible for Aboriginal affairs, but now I am told to go around to various committees to ask any question that might be difficult.

Mr Gibbons—Again with respect, I think the situation with Reconciliation Australia was undisturbed by the new arrangements in Indigenous affairs.

Senator CROSSIN—Does the national healing day committee—if that is its new name—receive any funds from the federal government?

Mr Gibbons—I am not aware that they do, but we will confirm that for you.

Mr Yates—I understand that there is a deed of grant that exists with Reconciliation Australia which outlines the purposes for that funding. It is essentially directed towards advancing reconciliation but it does go to some further detail. I can provide that to you.

Senator CARR—Thank you very much. I am interested in the claim that the government makes that we are wrong in identifying the amount of new money that is being provided in this budget. If we go through the budget statement in the budget kit and I go through every asterisk that is on the budget summary, where it says ‘extensions of lapsed program

resources'—it is not new money but the extension of existing programs, which is the normal budgetary convention—and I look at the amounts of money that have been appropriated in previous budgets and are concluded in the forward estimates, is it not then reasonable to conclude that the amount of money for the extension of programs was in fact \$123 million? Is that not a reasonable conclusion to draw based on the government's own statements in the budget summaries?

Mr Yates—We understand that this issue has come up in a number of the Senate estimates hearings and we thought we would assist the committee by providing a short information note that seeks to reconcile, if you like, the differences in the presentations in the various documents that I think you are likely to allude to, namely Budget Paper No. 2—

Senator CARR—That is right.

Mr Yates—which is essentially a treatment of the impact on the fiscal balance. The budget kit seeks to outline what the impact of the overall budget is going to be on communities, and I think someone has also raised the numbers that were captured in the summary picture in the note to staff from the secretary's group. We thought we would assist the committee by passing up any information which we could go through in detail.

Senator CARR—Thank you. That is the basis of my press release. Mr Gibbons, did any of your officers draft the minister's vIPS12/05 press release dated 13 May?

Mr Yates—I understand that media release was drafted in the minister's office, but we assisted with some of the figuring.

Senator CARR—Can I have a look at the note that you are sending up?

Mr Yates—Sure.

Senator CARR—It quite clearly contrasts with what I regard to be Budget Paper No. 2 and the budget kit. I am struck by the dishonesty of the way in which you have presented these figures, Minister.

Senator Vanstone—With respect, Madam Chair, I cannot tolerate that. That is not appropriate. It is well understood that officers are rightly expected—and I agree with that—to treat senators with appropriate respect. That is not a license—never has been and never will be—for senators to make remarks that would not be tolerated in the chamber. The Senate committees are, in fact, the Senate sitting in committee and it is not acceptable for Senator Carr to refer to figures being dishonestly presented. That conveys a deliberate intent. A mistake is one thing, because everyone can say, 'Haven't you made a mistake here?' It is not an indication of intent. But the accusation of dishonesty is a direct reference to a deliberate intent to mislead and it should be withdrawn.

CHAIR—Thank you, Minister. Senator Carr, I—

Senator CARR—Hang on a minute. I have said that the minister has—

CHAIR—Senator Carr—

Senator CARR—I am speaking to the point of order.

CHAIR—I was not aware there was a point of order.

Senator CARR—What was that, then?

CHAIR—If you had actually been listening, I was in the process of responding to the minister. If you wish to intervene on that, please go ahead.

Senator CARR—My question went to the minister's dishonest presentation of these figures.

CHAIR—That is not what you said.

Senator CARR—That is exactly what I said: the minister's dishonest presentation of these figures.

CHAIR—The inference that you made in relation to the officers should be withdrawn.

Senator CARR—I have made no inferences to the officers.

CHAIR—Yes, you did.

Senator CARR—I did not make any inferences to the officers. I asked the officers: did they assist in the preparation of the press release? I then spoke of the minister's dishonesty in the presentation of these figures.

CHAIR—That is not what I heard nor what I understood.

Senator CARR—You were not listening, Madam Chair.

Senator Vanstone—With respect, Madam Chair, I am happy to let it rest, because the *Hansard* record will show it. I will make sure that I get the tape, because I have had an experience where a Labor senator assures me he did not ask for the record to be changed, but the record was changed by *Hansard*—and I will never forget that. The record was not changed with respect to what the Labor senator said. Somehow, inexplicably, *Hansard* was once changed to take out something I said when I was the speaker. So I understand the difficult position you are in, Madam Chair. I am not going to push this, because the record will reveal what Senator Carr said. We will accept, for the moment, his assurance that he did not refer to officers. My hearing was the same as yours. Then I move on to a further point: in the chamber he would not be permitted to refer to another senator—minister or otherwise—as having a dishonest intent. So he has not saved himself at all. There is not one millimetre of saving there.

CHAIR—Mr Yates, are you intending the document you have provided to be a tabled document?

Mr Yates—Yes, Chair.

CHAIR—Fine. Then we will receive that as a tabled document. Thank you.

Senator CARR—Could I have a look at it? I take it, Mr Gibbons, that you are confirming that Budget Paper No. 2 states that the impact on the fiscal balance is \$308 million, capital \$3.2 million, total of \$311 million.

Mr Yates—That is correct.

Senator CARR—If I can ask you then: in regard to additional matters, the \$55.4 million was extended funding for the continuation of lapsed funding. Is that the case?

Mr Yates—With regard to 2005-06?

Senator CARR—With regard to the forward estimates period, isn't it? It is actually higher than that.

Mr Yates—It is actually spelt out on the information note there. It says, 'plus extended resourcing for lapsing measures.' It is \$193.7 million over the four years that has been continued as a result of the government decision in the budget not to redirect those resources anywhere else but to extend those programs.

Senator CARR—I do not think that is a satisfactory presentation of the paper. Is that standard, conventional presentation of budget information?

Mr Yates—The budget kit makes very clear where the money is new money and which money arises from the extension of lapsing programs.

Senator CARR—Exactly. So we do not have a figure of \$500 million in new money.

Mr Yates—The budget kit does not present those funds as \$545 million worth of new money.

Senator CARR—That is right. But what does the minister's press release present?

Mr Yates—The minister's press release, as I recall, refers to an additional \$545 million in new and extended funding.

Senator CARR—I see. So the debate here is about how much is new and how much is extended.

Mr Yates—It is not a debate. We can break it up for you and demonstrate it.

Senator CARR—Thank you very much. We will come to the details of the specific measures. Fact sheet No. 16 does actually talk about the additional funding. How much additional funding is there, according to fact sheet No. 16?

Mr Yates—That is one of the main areas of extension of a lapsing program. That relates to the native title system.

Senator CARR—That is right. It is additional money, is it?

Mr Yates—The fact sheet explicitly talks about extension of funding.

Senator CARR—We will go to specifics later. We compare additional funding by the forward estimates. That is the conventional wisdom I have come to understand in this place in the years I have been here. That is the manner which other departments have used for the presentation of their material.

Mr Yates—Forward estimates do contain figures and they are estimates provided that that funding continues. For example, ATSIC had forward estimates built in but obviously it was not continued for the purposes of the operations of ATSIC.

Senator CARR—The National Indigenous Council met on 9 December 2004. Is that correct, Mr Gibbons?

Mr Gibbons—I think that is correct.

Senator CARR—And on 17 and 18 February?

Mr Gibbons—Yes.

Senator CARR—When is the next meeting?

Mr Gibbons—Next month.

Senator CARR—Do you know when?

Mr Gibbons—I think it is scheduled for 15 and 16 June.

Senator CARR—Have all members of the council attended both meetings so far?

Senator Vanstone—No.

Mr Gibbons—No.

Senator CARR—How many have missed meetings?

Mr Gibbons—I think at the second meeting there were two people who were not able to attend. One I know was ill. And one was unable to make the first meeting, as I recall.

Senator CARR—Does NIC funding come under 3.12, policy development and innovation, on page 90 of the PBS?

Mr Yates—I would have to take that on notice to identify where the support to that function exists. I can get a quick answer for you this morning.

Senator CARR—Thank you. Does it fit within policy development and innovation?

Mr Yates—I said I would take it on notice and get back to you this morning. It is a relatively minor amount of money which essentially covers costs.

Senator CARR—Perhaps you could help me. What section of the department provides secretarial support?

Mr Yates—The policy and secretariat branch has the primary administrative support role to the NIC, and there will be other parts of the department drawn on for assistance if required.

Senator CARR—How many full-time staff or equivalent full-time staff are allocated to supporting the NIC?

Mr Yates—That function is performed really on a part-time basis by perhaps three people. I will get the details for you on that.

Senator CARR—What are the levels the persons involved are at? What is their classification?

Mr Yates—A reasonable amount of the time of an SES band 1, an executive level 2 and some support staff, perhaps an APS 5, would be involved in a reasonably extensive way in supporting the council. That, as I say, is part of a broader role that branch performs.

Senator CARR—On the deliberations of the NIC, where would I be able to find a record of decisions?

Mr Yates—The council releases a media release at the end of each of its meetings, to that purpose.

Senator CARR—Is that the only available public record of the meetings?

Mr Yates—Yes.

Senator CARR—How are the decisions and discussions of the NIC meetings actually fed back into the ministerial task force?

Mr Yates—The council does a number of things. It reports the outcomes of its deliberations to the minister and it meets at least twice a year with the ministerial task force. Its next meeting will include a joint meeting with the ministerial task force.

Senator CARR—What about the secretaries group? What is the method of communication between the NIC and the secretaries group?

Mr Yates—There are a couple of mechanisms for that. The secretaries attended the initial meeting of the council and outlined the involvement of their portfolios in the new Indigenous affairs arrangements. They will be drawn on where particular topics are being dealt with by the council that may require secretary involvement. We have a standing arrangement whereby the secretaries attend the second day of the meetings of the council, around lunch. The secretaries group has made itself available to the council as and when required, either individually or as a group. Obviously, the secretaries also participate in the joint meetings that occur between the council and the ministerial task force.

Senator CARR—Apart from each meeting, how are the deliberations of the NIC actually fed into the broader policy development process?

Senator Vanstone—There may be something to add to this. When they have a meeting, people do not just go into the room and stand there with their eyes covered, their ears blocked and their mouths shut. There is obviously exchange and interchange. There are minutes in relation to these things, but far more important than that is the interchange. Those messages might sometimes be from individual NIC members—sometimes an individual might say something that has a particular impact on one portfolio and the message is taken away. Then, in addition to that, there would be occasions when there might be a group of people putting a proposition or the NIC as a whole might express a view. What the NIC chooses to say publicly is obviously fed through a press release, if it puts one out, at the end of the meeting.

Senator CARR—Are minutes kept of the meetings?

Mr Gibbons—Yes.

Senator CARR—Who has access to these minutes?

Mr Yates—Aside from departmental staff, the minutes are provided to the minister. The joint meetings between the council and the ministerial task force are captured in the minutes of the ministerial task force, which are provided to all members of the ministerial task force.

Senator CARR—I take it that NIC members themselves would have access to their own minutes, wouldn't they?

Mr Yates—Certainly.

Senator CARR—What about agenda papers? Who gets access to agenda papers?

Mr Yates—Members of the council have the ownership of their own papers.

Senator CARR—Officers of the department?

Mr Yates—Yes, relevant officers of the department who participate in the meetings of the council.

Senator CARR—Who prepares the agenda?

Mr Yates—The chair is responsible for settling the agenda, in consultation with members of the council.

Senator CARR—And officers of the department?

Mr Yates—Officers of the department assist the council in the development of its agenda.

Senator CARR—And the minister, presumably?

Mr Yates—If the minister wishes to raise matters with the council it is open to her to do so, but it is a matter for the chair.

Senator CARR—Would the ministerial office be involved in the agenda process and the establishment of the agenda?

Mr Yates—No, Senator, not particularly.

Senator CARR—When there is a particular paper or a specific agenda item, what role does the OIPC take in its preparation?

Mr Yates—It depends on the item. If the council, for example, seeks, as it has, a background paper on the different portfolios that are involved in Indigenous affairs and their programs, we would collate that factual information in consultation with the other agencies.

Senator CARR—Right. So you provide a research service for members of the council.

Mr Yates—The secretariat arranges assistance in that regard, yes.

Senator CARR—If there were a paper that was to be in the name of a council member, what role would you play in the preparation of such a paper?

Mr Yates—It would depend on the assistance sought by the member.

Senator CARR—But it is entirely a matter for the member.

Mr Yates—Certainly.

Senator CARR—It is just that there is one paper that managed to leak from the council. There are in fact two versions of a paper on land and economic development, which went to meeting on 17 and 18 February of this year. Are you aware of those papers?

Mr Yates—I am not aware of what papers you have.

Senator CARR—There is one that was entitled ‘Draft option paper on Indigenous land usage’ and another paper which was, presumably, the precursor of that paper entitled ‘Privatising Indigenous land’. Can you confirm that an original paper was prepared entitled ‘Privatising Indigenous land’?

Mr Yates—I am not sure that it is appropriate to be talking about the background documents that are prepared for the council.

Senator CARR—Why isn’t it?

Mr Yates—Because they are matters of the council.

Senator CARR—But they are prepared by departmental officers.

Mr Gibbons—Senator, I do not think it is appropriate that we comment on the policy advice that the NIC intends to provide or has provided to the government or the advice or assistance we provide the government or the council in that context.

Senator CARR—Mr Gibbons, this is not advice to the government; this is advice to a body that the government says is independent.

Senator Vanstone—But it gives advice to the government. That is the point that Mr Gibbons just made to you.

Senator CARR—So it is advice to the government?

Senator Vanstone—The government seeks its advice, yes.

Senator CARR—Can you advise the committee, Mr Gibbons, if any of your officers assisted in the preparation of the document entitled ‘Privatising Indigenous land’?

Mr Gibbons—I do not believe it is appropriate to comment on the nature of the assistance or advice that we provide the NIC insofar as it is involved in providing advice to the government.

Senator CARR—So you are not able to confirm or deny whether or not a senior executive officer in your office prepared that paper?

Senator Vanstone—With respect, Madam Chairman, we have the same thing happening here as we had yesterday. Yesterday it was the case that it was taken on notice and the inference was made by the senator asking the question—

CHAIR—I recall the event.

Senator Vanstone—that the officer was unwilling to answer or incapable of answering. That is the same thing that has been happened here. A question has been answered. Mr Gibbons, who is a very experienced public servant, has given what I think is the appropriate answer and Senator Carr says, ‘You are unable to tell us whether this happened.’ It is not that Mr Gibbons does not know, which is the inference that is being created here; it is that he has given his answer.

Senator CARR—There was no inference at all, Madam Chair. I asked a direct question: did a senior officer in Mr Gibbons’s office prepare a paper entitled ‘Privatising Indigenous land’?

CHAIR—I heard your question, Senator Carr. Mr Gibbons and Mr Yates have both contributed to an answer that is, as I understand it, the answer that is to be given. And we should move on.

Senator CARR—The problem is that the approach that has been taken by Mr Gibbons, in denying this basic information to the committee, is not the approach that has been taken in other areas of the Senate estimates this week. On Monday, Mr Iain Anderson, First Assistant Secretary, Legal Services and Native Title Division of the Attorney-General’s Department said that he had some input into the thinking that went into the paper. He stated that he had spoken to Mr Mundine and had had some other email discussion with Mr Gibbons’s office when the paper was being prepared. I asked Mr Gibbons if that information was correct.

Mr Gibbons—With respect, I must say that this is going to issues of the development of policy advice that goes to government. The National Indigenous Council is an advisory body that is integrated into the policy development process in Indigenous affairs. I do not believe that it is appropriate that officials comment on the policy advice that is given in that process.

Senator CARR—The problem here is that there is a highly contentious document presented, entitled *Privatizing Indigenous land*, prepared by your officers, obviously in communication with a number of other officers in other departments, confirmed by those officers, and you find it not a province you wish to discuss at this committee.

Mr Gibbons—With respect, I have not heard or seen any record of anyone confirming that a document was prepared by OIPC. There was a document prepared for consideration by that council by a member of the council who has publicly acknowledged ownership of that document.

Senator CARR—But it was written by your officers.

CHAIR—Mr Gibbons has answered your questions before, Senator Carr. He has given you the information he is able to give you.

Senator CARR—Mr Gibbons, can you indicate whether discussions with Mr Anderson from the Legal Services and Native Title Division were initiated by OIPC.

Mr Gibbons—Sorry, I do not quite follow the question.

Senator CARR—The question is: who initiated the discussions with the Attorney-General's Department, in particular the first assistant secretary, in regard to the matters canvassed in the paper concerning native title?

Mr Gibbons—The National Indigenous Council has been set up to advise the government. The government provides support; the government encourages it to engage with ministers, with secretaries and, as appropriate, subject to the agreement of those secretaries, with officials on a range of matters. That has occurred already and is continuing. But I stress again that it is part of the policy advisory process and I do not believe that it is appropriate to comment on the specifics of that.

Senator CARR—This goes to the question of the role of the OIPC acting as secretary to the NIC. This is a declared position that you undertake. It concerns the expenditure of public money. I would like to know how that can possibly be outside the purview of the Senate estimates committee.

Senator Vanstone—With respect, Madam Chairman, I appreciate that there might be different views here. There often are, and the world would be a terribly boring place if we all thought the same way. Senator Carr clearly has one view; he has made that view clear. The officer to whom he is putting the questions has a different view, and he has made that view clear. No further light is going to be shed on this by badgering.

CHAIR—I have asked Senator Carr to move on.

Senator Vanstone—However politely questions are asked, by them being asked repeatedly and repeatedly it amounts to badgering.

Senator CARR—Have you as the department provided advice to the minister on the issue of the land rights paper?

Mr Gibbons—Again, we do not comment on the advice we provide to the minister. There are public comments that I can refer to in policy questions, but I cannot comment.

Senator CARR—On what date did you provide advice to the minister on the paper originally entitled *Privatizing Indigenous land*?

Mr Gibbons—To my understanding, the National Indigenous Council has decided that it wants to examine this area and has not concluded its consideration of the issues and has not formally provided advice to the government. The minister has been apprised of that situation.

Senator CARR—So on what date did you provide advice on that situation?

Senator Vanstone—Madam Chairman, really.

CHAIR—Minister.

Senator Vanstone—I am sorry, but this has been answered in the sense of ‘It is not appropriate to comment.’ Now we are dissecting the question into various component parts. As you well know, the whole can be more than the sum of the parts. Still, by going to the parts, you are nonetheless repeating the question.

CHAIR—I understand that, Minister. I understand the point you are making. Senator Carr is entitled to ask the questions, and Mr Gibbons can indicate that he is not in a position to answer them, as he has for the initial question. I understand—

Senator Vanstone—Or the reworded version thereof.

CHAIR—Or the reworded version thereof.

Senator CARR—I have asked: what date did you provide that advice on?

Mr Gibbons—At the conclusion of the meeting in question—of the National Indigenous Council—the minister or the minister’s office was apprised of the outcomes of the day.

Senator CARR—That is 18 February?

Mr Gibbons—I think that was the meeting at which this matter was discussed, yes, but I stress that the National Indigenous Council did not come to a position on this matter. It still has consideration on its agenda.

Senator CARR—So the matter is on the agenda for the next meeting, is it?

Mr Gibbons—To my knowledge, I think it is the intention of the committee to continue its examination of this issue. I am not quite sure yet whether the agenda has been finalised, but I would not be at all surprised if it was on the agenda for the next meeting.

Senator CARR—I am surprised by this line of discussion, because, on the one hand, you cannot tell me what you do, but now you can tell me what the outcome of the discussion was.

Mr Gibbons—I am telling you that there has been no outcome from the committee’s consideration of the matter to this point.

Senator CARR—Can you confirm that a senior officer of the OIPC was suspended a couple of weeks ago?

Mr Gibbons—I can confirm that an officer was suspended, yes.

Senator CARR—You are disputing the word ‘senior’, are you?

Mr Gibbons—I would not characterise the officer as a senior officer.

Senator CARR—What was the classification of the officer suspended?

Mr Gibbons—I understand that it was executive level 1.

Senator CARR—That is not senior?

Mr Gibbons—Well—

Senator CARR—EL1 is no longer regarded as senior?

Mr Gibbons—It is the lowest level of the senior ranks.

Senator CARR—So ‘senior’ is not an inappropriate description?

Mr Farmer—During earlier hearings in the Senate this week, we referred to an officer at that level as a middle-ranking officer.

Senator CARR—An EL1 officer has been suspended from your office. Are you able to indicate to the committee why that officer has been suspended?

Mr Gibbons—There is not much I can say, because there is a process in hand, and I do not want, through any comment, to prejudice that process. It was necessary to take the action we did on the basis of the material before us. We have referred the matter to the Australian Federal Police, who have taken on board the reference and are, to my knowledge, proceeding with inquiries.

Senator CARR—It is a reference for an unauthorised disclosure?

Mr Gibbons—It would appear to have been an unauthorised disclosure, but—

Senator CARR—That is the basis of the reference, surely.

Mr Gibbons—That is the basis of the reference, but—

Senator CARR—You are not accusing them of any other misconduct are you?

Mr Gibbons—It remains to be investigated and the facts established.

Senator CARR—Has the officer been accused of any misconduct other than unauthorised disclosure?

Mr Gibbons—I think we are trespassing into issues of privacy here. All I should say, I think, is that an officer has been suspended, a reference has been made to the Australian Federal Police and they are investigating the matter.

Senator CARR—Has the officer been suspended on full pay?

Mr Gibbons—Yes.

Senator CARR—Was the officer escorted from Lovett Towers by departmental officials?

Mr Gibbons—I recall that the officer was interviewed, informed of the decision of suspension and accompanied from the building, which would be the routine procedure in a circumstance like this.

Senator CARR—Were the officers that accompanied the suspended officer from your office?

Mr Gibbons—From the Office of Indigenous Policy Coordination, yes.

Senator CARR—Can you confirm that the suspended officer's personal property was searched before she was escorted from the building?

Mr Gibbons—I am not aware of that, but certainly the property of the office—that is, the records of the office, the electronic systems of the office—were examined.

Senator CARR—But not her personal property?

CHAIR—Mr Gibbons said he was not aware of that.

Mr Gibbons—I am not aware.

Senator CARR—I could ask if any of your other officers are aware of the circumstances surrounding suspension of this officer.

Mr Watson—I can confirm Mr Gibbons's answer that, to our knowledge—and it was one of our internal staff who accompanied the officer from the building—there was no search of her personal possessions.

Senator CARR—What was the level of the officer who conducted the investigation into this alleged unauthorised disclosure?

Mr Watson—The initial investigation was conducted by our internal investigations unit. There was a view drawn as to the nature of the issues involved. I took the decision and signed the letter of suspension.

Senator CARR—On what date was the matter referred to the AFP?

Mr Watson—I do not have that with me.

CHAIR—Would you take that on notice, Mr Watson.

Mr Watson—Yes.

CHAIR—Thank you.

Senator CARR—Are you responsible for the internal investigations section?

Mr Watson—I am.

Senator CARR—Could you advise the committee on the policy of the OIPC in regard to investigating unauthorised disclosures or leaks more generally?

Mr Watson—OIPC as such does not have a policy. The policy is set by the parent department, the department of immigration, and we follow the guidelines set by the department, which are reasonably consistent across the Commonwealth in terms of potential breaches of the code of conduct. Where those breaches go to likely criminal offences, we would refer such matters to the Australian Federal Police.

Senator CARR—How long would it take you to confirm for me the date on which the AFP had this matter referred to them?

Mr Watson—I do not think that would take long.

Senator CARR—Could it be done today?

Mr Watson—I would say so.

Mr Gibbons—I think it was the day of suspension, as I recall, or the day after. It was very close to that time.

Senator CARR—What was the date of the suspension?

Mr Gibbons—I do not have that with me.

Senator CARR—Do you have that, Mr Watson?

Mr Watson—The officer was suspended from duty on 5 May.

Senator CARR—You will come back to me on the date the AFP were advised. How many leak inquiries do you have at the moment?

Mr Gibbons—I understand Commissioner Keely provided some advice in another place, which showed that OIPC or DIMIA, in respect of Indigenous related matters, currently has three matters in train. I think the figures he provided were compiled before this most recent referral, which would make four.

Senator CARR—Are you able to tell me what the four are?

Mr Gibbons—I think two had their origins in ATSIIC-ATSIIS and one arose in the course of the last year in OIPC, but I do not have the exact details in my head.

Senator CARR—And the fourth one would be this matter.

Mr Gibbons—That is correct.

Senator CARR—So this is the privatisation paper.

Mr Gibbons—I am not able to confirm that it is a particular paper. I can say that it relates to more than one document.

Mr Watson—If I may just correct the record, I have just been reminded that in terms of the letter of suspension I in fact did not sign the letter. That was signed by the appropriate delegate in the department of immigration but I handed the letter over and formally suspended the officer.

Senator CARR—So who has the appropriate delegation for suspensions?

Mr Watson—The delegation rests, in this case, with the assistant secretary to the people management branch in DIMIA. That may not be the correct title.

Senator CARR—Who is that?

Mr Watson—That is Christine McPaul.

Senator CARR—I understand that the commissioner has made some comments on this. Also, with regard to the Remembrance Day raid on the *National Indigenous Times*, the Prime Minister's department has advised an estimates committee that they regard this matter as now being concluded. You would be aware of that evidence given on Monday, 23 May, would you not, Mr Gibbons?

Mr Gibbons—I have not picked that point up, no, but I am not disputing that.

Senator CARR—I have a copy of the transcript here if you dispute it.

Mr Gibbons—If that is the case then one of the items that I have referred to would also be concluded because one of the items that we referred was also a matter referred by the Department of the Prime Minister and Cabinet.

Senator CARR—I asked a question with regard to the *National Indigenous Times*:

Has that matter been resolved yet?

The answer was:

The investigation is considered to be concluded. We are still waiting for some formal notification from the AFP.

I asked again:

It has been concluded?

The answer from Ms Croke was:

It has been concluded.

While they may be waiting for formal notification of that matter, there has been this statement from the Prime Minister's department. Is it your policy to investigate all leaks out of your office or just some of them?

Mr Gibbons—Where the available information suggests that the leak could have come from our office, it is our practice to investigate. You will appreciate that in some situations, information that is in our possession that is also available from many other sources may get into the public domain. One has to make a judgment whether there was any likelihood that it came from our organisation before making such a referral. In other situations we can be fairly confident that it could have only come from our organisation. In those situations, it is almost always the case that we would investigate.

Senator CARR—I see. So in your predecessor roles through ATSISS was that also the policy?

Mr Gibbons—Generally, Senator. It is a question of: is there an evidence trail? There are a number of factors that have to be taken into account. Generally we can err on the side of caution and refer matters to the appropriate authority and leave it to them to decide whether it should be proceeded with.

Senator CARR—As you are no doubt aware, I have raised the inconsistency in the approach that has been taken about release of cabinet documents. Not all cabinet leaks appear to be investigated. How do you respond to my charge that the same inconsistency has also applied to your office in the past? In ATSISS, for instance, there was a series of information released publicly about the fraud investigations into the deputy chair, Ray Robinson. Were they ever investigated?

Mr Gibbons—I am not quite certain I can recall the matter you are referring to. In the ATSISS context, a lot of information was discussed around the board table in camera, in confidence, which found its way into the public domain. It was difficult in that situation to be confident that the source of the information was officials within the organisation.

Senator CARR—I concur that it is unusual to identify the source of most leaks, given the AFP leak squad's success rate in identifying sources over the last decade. But where your minister was directly taped undertaking an unauthorised disclosure of the fraud awareness unit—where he is briefing a journalist and that is taped—surely that would fit into the category of clear lines of—

CHAIR—Senator Carr, I did not hear the beginning of that statement, but I wonder if you are going down the road of hypotheticals—

Senator CARR—No, it is not hypothetical. I will be very precise about it.

CHAIR—Okay. Could you repeat it then, because I did not hear the beginning of it.

Senator CARR—Yes, I will repeat it. There was a report in the *Indigenous Times* on 24 November 2004 that refers to Mr Ruddock. I quote:

He was silly enough to tape himself conducting a briefing for a Queensland journalist on the confidential contents of an ATSIIC Fraud Awareness Unit briefing on the activities of ATSIIC Commissioner Ray Robinson and the Bidjara group of companies. The tape became public property, via a leak.

On the surface of it, that would seem to me to be a prima facie case where the minister himself has undertaken an unauthorised disclosure of confidential information and taped himself doing it. Was there an investigation into that?

Mr Farmer—Senator Vanstone has just had to step out of the room for a moment. Because of the nature of Senator Carr's question I think it is appropriate that the minister be here while that matter is being pursued.

Senator CARR—That is fine. It is a simple proposition. I am asking about the policy—

CHAIR—We understand.

Senator CARR—that is pursued and whether or not all unauthorised disclosures are investigated. Mr Gibbons has indicated that, where there are clear lines of evidence identifying sources, they are. I am just wondering whether or not it occurred in this particular case where a cabinet minister taped himself leaking.

CHAIR—I understand your question, Senator Carr. I will ask you to put it again when the minister is in the room.

Senator CARR—It is a simple proposition. I am asking: was that matter investigated?

Mr Farmer—And my proposition is a simple one—

CHAIR—And I have given you a response, Senator Carr, from the chair.

Mr Watson—Chair, I have the information that Senator Carr was seeking earlier about the referral of the matter to the AFP. It was on 4 May.

Senator CARR—So the suspension occurred after the reference?

Mr Watson—Yes.

Mr Yates—Senator, I can come back to an earlier question if that would assist at the moment. It relates to the staffing profile of the secretariat function for the National Indigenous Council. The officers involved in that—and, as I mentioned earlier, that is on a part-time

rather than a continuous basis—include a Senior Executive Service band 1 branch head, an executive level 2 officer, an executive level 1 officer, an acting APS class 5 officer and a graduate. The resources attributed to that function are part of the branch's resources as a whole. That function is part of the overall corporate resourcing within OIPC, which is shared across the various organisational units within OIPC. That is standard practice now. There is no specific line item with regard to corporate resourcing in OIPC, so I cannot point to anything in the PBS in that regard.

Senator CARR—Are you able to tell me what it costs to run the National Indigenous Council?

Mr Yates—Yes, I can take that on notice and give you an estimate of the cost. On recollection, it is in the order of \$30,000 per meeting.

Mr Gibbons—I have some figures here that relate to the costs of meetings. The first meeting cost \$31,505 and the second meeting cost \$29,062.

Senator CARR—Do the members of the council receive any sitting fees?

Mr Gibbons—They get their costs covered for travel and they receive sitting fees. It is a standard arrangement.

Senator CARR—So what is the sitting fee—what is the standard arrangement?

Mr Gibbons—I do not have that with me—

Mr Yates—That is based on a Remuneration Tribunal determination, but we will get the details for you. We should be able to do that today.

Senator CARR—They would get a travel allowance, would they?

Mr Gibbons—They get sitting fees and travel allowance, as I understand it, yes.

Senator CARR—What about airfares?

Mr Gibbons—Yes, certainly.

Senator CARR—What about car transport?

Mr Yates—We bus or taxi them to their accommodation and to the meeting venue.

Senator CARR—Can I get a breakdown of how the \$31,000 and the \$29,000 were spent? Can you get a disaggregation of the figures?

Mr Yates—We should be able to. We will take that on notice.

Senator CARR—How many meeting a year are there likely to be?

Mr Yates—There are at least four meetings, so they are typically held quarterly.

Senator CARR—So it is roughly \$120,000 a year?

Mr Yates—Yes.

Senator CARR—That is just for the meetings. Then there would be officer time for the preparation of their papers—

Mr Yates—With assistance with research and so forth, but we would not be tracking that in a dollar-for-dollar sense because, as I mentioned earlier, those officers perform a range of other functions.

Senator CARR—But you must be able to give me an estimate of what it costs to service the organisation.

Mr Yates—We will have a look at that, and if we can assist we will.

Mr Gibbons—We can provide, as Mr Yates says, an estimate of what it costs to service the organisation, but I stress that the council has been set up to advise the government, to help in the process of policy making.

Senator CARR—Could I ask you about the COAG trials in Tasmania. When did the trial commence?

Ms Hawgood—The trial commenced late in 2002.

Senator CARR—Is DIMIA the lead agency?

Ms Hawgood—That is correct.

Senator CARR—Mr Farmer, you seem to be the sponsor and partner, according to the web site.

Mr Farmer—That is right.

Senator CARR—How many times have you visited the trial site since the commencement of the trial?

Mr Farmer—I sometimes go to Tasmania only on Immigration business; on Indigenous business I guess I go about five times a year—something like that.

Senator CARR—On Indigenous business?

Mr Farmer—Yes.

Senator CARR—Can you indicate to me the dates on which this has occurred?

Mr Farmer—I do not have that in my head.

Senator CARR—I understand that that might be a matter you can take on notice.

Mr Farmer—Yes.

Senator CARR—How often has the minister visited?

Mr Farmer—Sorry, I do not know that.

Senator CARR—Can someone take that on notice? Can we establish the dates on which the minister visited the COAG trial area?

Mr Farmer—Yes, for Tasmania.

Senator CARR—The Tasmanian trial is bigger than others. In regard to the other COAG trial areas in Murdi Paaki, Shepparton and the Australian Capital Territory, there have been some regional compacts or overarching regional agreements reached. I am wondering whether that has occurred with the Tasmanian example.

Ms Hawgood—There has not been a formal shared responsibility agreement or compact at the regional level, but there is work being done on shared responsibility agreements within local communities in Tasmania.

Senator CARR—Is it the intention to negotiate an overarching agreement for the COAG trial site in Tasmania?

Mr Gibbons—That has probably been overtaken to some extent following the decision last year at the COAG meeting by the premiers, chief ministers and the Prime Minister to adopt a set of principles and to negotiate, on a bilateral basis between the Commonwealth and the states, an agreement on cooperation in Indigenous affairs. We are in the process of negotiation with the states and territories now. In the case of Tasmania, those discussions are ongoing.

Senator CARR—Does that mean there will not be an agreement?

Mr Gibbons—I am not ruling it out, but I would anticipate that it might be rolled into the framework of a bilateral agreement. There is, of course, scope for what we call shared responsibility or regional partnership agreements at any time.

Senator CARR—I am wondering how you are going to achieve these SRAs without an overarching agreement.

Mr Farmer—I think we are doing that. We expect that one SRA at least will be signed in the next week or so on Cape Barren Island—that is in the COAG trial site region—and another two SRAs with the same community are under discussion. Altogether, the OIPC in Tasmania is working with a number of communities on community level SRAs.

Senator CARR—But this is the point, isn't it? Where there are no established structures in place, who do you negotiate with? Is it self-nomination? If it is, how can the parliament be assured that the people who are nominating themselves are representative of anybody? Is it a deal that is being struck, for instance, with people who have got the organisational capacity to come forward, or are you dealing with groups of people that are able to speak on behalf of the community at large?

Ms Hawgood—If I could make a point of clarification, Tasmania is not the only COAG trial site where there is no overarching regional agreement but where we have commenced working with local communities on shared responsibility agreements. That is something that COAG agreed to when it set up the COAG trial areas. There was no requirement to have overarching regional agreements but rather the emphasis was on working with local communities developing initiatives at that level.

Senator CARR—These trial sites are being evaluated now, aren't they? You have had a long enough opportunity to have a look at them?

Ms Hawgood—There is an evaluation starting this year, the interim evaluation, and then another evaluation two years down the track.

Senator CARR—How many shared responsibility agreements and regional partnership agreements are there?

Ms Hawgood—There are now 52 shared responsibility agreements.

Senator CARR—Can I have a list of those agreements?

Senator Vanstone—We can get you something later in the day, Senator. More than a list—we will give you some good details.

Senator CARR—I would like each for each of them, and how much money is involved with each of them. Also a list of agencies involved with each of them. Is that possible as well?

Ms Hawgood—Yes, I can give you all that information.

Senator CARR—Thank you. And obviously, where there are partnership arrangements, which of the agencies are actually providing that partnership arrangement.

Senator CROSSIN—How are the SRAs funded?

Ms Hawgood—From different sources, from different Commonwealth and state government agencies.

Senator CARR—I see that the PBS lists a figure of \$57.643 million for departmental expenses, \$28 million in administrative expenses, \$10 million in other resources. That is on pages 92 and 93 of the PBS. Are those figures right?

Ms Hawgood—That is right. The \$57 million is departmental expenses, which supports the extensive Indigenous Coordination Network national office and state office resources that we have.

Senator CARR—Could you give me a breakdown of how that better part of \$100 million is to be spent?

Ms Hawgood—I would have to take that on notice.

Senator CARR—There is also built into that support for the ICC network.

Ms Hawgood—That is right.

Senator CARR—What are the costing arrangements for the ICCs?

Ms Hawgood—I do not think I have got that precise figure with me but I am happy to take that on notice and get back to you.

Senator CARR—Can you explain to me why it is that the departmental expenses under this output comprise 60 per cent of the total?

Ms Hawgood—Sorry, I do not understand the question.

Senator CARR—Let us go through it again. You have got departmental expenses of nearly \$60 million—

Mr Watson—Perhaps I can help. That is the attribution of the total departmental budget and it so happens that of the staff that OIPC has the majority of them are out in the ICC network, so it would stand to reason that 60 per cent would be costing out in the network as against other parts of the organisation.

Senator CARR—It is an unusual ratio, isn't it?

Mr Watson—Not necessarily. It depends on the nature of the business you are engaged in.

Senator CARR—Sixty per cent spent on the bureaucracy.

Mr Farmer—If you look at the Department of the Prime Minister and Cabinet, I do not know what the figures might be but there you have basically a policy department that has some functional areas. That by its nature would be a very different department from, let us say, the Department of Family and Community Services or indeed the education department in one of the states.

Ms Hawgood—I think I understand your question though. You are comparing that amount, departmental costs, with the program costs.

Senator CARR—Yes.

Ms Hawgood—The reason for that is that the departmental costs pay for our network support, our ICC managers, whose job is not to spend a lot of their own department's money. Our program money is seed money, flexible money, through the flexible funding pool that can fund innovative projects or complement funding that comes from other agencies. The role of these ICC managers is to operate as what we call 'solution brokers', drawing in and coordinating funding solutions from across other Commonwealth agencies. The government has invested extensively in these ICC managers; they have quite a different role to traditional program managers because they facilitate activity not just back to their own department but across government.

Senator CARR—I am interested in knowing how this works in practice. We have talked about the Tasmanian trials. In terms of the expenses of the Tasmanian COAG trials, how much is spent on administration and how much is spent on other matters? Can I get a breakdown of that expenditure?

Ms Hawgood—We will take that on notice.

Senator CARR—Can you get that today? It should not be too hard to find.

Ms Hawgood—I will do my best.

Senator CARR—It is a small project, presumably?

Ms Hawgood—Yes.

Senator CARR—I would think it should not be too hard to get that together. I come back to this proposition in the PBS. There is a reference here to 'other resources available to be used'. That has a figure of \$10 million. What is that about?

Ms Hawgood—Can you refer me to where that is?

Senator CARR—In the PBS on page 91, under output 3.1, you will see 'support partnership development of Indigenous communities \$10.24 million'. The heading is 'Other resources available to be used'. There are three items there: half a million dollars for policy development, \$1 million for assessment and \$10 million for something else. I want to know what the \$10 million for something else is for.

Ms Hawgood—I see the \$10 million. I am unable to clarify that at the moment, but I will do so as quickly as possible and provide you with the answer.

Senator CARR—Thank you. I am particularly interested in knowing whether a proportion of those funds results from double counting—whether there are other departmental costs such as salaries, travel and accommodation expenses and administration costs.

Ms Hawgood—I am sorry; I did not hear the beginning of your question.

Senator CARR—Can you tell me whether any of the \$10 million for other resources would be spent on departmental costs such as salaries, travel or other administrative arrangements?

Ms Hawgood—I will get that answer.

Senator CARR—Again on page 92, I see ICCs are focusing on working through their negotiations with Regional Partnerships and shared responsibilities. On page 99, a performance measure for the OIPC is aimed at providing 100 SRAs, five holistic SRAs and five RPAs to be in place by 2005. How do you reach the figure of 110 new arrangements to be negotiated?

Ms Hawgood—That is the estimate for 2005-06. It builds on the 52 SRAs and the negotiations we currently have in place with a number of Regional Partnerships agreements. We are talking with communities already about building on some of the minor work we have done on shared responsibility agreements that are in place at the moment to more comprehensive whole-of-community approaches.

Senator CARR—Are the new arrangements going to be negotiated or are they going to be in place?

Ms Hawgood—They are going to be negotiated.

Senator CARR—So it does not mean that they will actually be set up by that time?

Ms Hawgood—We would hope that they will be finalised by that time, but through a process of negotiation with communities.

Senator CARR—But do you know the number?

Ms Hawgood—It is an estimate for 2005-06.

Senator CARR—So I should not take particular notice of that estimate?

Ms Hawgood—We will attempt to achieve that estimate. The estimate has been prepared based on our experience this year.

Senator CARR—So you have 52 this year?

Ms Hawgood—We have 52 in place at the moment and we have a number of others in the pipeline that we think will be completed before the end of the year.

Senator CARR—So you will have a productivity increase of 100 per cent.

Ms Hawgood—Well, Senator—

Senator CARR—They will be meaningfully negotiated, won't they? If you know in advance that they are going to be sorted out—

Ms Hawgood—We do not know in advance. We are basing it on experience this year and the increasing interest from communities in working with us.

Mr Gibbons—My colleague made the point that we are moving from single-issue shared responsibility agreements to ones that are more comprehensive of whole community need and as well moving into the area of regional partnership arrangements. So, while numerically it

might represent a 100 per cent productivity increase, in qualitative terms it is a much bigger move.

Senator CARR—So that is what you mean by holistic SRAs, is it?

Mr Gibbons—Yes.

Senator CARR—What five regions have you identified that are going to have regional agreements?

Ms Hawgood—We have not identified specific regions.

Senator CARR—Then how do you know it is going to be five?

Mr Gibbons—We have negotiations in the pipeline that will result in some that we expect will come on line soon. In the context of the bilaterals with the states and the Northern Territory, it is clear that there will be opportunities for joint regional partnership arrangements—for example, in the Northern Territory around the move by the Territory to set up regional authorities. I think the figures that we have quoted in that estimate are conservative.

Senator CARR—Are they based on need? Is there any evaluation of who would benefit most from these agreements or are they based on ‘first in, best dressed’?

Mr Gibbons—It is a combination, I suppose. We are not imposing on communities or regions; we are trying to move at a pace that the community or region can accommodate. That in itself will dictate who is first. There are some communities that are quite advanced and have good governance and where it is easy for them to sit down with us and conclude an agreement. There are others that are in a state of crisis. The approach we take is to look at assistance to stabilise and develop the capacity before we think about negotiating an agreement. It is a very diverse situation and, as we have said before, our approach is to customise our arrangements almost community by community but, importantly, to work in partnership with the state or territory to avoid overlap, duplication et cetera. Thus far there is every sign that the cooperation that we have been talking about is going to be realised in the course of the next financial year.

Senator CROSSIN—I just wanted to go back and clarify some answers. With the 52 shared responsibility agreements, does that mean that 52 have been signed and are in place?

Ms Hawgood—Yes.

Senator CROSSIN—And how many are in the pipeline for negotiation?

Ms Hawgood—There are nearly 40 others.

Senator CROSSIN—If, out of those shared responsibility agreements, for example, a community in the Territory wants to set up mud crab farming, as I have read, or we have a situation where a community wants a swimming pool—that is not a good example because there are already funds for that—where do you find the money? Is it out of the PBS and the allocations under output 3.1.1; is that where the money for any initiatives under an SRA comes from? Does it come out of that \$10 million or does it come out of the \$28.77 million in administrative expenses? How are you actually funding the SRAs?

Ms Hawgood—Fundamental to the SRAs is joining up and coordinating across government agencies, both Commonwealth and state, to fund initiatives under the SRA . So, while some funding may come from the OIPC program—the \$28 million this next year—the bulk of the funding for initiatives will come from other agencies.

Senator CROSSIN—How then do we track that during this estimates process, other than doing what Senator Carr has alluded to and going from committee to committee? If I have a community in the Territory who decide they are going to sell healthy food and in return they will run the shop but they want training for their shop assistants, I am assuming you go to DEST for that training support?

Ms Hawgood—Yes, and you might go to DEWR for some support for the store.

Senator CROSSIN—So would each of those agencies have an allocation somewhere in their PBS against which they will draw down to implement SRAs?

Ms Hawgood—Yes, but Senator Carr has already asked me to provide that information and I have agreed to take it on notice. We track that information and I am able to provide a list against those 52 SRAs of the funding contributions from OIPC, from other Commonwealth agencies and from state government agencies and some in-kind support that comes from the corporate philanthropic sector.

Senator CROSSIN—That is not exactly what I am asking. What—

Mr Gibbons—Senator, maybe I could answer—

Senator CROSSIN—Just let me clarify what I am seeking. I want to know, if I go to DEST, if I go to FaCS or if I go to DEWR, will I find a specific, discrete line item in their budget that is not ongoing Indigenous programs—because I am assuming they will continue to be funded—that somehow describes that as money that has been put aside to implement SRAs, agency by agency? Or will I find that money hidden in their training program or in their Indigenous employment program, for example?

Mr Farmer—I do not know that it would be hidden, Senator.

Senator CROSSIN—What I am trying to ascertain is this—

Mr Gibbons—Can I put it like this, Senator—

CHAIR—Could we give the officers an opportunity to try to respond, Senator Crossin, and if that answer is not helpful we will keep going. Mr Gibbons?

Mr Gibbons—The budget identifies Indigenous-specific expenditure. Over and above that, there is a large amount of money in mainstream programs available for all Australians. So the challenge is not only to ensure that the Indigenous-specific programs are appropriately targeted and get results on the ground but also to ensure that the Indigenous share of mainstream programs actually reaches them. One of the vehicles for ensuring that, the bottom-up element of this strategy, is to use SRAs and/or Regional Partnerships agreements to identify the need and then to draw from the resources that are available, whether they are Indigenous specific or mainstream, to address the problem.

I might illustrate that with an example in the Territory. You will know about the circumstances of the people in the small community of Mutitjulu. It is a community that is

suffering major distress and is in crisis. The community identified law and order as a major issue, and the approach of the Commonwealth and the Territory was to look at drawing together both Indigenous-specific and mainstream resources to respond in a coordinated way. So you will have several Commonwealth agencies funding capital to provide a police station and police house. You have the Northern Territory government funding some of that and the recurrent costs of a police arrangement. That is just a simple example of how cooperation, using the vehicle that I have described, is drawing together money from disparate sources and applying it more effectively to a solution on the ground.

When we provide to you the list of SRAs and the details, you will see that, even though it is early days and we are looking at largely single-issue challenges at the moment, we have been able to draw in funds or in-kind support or achieve procedural change—whatever the solution demanded—from a broad range of Commonwealth and state agencies.

Senator CROSSIN—Mr Gibbons, my question goes to this. I have spent nearly all of the last week studying the DEST budget, specifically the Indigenous education component for higher ed, TAFE and schools. I cannot see any new money for SRA implementation. Are you telling me that, in implementing SRAs, you take money from existing Indigenous-specific programs, for example, and better target that money?

Mr Gibbons—That is part of it.

Senator CROSSIN—Or is it that Indigenous-specific programs that have always existed continue to exist and there is no new money for SRAs—that existing Indigenous targeted money will be used more effectively?

Mr Gibbons—Let me say a few things in response to that. In the past, in the bucket labelled ‘Indigenous specific funding’, there was always a large discretionary element. It was not fixed program expenditure. It was applied on the basis of discretion on an annual basis.

Senator CROSSIN—Sorry; could I interrupt you and clarify that. Is that across all portfolios?

Mr Gibbons—No, I am talking about the Indigenous-specific bucket that was under ATSIIC’s administration. That has been distributed to mainstream agencies. It has to continue to be identified as ‘Indigenous specific’. SRAs are a vehicle for ensuring better targeting of that discretionary resource to meet the needs and priorities that have been identified on the ground in dialogue with the people that we are trying to assist. In addition, we are trying to draw into the challenge of solving the problems of disadvantage et cetera the resources that are available in the mainstream. One of the problems in the past was the failure of many mainstream programs to provide full coverage to Indigenous Australians. One of the key elements of the government’s reform is to engage the mainstream area of government with that challenge of Indigenous disadvantage.

So when we go out to a community we do not go out with a small discretionary program. We try to leave the programs behind. We go out to engage with the people to identify what the issues are, establish what their priorities are for dealing with it, come to an agreement on how it is to be tackled, and then look at how we can draw the resources that are needed to fit the problem. That is a major methodological change. We do not go out anymore and try to fit

people into a program. I am not saying that is not still happening, but the aim is to move progressively away from that and to design a solution and resource it.

Senator CARR—Mr Gibbons, there are 1,000 communities.

Mr Gibbons—Yes.

Senator CARR—You are proposing to deal with 100. What happens to the other 900?

Mr Gibbons—I think I recall saying at an earlier hearing that we do not want to impose solutions on communities that have been manufactured in Perth or Canberra; we want to work with communities. There is great diversity, and some communities are better able to negotiate at this stage than others. There are all manner of situations out there. We want to work at a pace that is acceptable to the communities. We acknowledged that this year we were going to tackle the challenge of transforming the organisational arrangements that were necessary to give effect to the government's reform and start a process of getting SRAs established. We set ourselves a stretch target of between 50 and 80 SRAs, largely focusing on single issues. We want to take that further next year in partnership with the states and territories to make the SRA approach more comprehensive, to push the boundary of the coverage further. We want to get into regional partnership agreements. We think the momentum we have started is encouraging. We know it is going to take some time—we can only work as fast as communities can move with us. In the meantime, we have not turned off funding that was available under the old arrangements. So we are winding down an old system as we develop a new one.

Senator CARR—But it is a mathematical certainty that, if you are only proposing to deal with 100, then 900 are going to miss out. In fact, many of those will not even get the option. That is right, isn't it?

Ms Hawgood—That estimate does not limit us to 100. If communities beyond that number are ready to work with us—

Senator CARR—But are the mathematics right?

CHAIR—Senator Carr, could you please let Ms Hawgood finish.

Ms Hawgood—We have based that estimate, as I said earlier, on the experience we have had this year, but if there are more communities than 100 next year who are willing to come on board and are ready to work with us then we will be ready to work with them.

Senator CARR—You can guarantee me, though, that it will not be 1,000?

Ms Hawgood—I think that would be unlikely.

Mr Gibbons—Can I make one other point there, just so we are not confused. This year our approach has been to focus an SRA around a single issue. If we were to continue that practice in a particular community, we might end up with 15. Next year that 15 would be described as one, because we want to draw together everything we are doing, as we move to a comprehensive approach, into a single agreement. So numerically it may not look as if we are advancing too rapidly, but in terms of the comprehensive nature of the work it will be moving.

Senator CARR—Speaking of a comprehensive nature, what work has been done in urban areas?

Mr Gibbons—Urban areas pose a different set of challenges for us. As the minister and the government announced, our first priority is the appalling Third World situation that exists in some of the remote communities and the issues that are out there. That is where our focus has been. In the context of the bilateral discussions, particularly with states that have large urban populations, we have been discussing how we might address our efforts to the particular challenge that arises, say, in a city like Sydney where it is not a question of infrastructure or of opportunity; the challenge is how you get participation by Indigenous people into the mainstream. We are starting to develop plans for progressing on that front this year.

Senator CARR—You are saying that you are starting to address that matter, so do I take it that at the moment there is no work being done on that?

Mr Gibbons—No, I am not saying that. There are examples, as Ms Hawgood can comment on in a minute. One of the serious challenges in a major urban area is to ensure that the mainstream services that are funded actually connect with and meet the needs of Indigenous Australians. That is one of the big challenges we have got to face up to.

Senator CARR—Work has been undertaken to date on urban area SRAs.

Ms Hawgood—There are a number of SRAs under development in urban areas. Senator Crossin already referred to one in the Darwin urban area—the Kululuk community, which was the mud crab example SRA. In Sydney, for example, work is being done on the basis of discrete suburbs. So there are communities of interest in particular locations like La Perouse, Redfern and Waterloo. Similarly, in Brisbane that sort of work is being done. So there is already considerable development on SRAs across primarily what we are calling communities of interest.

Senator CARR—So, of the 52 that have been signed, are any in urban areas?

Ms Hawgood—The one in Darwin, in Kululuk.

Senator CARR—One of the 52?

Ms Hawgood—That is right.

Senator CARR—Turning to native title matters, the PBS shows an increase in administrative funding for native title land rights from 52.9 to 59.7—is that right?

Mr Yates—Yes.

Senator CARR—How much of that funding goes to native title rep bodies?

Mr Yates—Just give us a moment, if you would.

Mr Watson—Just while that is being looked for, I will go back to your earlier question about other resources available to be used, at page 91. That is actually an estimate of revenue—the outcome we will receive. That revenue is largely from a common services agreement we have with other agencies where they have staff in ICCs to cover those corporate costs in relation to services, accommodation and so forth.

Senator CARR—So it is an administrative expense?

Mr Watson—It is a departmental expense.

Senator CARR—Yes. That is what I said. So the 60 per cent estimate I gave before was somewhat conservative.

Mr Watson—The total resources available to OIPC are in the order of \$97 million.

Senator CARR—Of which \$70 million are administrative expenses.

Mr Watson—The whole \$97 million is departmental expenses, of which 14 is revenue from sources other than appropriation.

Senator CARR—The La Perouse SRA is an agreement looking at the repair of houses, isn't it?

Mr Watson—I am not aware of what is in La Perouse. Is La Perouse the repair of houses?

Ms Hawgood—The details are just not coming to me on the La Perouse one. I will just make a phone call.

Senator CARR—I am interested to know how much of this is being spent on public servants and how much is being spent on delivery of service to Aboriginals.

Mr Gibbons—The line you are looking at there is the cost of administration. You need to look at the \$500 million line on page 89, which identifies the Indigenous specific program funds that are spent on Indigenous Australians.

Senator CARR—So it is 20 per cent on administration.

Mr Yates—It will vary between different portfolios. With regard to OIPC, which has a major coordination function, it will be different. We only have limited direct program responsibilities now.

Senator CARR—I will just return to the native title land rights matters. How much of the funding—the \$6 million extra money—will go towards evaluations of the rep bodies?

Mr Yates—Firstly, with regard to the question that was asked before about how much of the \$59 million will be going to native title representative bodies, around \$57½ million will be. It is administered funds and it is received by those NTRVs.

Senator CARR—How much of that \$57 million will go towards evaluation?

Mr Yates—Evaluation costs are typically a part of departmental costs.

Senator CARR—So how much is that?

Mr Yates—There is not a particular line item in regard to that specific activity, but we could seek to provide you with an estimate. This ministered cost table relates to program expenditure, which is normally, and, in this instance, received by the funded organisations.

Senator CARR—How much of that \$57 million will go towards capacity building? How does that compare with the historic amounts?

Mr Yates—You are trying to get a sense of how much of the resources that are now being extended as a result of the budget will enable that capacity building activity to be maintained.

Mr Roche—In response to your question, in the 2005-06 financial year we anticipate spending \$3.8 million on what was called capacity building but is now called performance enhancement.

Senator CARR—Have the figures for that, the proportion of funds, remained much the same?

Mr Roche—Largely, yes.

Senator CARR—The Minerals Council has expressed concern that the rep bodies are underfunded to the tune of \$50 million a year. Are you aware of that criticism?

Mr Roche—I am aware there has been criticism from that body, yes.

Senator CARR—Is it fair enough?

Mr Roche—The issues in relation to the effectiveness of representative bodies are fairly complex. They arise from a variety of sources. They relate to the nature of native title, that this is a new and ever-expanding area of law and that, over the approximately 10 years of the system, there have been some major court decisions and changes to the legislation. As well, the organisations themselves have, from time to time, struggled. We currently have, for example, funding controllers in five of the representative bodies. At the same time, particularly in certain regions, the pressures of development, particularly in regions such as the Pilbara, mean that miners in particular are keen to get early answers in relation to development proposals. So I think it is a little simplistic to say that simply throwing more money at it will solve these difficulties.

Senator CARR—There was a review of funding. That is true, isn't it? A-G's chaired the review.

Mr Roche—That is correct.

Senator CARR—The only change to funding I can see is an amount we have discussed already. I take it the mining industry's concerns were not supported by that review.

Mr Roche—I cannot talk about the processes by which government came to a view about the appropriate level of funding.

Senator CARR—I see. Can you point to where in the budget pay papers it would support the notion that the mining industry's concerns about these representative bodies were taken into account?

Mr Roche—I think I will just repeat my previous answer.

CHAIR—Indeed.

Senator CARR—There was a report that appeared in the *Financial Review* on 8 April concerning OIPC and their proposal to put the rep body services out to tender. Was that accurate?

Mr Roche—I am unaware of that report.

Mr Gibbons—I understand the government's view is that the most pressing need in relation to representative bodies is to improve management systems. It does not believe that currently the solution lies in increasing money. You will know, of course, that the government

increased funding in the 2001 budget by adding another \$86 million over four years. We are currently spending about \$112 million, of which \$52 million is being provided to rep bodies. At the present time, unfortunately, we have had to put grant controllers into five of those bodies. There is scope to improve the effectiveness of the money that is available if the organisations can be improved. Regrettably, in a few cases, a large amount of money is yet to be accounted for.

Senator CARR—Is it your intention to put the services out to tender?

Mr Gibbons—I am not aware of plans to put the services out to tender. I think comments that you are referring to relate to our interest in ensuring better performance, better accountability by the organisations that are funded to deliver services to native title claimants.

Senator CARR—I am referring directly to a report in the *Financial Review* on 8 April 2005, page 36, which cites your office as proposing putting these services out to tender. Are you able to inform me that that report was wrong—that you do not propose to put these services out to tender?

Mr Gibbons—Whatever an individual might believe, I am reporting the government's position. At the moment, as I am aware, the focus is on improving the capability of the grant funded native title rep bodies to do their work. I am not aware of plans to put them out to tender. I am not saying that that might not come onto the agenda, but I am not aware of plans to put them out to tender. Certainly there is going to be an intensive effort to make them more efficient, make them more accountable for the money that they receive to deliver services to Indigenous Australians.

Senator CARR—The OIPC has not provided advice to the secretaries group about the future delivery of these services.

Mr Gibbons—Not to this point in time, but, again, commenting on the advice and the deliberations that occur within government on policy is not something that I can do.

Senator CARR—But you can advise me as to whether or not you have provided—

CHAIR—Mr Gibbons answered the question.

Senator CARR—I am asking another question. It is custom and practice to advise whether the department has provided advice to another government agency—in this case, the secretaries group, another government group.

Mr Gibbons—In the case of native title, we need to be careful. One part of government—that is, Attorney-General's—is representing the Commonwealth's interest in this. The Office of Indigenous Policy Coordination has a program that is designed to fund support for native title claimants. There are good reasons for keeping those two responsibilities separate. As I said, our duty in OIPC is to fund these organisations and to ensure that they work efficiently and deliver appropriate service to the native title claimants.

Senator CARR—In regard to the funding arrangements for the new service agreements with rep bodies, has there been a position put with any of these rep bodies that there have to be changes to the administrative arrangements as a result of the free trade agreement with the United States?

Mr Roche—Perhaps I can answer that. The representative bodies have been made aware of the new requirements in relation to procurement, which, of course, have effects across government, but as to specific instructions about changing existing arrangements to comply with the free trade agreement, I am not aware of such advice being given.

Senator CARR—What is the nature of the changes that are required?

Mr Roche—What I am referring to is the new Commonwealth procurement guidelines.

Senator CARR—Yes.

Mr Roche—Which now affect the relationship which all Australian government agencies have with suppliers.

Mr Gibbons—Effectively they set a threshold for open tendering.

Senator CARR—Thank you, but I am just wondering this. Within the free trade agreement, in particular clause 15.1.5, which covers the entities that are listed under the procurement arrangements, where will I find a reference to the native title rep bodies?

Mr Gibbons—I am not aware that there is one. As Mr Roche said, we have not given them any instructions on this.

Senator CARR—But did not discussion occur recently with some rep bodies about the removal of certain clauses from the funding agreements on the basis that this was a requirement of the free trade agreement?

Mr Roche—I am not aware of any such discussions.

Senator CARR—You are denying that happened?

Mr Gibbons—I am not aware of any such discussions.

Senator CARR—Can I ask you to take it on notice. If you are not aware of it, perhaps someone else is aware of it.

Mr Roche—I am happy to do that.

CHAIR—Thank you, Mr Roche.

Senator CARR—If it is true—I clearly have been advised that it is true—I would like to know what was the rationale behind it.

CHAIR—Can you take that on notice, Mr Roche?

Mr Roche—Yes.

CHAIR—Thank you.

Senator CARR—Is there any proposal to change the funding agreements as a result of alleged changes that result from the free trade agreement in regard to procurement?

Mr Gibbons—I will take that on notice. I am aware of the new Commonwealth procurement guidelines; I am not too clear on just how far they extend to organisations that are funded by the Commonwealth. We will take that on notice and come back to you.

Senator CARR—Are any proposals currently being considered by OIPC for changes to the land rights act of the Northern Territory?

Mr Gibbons—Again, you are asking me to comment on deliberations within government or between governments on something that has not yet been determined.

Senator CARR—What is the status of the agreement that was reached in August 2003 between the Northern Territory government, the land rights councils and the mining industry in regard to amendments to the Northern Territory land rights act?

Mr Gibbons—I will take that question on notice, review what has been made public by the government and provide you with some advice.

Senator CARR—Are there any proposals currently before OIPC to amend the Native Title Act?

Mr Gibbons—I will take that on notice, review what the government has made available publicly and come back to the committee with an answer.

Senator CROSSIN—A couple of hours ago I asked whether or not the National Day of Healing committee had received any funds from the Commonwealth government. Someone was going to try to find that out.

Mr Yates—We have endeavoured to establish some information to assist in that regard. We understand that the Department of Health and Ageing provided some funds to assist the organisation with a number of its activities this year, including the launch of the National Day of Healing. Together, those amounts add to just over \$20,000.

Senator CROSSIN—Was it a condition of receiving the funding that the committee change its name?

Mr Yates—I am not in a position to be able to talk about the terms of that agreement. I would be surprised if there was anything to do with that. As I understand it, the committee has made clear that it has deliberated and made a free choice in that regard. But I will refer that question to the Department of Health and Ageing.

Senator CROSSIN—They would be the people who would be putting any conditions on that \$20,000—not OIPC? Is that right?

Mr Yates—That is certainly the case. We have had no involvement.

Senator CROSSIN—Can I go back to the SRAs. I know Senator Carr jumped to another area. I had a few questions in that area that I wanted to go back to. Can someone explain to me the process for letting communities know about SRAs and how they might make an approach to the ICC to negotiate one?

Ms Hawgood—A lot of that is done directly by ICC managers and staff from the ICC.

Senator CROSSIN—I am wondering if you could clarify that further. The reason I ask that is that a few weeks ago I did a sloop across the Central Australian and Western Desert regions and went to about 70 communities, from the New South Wales to the Western Australian border. There was only one community that had ever heard of such things. There is no pamphlet, there is no information, there is no simple fact sheet: there is actually no literature getting out to people about that. So what are the plans to inform people even just that ICCs exist, what their telephone numbers are and what SRAs are? How is that being communicated to community councils, for example?

Ms Hawgood—In fact, there is a simple pamphlet. There is also a book. A number of these things have been out in the public arena for some time and have been distributed reasonably widely. I do not know who you were talking to in the 70 communities—

Senator CROSSIN—Mainly the community councils. We had meetings of up to 40 and 50 people and 70 people in one place.

Mr Gibbons—Senator—

Senator CROSSIN—There is no evidence that those pamphlets are out there or that people understand what is happening.

CHAIR—Could we let Ms Hawgood finish, please. I am sorry—Mr Gibbons?

Mr Gibbons—I was just asking if the senator could repeat the area that she covered.

Senator CROSSIN—It was the Western Desert, so it would be the responsibility of your Alice Springs ICC. Since my visit I have contacted that ICC and fed this information back to your manager there, but there does not seem to me to be a transparent strategy whereby people have yet grasped what SRAs are about and how they can get on board, basically.

Ms Hawgood—That is our biggest region in terms of communities: there are upwards of 40 in that area. There are a number of SRAs that have been completed there and are under development with several of those communities. I am very happy, however, to also go back to our ICC manager in Alice Springs and plot out with him how we might make sure that we are getting the coverage that we need to there. As well as that, I think this is something that is going to take time to become part of day-to-day business in each of these communities, so I would not expect that, out of 70 communities, you would find people in all 70 who were aware of SRAs at this point.

Mr Gibbons—I might add, to assist your understanding here, that we are taking a new approach just south of the border in the South Australian communities to communicate a new approach that we have agreed jointly with the South Australian government, where we have set up a forum that involves two representatives from each community who meet with us and the South Australian government on a regular basis. It is through mechanisms like that that we are also communicating our strategies. If you go across the border into the equivalent communities in Western Australia, we are negotiating a regional partnership agreement with the regional council of that particular district. I know the area that you refer to is a difficult area in terms of access and communication; there are some issues there. It is an area that we want to focus on. We have been talking to our counterparts in the Northern Territory administration about priorities for next financial year in that area. One of those is capacity development et cetera. So it is on the agenda, but, as Ms Hawgood says, it is going to take some time.

Ms Hawgood—If I could add—

Senator CROSSIN—I want to make it absolutely clear that this is not a reflection on your ICC in Alice Springs. There is a small number of people there and we are talking about vast distances. I have also noticed that it is a problem across the northern part of the Territory. I really wanted to know whether there is a strategy to send out this sort of stuff. Do community council clerks, for example, get a package? Are pamphlets put in Centrelink offices? As a

federal member with a majority of the Indigenous communities I have received your booklet, but if you say there is a simple pamphlet, well, send us 100 so that when we go out we can also be a distribution point for you.

Ms Hawgood—We are happy to do that. Can I add that we are also constantly looking at more innovative ways to get this communication out, and one thing we are looking at at the moment is developing a DVD that has some stories from communities that we are working with on SRAs and people actually talking about those. As you probably know, in a lot of these communities the young people in particular love DVDs. One way we thought of is for people to not just look at a pamphlet quickly and never think about it again but actually have something that they can play over and over, and that means a DVD. That is something we are working on at the moment. The other issue is that we have recognised as well that ICCs have relatively small numbers of staff and that government people cannot get everywhere all the time. That was one reason that we have actually tendered now to bring on board a number of non-government organisations which can work with us on the ground around SRA development and so on.

Senator CROSSIN—I raise this because it is the single issue that is raised most with me. Apart from the fact that some people do not like the new regime, a lot of people say to me, ‘It’s here and we’ve got to live with it but we don’t know about it.’ As I have gone from community to community I cannot see any clear strategy to inform people about it other than through your ICCs, and they cannot physically get to 190 communities in the Territory in any one year. If they do, they are doing better than me, I can tell you. That is just the Territory. But we are a distribution point, Centrelink offices are, schools are and community councils are. There is a show circuit happening in the Territory pretty soon, in Alice Springs and Tennant Creek. Maybe ICCs need to have a stall at the shows. The biggest problem I see at this point is that people just do not know about it, and there needs to be a better communication strategy developed.

Mr Farmer—Thank you for those comments and thank you also for your readiness to receive a supply of this material and distribute it when you do go out. That would be really terrific.

Senator CROSSIN—I do not want to speak on behalf of Senator Scullion but he probably gets out bush as much as I do. It would have helped enormously if we could have distributed some of those pamphlets in each of the communities we went to. I rang poor old Ross and he has probably been flat out catching up with the places we went to. That is the biggest single criticism I am hearing, that people just do not know the structure, who to ring, what is an SRA, what they need to do to get one. There are some pretty basic answers that people out there do not know about. Your staff are not super people, they cannot be everywhere all the time.

Ms Hawgood—One more thing we will have available quite shortly is a comprehensive listing of all the 52 SRAs that have been signed and are being implemented up on a web site that will be able to be accessed at community level as well as in other areas. Once that is up on the site, we will endeavour to get that information out to communities so that they know where to look for that.

Senator CROSSIN—A web site would be a good idea because a lot of the communities, believe it or not, now have internet cafes operating. If you had posters with the web site advertised and you put them around the community, people would be able to access it, I am sure.

I wanted to go to some questions that have arisen from the social justice commissioner's report and particularly programs addressing the needs of Indigenous women who are exiting prison. I noticed that it was raised in the *Social Justice Report 2002*, which found that little attention has been given to their specific needs. The social justice commissioner's most recent report has concluded that Indigenous women exiting prison have difficulty accessing appropriate support programs. The commissioner—I do not know but I am assuming you have read the report—recommends:

That each State and Territory designates a coordinating agency to develop a whole of government approach to addressing the needs ...

Or even:

That a National Roundtable be convened...

Have OIPC looked at those recommendations, or do they believe they have a role in implementing and taking on board those recommendations?

Ms Tim—While we have not been directly involved in a response to the commissioner on those matters raised in his report, I understand the Department of Family and Community Services have been approached by the social justice commissioner and they are going to be assisting him in establishing that national roundtable. So they will hold a national roundtable, discuss the issues that have come out of that report and pull together key stakeholders in the community as well as from across agencies and across levels of government.

Senator CROSSIN—So FaCS are actually taking the lead in implementing these recommendations on behalf of the Commonwealth?

Ms Tim—I am not sure. I was just aware, from a meeting that I had had with the social justice commissioner, that he had had discussions with FaCS, and they were going to assist in organising that round table.

Senator CROSSIN—Are there any existing Commonwealth programs that are directed at helping Indigenous women who exit prison?

Mr Yates—We would have to take that on notice. There are certainly none that we are responsible for.

Ms Hawgood—Interestingly, one of the considerations in SRA development in the Brisbane urban area is around prison release people—both men and women. It is in the very early days of development but that is one aspect that people are looking at with regard to that SRA.

Senator CROSSIN—Mr Yates, could you then take on notice whether there are any agencies responsible for programs of that kind? I am assuming you would not know if there was any funding that goes into those programs. You might need to take that on notice as well.

Mr Yates—I will seek to secure that information for you. It could be both FaCS but also Attorney-General's who have responsibility in the justice area. They may be able to provide some assistance.

Senator CROSSIN—Your PBS on page 89 shows an estimate of \$6.3 million for Indigenous women. Can you outline for me what that is going to be spent on?

Ms Hawgood—The \$6.3 million is made up of two programs. One is the Indigenous Women's Development Program, which has three components to it. The first component is Indigenous Women's Leadership, the second component is Networking Indigenous Women and the third component is a Men and Family Relationships program.

Senator CROSSIN—Men and family? Under a women's development program?

Ms Hawgood—Yes. It is quite interesting—

Senator CROSSIN—It is interesting, isn't it?

Ms Hawgood— that, under the development of that program, the feedback that we had received from communities and particularly Indigenous women across Australia was that, while they were keen for us to be supporting the development of Indigenous women, they also wanted to have a component that took the whole community forward. The gap that was being identified was dealing with men and family relationships.

Senator CROSSIN—So there is no money set aside then out of that money to specifically cater for women in jail or women who are released from jail?

Ms Tim—Not on that side of the program. I was just going to say that just over \$4 million of the second component of that funding—that is, \$6 million—is for an Indigenous women's program, which has previously been the women's grants program under the former AT SIS and AT SIC. In terms of supporting women's development, it is possible for women, through the shared responsibility agreements either being negotiated in their local communities or that they raise themselves, to put forward a submission to get some support for that.

I have been having a fair few discussions with Sisters Inside, the advocacy group based in Brisbane, who are looking at establishing a national network to support women coming out of prisons. While that is aimed at women in prison generally, they also have a strong focus on Indigenous women because of the increasing numbers of Indigenous women in prison. I know that they are looking at establishing that national network to try to better gauge what is happening and for there to be a coordinated response to it. I think the social justice commissioner in his report and in announcing that roundtable was certainly flagging that this is an issue that they want to grasp fairly quickly.

While the numbers of women in prison are statistically high, the numbers may not be seen as high compared to other issues arising in communities. But the commissioner has seen this as a real opportunity to get in early and prevent this from escalating, pulling together all the key players to begin looking at this while we are in the relatively early days of it. In dealing with these issues at the local level, the funding available has mostly come through the states but, as my colleague Mr Yates has indicated, both the Attorney-General's Department and FaCS may have some interest in this, and we will check that.

Senator CROSSIN—Of the \$6.3 million, \$4 million will go towards the Indigenous women's programs and \$2 million will go towards the women's development side—that is how it is split up, is it?

Ms Tim—Yes. And the networking component of the Indigenous women's initiative is \$10.9 million over the four years of the program, the Indigenous Women's Leadership Program is \$3.9 million over those four years, and the Indigenous men and family relationships is \$1.8 million over those four years.

Senator CROSSIN—Thank you for that.

Senator Vanstone—If I may, I would like to put in a plug that you may be interested in, Senator Crossin—I feel sure you will, actually. If you would like a briefing on the Indigenous Women's Leadership Program—not necessarily now, so as not to hold the time up for the committee, but at some other time—Ms Tim will, I am sure, be happy to give it to you. She has taken charge of that.

Senator CROSSIN—I would, actually.

Senator Vanstone—It is an initiative that we got together because of the experience that I have had in communities. Whenever you go to one that is better than another, the women are always stronger. No disrespect to any of the gentlemen here, but without a doubt if you have got strong women you are in a much better position. That is why we chose to have this program. It has an ongoing, rolling effect. I am very committed to it and I believe it is working well. You can have a briefing any time you like.

Senator CROSSIN—That would be good. I would appreciate that.

CHAIR—I think the whole committee would be interested, Senator Vanstone.

Senator Vanstone—Well, so can you, Senator Payne.

CHAIR—Thank you.

Senator Vanstone—So can the boys, if they want.

Senator CROSSIN—There are also some indicators for this money: events, workshops and forums, 113; research projects, two; and reports and publications, five, anticipating that you will reach 4,800 participants. That is a fairly ambitious number, I would have thought, in 12 months.

Ms Tim—Again, Senator, that is for the Indigenous Women's Program. It is based on history. Based on our track record so far, we think we will be likely to meet all of those targets. The other side of that which is useful to mention to you is that on the Indigenous Women's Development Program, while we were targeting some 70 women for the leadership program this year, they were supported by 18 coaches/facilitators. We thought that once those women had been through the program they would be going back to their communities to run local or regional gatherings, and we thought by the end of the four years of the program we would hit something like 3,000 people within the communities, but I would say that by the end of this year we will already have met that target this year alone.

Senator CROSSIN—What are the two research projects?

Ms Tim—I do not have the details of those at hand, and I am happy to get back to you, but they are projects to inform local areas. They are research projects at the local level to inform the way in which people are developing strategies to respond to issues that are relevant to women in their local areas.

Senator CROSSIN—So the events, workshops and forums are actually part of the leadership program, I take it. Do women's groups actually apply for funding through this program?

Ms Tim—Yes, there are a number of women's groups throughout the country that are funded through the Indigenous Women's Program. I can provide you with a list of those if you like.

Senator CROSSIN—Senator Vanstone has been there, because I have seen her picture on the wall many times. But places like the Ramingining Women's Centre—

Senator Vanstone—They have probably put my picture there not because of any great affection, because I admit I think I have only been to Ramingining once, but we did allocate some money to get that women's centre cleaned up and going again.

Senator CROSSIN—I know. You gave them \$90,000.

Senator Vanstone—It did not need much of a clean-up. You have obviously been there many times. Put in a plug for Ramingining. I do not want to start a fight with Maningrida—but, if anyone wants to buy baskets or weaving, go to Ramingining before you buy.

Senator CROSSIN—Do not distract me, but the women at the Ramingining Women's Centre make some of the best patchwork quilts I have seen in this country. We know that women's resource centres were de-funded by ATSIC in 1996, so how do women's resource centres such as Ramingining access funding? Would it be through this program, or would they need to go to FaCS?

Ms Tim—I know there was an announcement that those women's centres were de-funded back in 1996. But there was an intervention some time after that announcement and, for those centres that had been funded, the funding continued. In direct response to your question, centres like Ramingining have an opportunity to talk to their local ICC office and seek funding through the normal processes. Especially if they want to develop their activities further, they could link that to their broader community SRA, which could also encourage broader funding from across the whole of government and not just within women's programs.

Senator CARR—Is Mr Watson still present?

CHAIR—Mr Watson is not in the room currently.

Senator CARR—Is Mr Watson responsible for fraud matters?

Mr Gibbons—He is one of the senior executives with that responsibility.

Senator CARR—Mr Gibbons, perhaps you could help me because I understand that you are a prime mover. When did Operation Hoodoo start?

Mr Gibbons—I am appalling at these acronyms. I will have to take advice on what that is.

Senator CARR—Operation Hoodoo was referred to in the 2003 annual report, so I know that it existed. What was Operation Hoodoo?

Mr McMillan—I would like to take this on notice because, frankly, I have not looked at it for some considerable time. I cannot answer that question off the top of my head, so I will take it on notice.

Senator CARR—What was its cost?

Mr McMillan—I will take that on notice as well.

Senator CARR—Has it concluded?

Mr McMillan—It is certainly not in operation at the moment, but again I will take on notice whether we have finally concluded it.

Senator CARR—Thank you. Perhaps you could inform me whether it has concluded and, if so, on what date.

Mr McMillan—Yes.

Senator CARR—Have any other investigations been launched to replace this particular operation?

Mr McMillan—Again, I will take that on notice so that I can be sure I have identified what the issues were in that operation and find out whether there was any replacement. So I will take that on notice.

Senator CARR—Can you recall the detail of Operation Hoodoo? What was its purpose?

Mr McMillan—I am sorry, but I really cannot answer that at this stage. I have not looked at it for some considerable time.

Senator CARR—Did any prosecutions arise from it?

Mr McMillan—I do not recollect that there were.

Senator CARR—I take it that, if there were no prosecutions, there would be no convictions.

Mr McMillan—Yes, indeed.

Senator CARR—That is a reasonable conclusion to draw.

Mr McMillan—That would indeed be the case, yes.

Senator CARR—How many people are currently employed in your branch?

Mr McMillan—There are 11 of us at the moment.

Senator CARR—Do you handle all the fraud awareness matters?

Mr McMillan—We are responsible for the investigation of alleged fraud. In relation to fraud awareness specifically, at this time we have not been engaged in delivery of fraud awareness.

Senator CARR—There was a fraud awareness unit—was there not?

Mr McMillan—I do not think there was such a unit so-called, but I can take that on notice.

Senator CARR—Was it an AT SIS unit?

Mr McMillan—We were an investigations branch then.

Mr Gibbons—I might add to the knowledge base here. A number of years ago in AT SIS there was a unit that went by that name; in recent years there has been an investigations unit.

Senator CARR—Did it transfer the functions?

Mr Gibbons—When we started the focus on the abuse of public moneys in a serious way we expanded the unit and absorbed that into the unit. With the announcement by government last year of new Indigenous arrangements, responsibility for ongoing fraud investigation went with programs to mainstream agencies. In AT SIS, we retained a unit to do two things: fraud investigation in respect of the programs we administer, for example the native title rep program; and there were a number of very complex and very serious fraud matters that were in train at the time and it was decided to keep those together in OPIC.

Senator CARR—How many matters are currently before the courts arising from the work of that unit?

Mr Gibbons—Before they get to the courts they have to go through the Director of Public Prosecutions. How many are at that point, I do not have at the top of my head.

Mr McMillan—If you will pardon me a moment, I will see if I have brought those details with me.

Senator CARR—Thank you very much.

Mr Farmer—While the officers are looking, in response to an earlier question someone has checked for me and I have been to Tasmania on Indigenous and COAG trial site related business four times since 1 July 2004.

Senator CARR—Thank you.

Mr McMillan—There are four matters before the court at the moment.

Senator CARR—How many convictions have there been arising from evidence tendered by the investigations unit?

Mr McMillan—So far this year there have been three convictions.

Senator CARR—Which ones are they?

Mr McMillan—The first in point of time was the prosecution of Mr Whitehouse in Cairns. He was dealt with in February for abuse of public office and sentenced to three years imprisonment and is to serve 18 months. The second was Mr Brizzolara, who was sentenced in the Northern Territory for a misrepresentation offence. He was also sentenced for a number of, in effect, frauds on Centrelink and there was a combined sentence which I just cannot recollect at the moment. I will take the details of the sentence on notice. There was Ms Kerr, who was also convicted for the abuse of public office. That was in Western Australia. She was sentenced to 18 months imprisonment and is to serve nine months.

Senator CARR—How many of those were elected officials or otherwise of AT SIS?

Mr McMillan—Mr Whitehouse was an AT SIS staff member. Ms Kerr was a member of the staff of an entity that delivered services to AT SIS so that, with the expanded definition of

Commonwealth officer, she came within the purview of that—in effect, a contractor's employee. She was an official for the purposes of the prosecution. The third person I mentioned was an applicant for a business loan.

Senator CARR—Have there been any elected officers formerly of ATSIC who have been convicted?

Mr McMillan—Not at this stage, no.

Senator CARR—None to date.

Mr McMillan—Not to date.

Senator CARR—What was the cost of running the unit last year?

Mr McMillan—I will take that on notice.

Senator CARR—You are taking on notice the cost of the Hoodoo operation.

Mr McMillan—Yes.

Senator CARR—Was there an investigations branch established in Brisbane?

Mr McMillan—We have an office in Brisbane, yes.

Senator CARR—What is the cost of running that?

Mr McMillan—I will take that on notice as well.

Senator CARR—That would be very helpful.

Mr Gibbons—One needs to keep in mind when reviewing the administrative costs the huge loss to the public purse of the fraud that has occurred in this area. There are millions of dollars to be accounted for. It is very difficult to trace because of the lack of records and the fear of individuals of recrimination if they cooperate, so it is a very frustrating area in which to work when prima facie there has been major fraud. Bringing it to account in accordance with the rules of evidence in a court is very difficult for those reasons, but it does not excuse the need for that process.

Senator CARR—Certainly not, but given the amount of leaking that occurred from the various Commonwealth investigations which had the effect, I would put to you, of seriously undermining the reputation of certain persons, you would have thought there would be a stronger record of convictions.

CHAIR—It is not a matter on which Mr Gibbons can comment, Senator Carr.

Senator CARR—No. There was a whole series of proposals that were election commitments with regard to the ABA—investing in the Indigenous art industry across Northern Territory. Has that been funded in this last budget?

Yates—The funding for those initiatives, as I understand it, would be a draw-down from the ABA account.

Senator CARR—Has that happened?

Yates—The actual expenditure?

Senator CARR—Yes.

Yates—I would have to take that on notice in terms of the state of play.

Mr Gibbons—There was a meeting in the last week I think of the advisory board of the ABA, and that is a prerequisite to any—

Senator CARR—So you cannot tell whether or not they have decided to agree to that.

Mr Gibbons—We will have to take that on notice. I am not sure where it is at.

Senator CARR—Two million dollars to support Indigenous involvement in aquaculture in Darwin—has that happened?

Mr Gibbons—We would have to take that on notice. I think there may have been consideration of all of this at the last meeting but I do not have the facts with me.

Senator CARR—If you could, and presumably the same will apply to the next one—that is, the Daly River, Wadeye and the Northern Arnhem Land viability assessment for economic benefit of using ABA funding to provide Indigenous people with a financial stake in the Northern Territory gas pipeline. Was that work undertaken?

Mr Gibbons—I will have to take that on notice—I do not have the facts with me.

Senator CARR—Could you assist me by providing information as to what the estimated cost of the viability assessment is and whether or not it has been decided to go ahead with that assessment?

Mr Gibbons—I understand the viability assessment has been completed. I do not think it has been delivered as yet. We will take that on notice.

Senator CARR—Who would it be delivered to?

Mr Gibbons—It will be delivered to us.

Senator CARR—Who undertook the study—do you know that?

Mr Gibbons—I do not have the information—maybe one of my colleagues does—but we will get that for you.

Senator CARR—Thank you. On Groote Eylandt, there was funding of \$2 million to support Indigenous involvement in the aquaculture industry. Has that been undertaken?

Mr Gibbons—I cannot recall; I would have to take that on notice.

Senator CARR—In Alice Springs, there was \$2 million to support the development of Indigenous horticultural projects. Has there been undertaken?

Mr Gibbons—I will have to take these on notice; I do not have the information with me.

Senator CARR—In Tennant Creek there was a study on the viability of a joint venture in rubbish recycling and in the Katherine region there was something on investing in the tourism industry. Could you advise me on whether or not the ABA advisory body has considered the project and how much funding will be involved? In the Tiwi Islands there was funding for a comprehensive study on the viability of further Indigenous investment in plantation timber. Can you advise what the cost of that assessment is, whether a decision has been taken to go ahead with the viability of that assessment, whether the assessment has actually commenced and who will be undertaking it? In Nhulunbuy there is the development of a housing

construction and housing rental business program, exploring other expansions to the Alcoa mine. Again there are a series of projects, and I ask whether or not you could provide the funding level that has been proposed for that, whether the ABA advisory committee has considered these projects, what funding has been agreed to and what other activities are proposed to take advantage of Alcoa's expansion. In fact, could I have the list of all the projects funded from the ABA in 2003-04 and 2004-05? You do not have that with you today, do you?

Mr Gibbons—No, I do not.

Senator CARR—Please take that on notice.

CHAIR—Just to clarify, Mr Gibbons, regarding the list that Senator Carr was reading from, he has amended that to now include all projects in 2003-04 and 2004-05—

Senator CARR—I wanted those specifically, Madam Chair, because they were all election promises.

CHAIR—Thank you—I was just clarifying that for Mr Gibbons. Mr Gibbons, you have taken that on notice?

Mr Gibbons—Yes.

CHAIR—Thank you.

Senator CARR—I would like to know the dates on which any of the particular projects you are listing in that 2004-05 schedule were considered by the ABA advisory committee. Does the ABA advisory committee consider proposals at its regular meetings—is that a normal procedural agenda item?

Mr Gibbons—I understand that that is the case.

Senator CARR—Can you tell me the meeting schedule for the 2004-05 period?

Mr Gibbons—Yes, I can get that for you. I think the most recent meeting was either last week or the week before.

Senator CARR—Who makes the final decision on whether a project is funded? Is it a matter for the minister, an official of the department or the board itself?

Mr Gibbons—It is a recommendation from the board to the minister.

Senator CARR—Can you advise what the process is by which Aboriginal organisations may be able to put forward proposals for funding?

Mr Gibbons—There are various avenues. One would be a direct approach, I suppose, to the minister, who might choose to refer it to the board for advice, or someone might apply to the board for consideration.

Senator CARR—And that is spelled out somewhere, is it? I could find that on the web site or in the guidelines, could I?

Mr Gibbons—We will come back to you with some authoritative advice on that.

Senator CARR—It has been put to me that there is no application process. It is all ad hoc; it is all about who you know. Would that be right?

Mr Gibbons—I will take that on notice.

Senator CARR—The coalition policy also stated that the government was going to be responsible economic managers. They have built up a fund of \$100 million. It states that it now can invest in substantial projects while maintaining a healthy reserve. The ABA receives money from mining royalties, doesn't it?

Mr Gibbons—Yes.

Senator CARR—It does not receive money from the government as such, does it?

Mr Gibbons—Its income is sourced from the royalties that derive from the land.

Senator CARR—So it is Aboriginal money. It is not government money; it is not public money at large. Would that be a fair conclusion to draw?

Mr Gibbons—Yes. The royalties are paid to the Commonwealth and are then transferred into this account. The account was set up by statute at the time of the passage of the Northern Territory land rights legislation.

Senator CARR—But the income generated is Aboriginal money.

Mr Gibbons—It is royalties paid to the Commonwealth from mining activities on land that was granted to Aboriginals under the Northern Territory land rights act.

Senator CARR—Are there any proposals to change the arrangements in regard to payment of royalties to the ABA?

Mr Gibbons—I cannot comment on that.

Senator CARR—Minister, are there any proposals to change the arrangements for the payment of royalties?

Senator Vanstone—You know well that if the government has any proposals to make any changes in policy areas it announces them when it has got them.

Senator CARR—So there is nothing before government at the moment.

Senator Vanstone—I did not say that.

Senator CARR—In relation to the ABA.

Senator Vanstone—I did not say that. I just draw your attention to the answer I have given you. You have probably been given that millions of times over the 9½ years we have been in government.

Senator CARR—Minister, what changes are being proposed in regard to the land rights act?

Senator Vanstone—There are a number of matters under consideration. When we are ready to proceed with that, we will make an announcement.

Senator CARR—The Native Title Act?

Senator Vanstone—The Native Title Act is the responsibility of the Attorney-General.

Senator CARR—As the minister responsible for Indigenous affairs in the Commonwealth of Australia, surely you have some interest in that matter.

Senator Vanstone—Undoubtedly, but the answer is exactly the same as I give you for things that are in my own area of responsibility.

Senator CARR—Have OIPC been consulted about changes to the Native Title Act?

Senator Vanstone—You asked that question of Mr Gibbons a different way earlier today. You know full well that it is not practice to discuss what advice has been given to government. But, just in case this line of questioning appears—

Senator CARR—Evasive.

Senator Vanstone—If you are unaware of what the government wants to do, the government is aware of the desire of many people to see that Indigenous Australians can, if they wish, get real value from the land that they hold. And there is a view amongst a number of people—not just some in government—that it might be possible to find ways to give Indigenous Australians, first Australians, a better opportunity to do that which they may wish to do with their land. I for one am certainly interested in proposals that people might want to put forward in respect of that area. I am very interested. I use the terminology ‘land rich but dirt poor’. One of the reasons I have recently travelled to the United States and Canada, where there is not exactly the same situation but nonetheless communally owned land, was to get a better understanding of how a range of communities in both of those places marry economic development with communal ownership. There is no secret plan—certainly not that I am aware of. There is an open willingness to look at what government could do, if it could do anything, to assist first Australians, where they want to, to take better advantage of the land they have.

Senator CARR—I read recently that the minister for employment said that the average income of Indigenous Australians was about \$11,000 per annum. Do you agree with that assessment?

Senator Vanstone—I did not see what the minister said. I will get some figures for you. I do not know that we have that at hand. The income—

Senator CARR—What size mortgage do you think could be financed on an average income of \$11,000 per annum?

Senator Vanstone—If you had an average income of \$11,000 per annum, not much. But I would not assume for one minute that all Indigenous Australians are necessarily earning \$11,000 per annum.

Senator CARR—That is the average.

Senator Vanstone—Indigenous Australians in a number of senses, though certainly not all, do have some similarities with native Americans. One of the things I took the opportunity to get a glimpse of—unfortunately I did not have as much time as I would have liked—was the new National Museum of the American Indian in the Smithsonian. One of the key displays or presentations in that museum is on the role of modern native Americans today. While there was plenty of stuff on, in particular, communities and their past and development, the one that struck me probably above all the others was the one about the role of native Americans today, because it highlighted the situation that we have in Australia: some communities that are remote and regional, but many in metropolitan areas, and an unrecognised number playing

active roles in a wide variety of areas and making significant achievements. Those, in my view, do not get sufficient recognition. That is why I was so pleased to see this example of what they had done in the United States in that context.

Coming back to your question, I have not seen the figures that the employment minister put forward, and that may be case, but of course that average would presumably take into account a range of people in remote areas that have a welfare income and no economic development. The point I am making is that there is a vast range of incomes and there are a number of ways that communally owned land might be able to assist in economic development without it being purely related to whether or not you can afford to buy a house.

Senator CARR—The last National Indigenous Council meeting discussed an options paper. In the original draft of that options paper it was stated that one option could be to ‘amend the relevant state or Australian government legislation to require’—and I emphasise that the word ‘require’ is in bold in the paper—‘the traditional owners of a collectivity to approve any such requests for a leasehold interest’. It went on to say that it should be noted, however, that imposing such an obligation would be vigorously opposed by a range of interests, including possibly state and territory governments, on a variety of grounds, including the paternalistic removal of discretionary powers currently exercised by traditional owners and their land council representatives. It says that this is one reason why it could be prudent as a first step ‘to confine applications to the obligation to houses and business premises, thereby limiting reform to settlement and townships at this stage’. Is that a proposition that has been discussed by government?

Senator Vanstone—I think that was answered earlier. Government does not have formal advice from the NIC in relation to that matter, and what discussions are held within government is a matter for government. Since you ask a question again that relates to home ownership, I have just been advised that the latest data on Indigenous home ownership put it at about 27.4 per cent in 2002. We will try and get the comparison with non-Indigenous home ownership. That is just one aspect of it, though. There are a number of ways in which communities and individuals can benefit from economic development on communally owned land. But the arrangements have to be there for that to happen.

You mention the land councils. Some people may have views with respect to the role that they play. I have certainly had people advise me that they are indignant when they say they want to speak to the traditional owners and the land councils say, ‘You’re speaking to them; we are their representatives.’ There is a view amongst some people that some of the traditional owners do not have as direct a say as they might like to have.

There is, equally, a view from some people involved in mining. I looked at a letter just recently from someone who wanted to get a mining lease. They wrote to the lawyers acting for the traditional owners. They got a letter back, roughly saying: ‘It’s going to cost about 7½ grand to negotiate this for you. So when you give us the money, we’ll start talking.’ To a small enterprise wanting to start up, and perhaps provide a little bit of benefit for a community, this was not a big show at all. This person, in all probability, is going to give up. So we do have an obligation to make sure that the administrative and regulatory arrangements we have in place allow the people that want to work together to get together and do so.

Senator CARR—Wouldn't such a proposal to amend the legislation amount to compulsory acquisition?

Senator Vanstone—I would not give you legal advice without—

Senator CARR—I am quoting directly from the paper the NIC has, which I presume was prepared by officers of the Commonwealth.

Senator Vanstone—We canvassed this a bit earlier.

Senator CARR—I am just asking a straight question.

Senator Vanstone—I know you know about it because you were here and you asked those questions earlier. You have been trying to go to this point all morning. You have been given clear answers.

Senator CARR—No, I have not. I have been given evasive answers, as usual. I am asking you again: is it not the case—

CHAIR—Senator Carr, I think it is the case that questions were taken on notice for you. The minister was not available, she has now come back and is answering the questions that you want answered. I do not think it is an accurate reflection that answers were evasive.

Senator CARR—Of course that is always a matter for judgment, Madam Chair, and I am exercising my judgment. As the paper says, it 'could amount to the compulsory acquisition of private property and thus invoke the "just terms" compensation provisions of the constitution'.

Senator Vanstone—Senator, you asked me that question less than a couple of minutes ago, and I gave you an answer. I do not have anything further to add to that.

Senator CARR—Is it the case, Minister, that the current Native Title Act and the Northern Territory land rights act are premised on the right of Indigenous people to negotiate?

Senator Vanstone—I think it is very hazardous to try and indicate one phrase on which particular legislation is premised. But if you invite me to do it with respect to that legislation, I would say that it is premised on the land being inalienable. That would be my paraphrasing.

Senator CARR—And the right to negotiate. How important is the right to negotiate?

Senator Vanstone—I did not say that at all. It is really not helpful. The record will show what answer I have given you.

Senator CARR—I have asked a question.

CHAIR—It was a question, I think, Minister.

Senator Vanstone—And I have given you my answer.

CHAIR—Have you completed your areas of questioning, Senator Carr?

Senator CARR—No, I have not. I will put the rest of my material on notice.

Senator CROSSIN—I have a question about the Minjilang store, the Croker Island store, that was demolished during the cyclone. My understanding is that \$1 million has been committed to rebuild the store and that that money had been committed prior to the cyclone occurring. Can you tell me if these funds were from ATSIC or ATSIIS?

Ms Hawgood—My understanding is that that money is coming from DEWR.

Senator CROSSIN—My understanding is that the \$1 million had been allocated prior to the cyclone. You are saying that that \$1 million was also from DEWR?

Ms Hawgood—I was not aware that had been allocated prior to the cyclone. Perhaps I had better check that fact. My understanding was that that was coming from DEWR, though it may be that that has happened because it is coming from an area that has been moved into DEWR since the new arrangements were put in place. It may have been previously an ATSI area.

Senator CROSSIN—So you are saying they may well have been funds from ATSI. You will check that, will you?

Ms Hawgood—I will. It may have been from, I forget what the precise name of the program was but the business development program, which is now part of DEWR.

Senator CROSSIN—Can you also find out for me if the funds have been released for the rebuilding of the store?

Ms Hawgood—I can find that out.

Senator CROSSIN—In the PBS on page 101 for output 3.2.3, Incorporation, regulation and building capacity of Indigenous corporations, the performance information for outcome 3 shows a performance figure of 70 days non-accredited training in corporate governance and 150 days of accredited training. Can you explain to me who this training is for? Is it for staff or Indigenous corporations?

Mr Yates—This is managed by the office of the Registrar of Aboriginal Corporations, who was not called to appear, but I can assist, I think. Its primary training activity is for Aboriginal organisations registered under the act.

Senator CROSSIN—The registrar provides that training?

Mr Yates—That is correct. She is responsible for organising it or contracting for it, yes.

Senator CROSSIN—What is the amount allocated against the training?

Mr Yates—I will have to take that on notice and refer it to the registrar. In fact, any questions that you have for the registrar I will need to take on notice, because she was not required to come.

Senator CROSSIN—My apologies for that. I did not realise that that particular outcome was associated with the registrar. How much specifically is the training? Further to that, my understanding is that there are 2,500 corporations, so, even though it is 220 days of training all up, it does not seem to be an awful lot when you are talking about 2,500 corporations in this country.

Mr Yates—I am not in a ready position to be able to talk about that. I am certainly aware that the registrar is targeting that training to areas where there have been most difficulties identified in regard to the operation of corporations or organisations. One particular area where they have been investing a lot of energy is the Kimberley, where there seems to be a high incidence of financial and other difficulties experienced. So they are taking a fairly targeted approach. I understand also that the training program is ramping up over time, so

there will be some expansion. But I will take it on notice and we will get some detailed information for you.

Senator CROSSIN—I will put the rest of the questions I have on notice, but the social justice report from last year makes reference to the fact that in December 2004 the United Nations General Assembly proclaimed the second International Decade of the World's Indigenous People, which commenced on 1 January this year. ATSIC was formerly the coordinator of any activities associated with that decade in Australia. Does that role now come under outcome 3.1.2, Policy development and innovation?

Mr Yates—We can give you a detailed response to that, but we do have some involvement in that activity or we provide some funding to an organisation to support some of those activities. We will give you a detailed reply.

Senator CROSSIN—So you cannot tell me whether it comes under outcome 3.1.2?

Mr Yates—I believe it does.

Senator CROSSIN—So can you advise me as to who will coordinate the activities for this second decade? Is it going to be OIPC or a contractor?

Mr Yates—It may be a contractor, but I will take that on notice.

Senator CROSSIN—So you would not know who the contractor is at this stage?

Mr Yates—I am not sure that we do, but we will let you know.

Senator CROSSIN—Would there be some sort of a tender process? Will it be Reconciliation Australia? How is this going to work?

Mr Yates—Things are at a preliminary stage. We are talking with HREOC about how the arrangements into the future may best operate, but it is at a relatively early stage.

Senator CROSSIN—You might want to take on notice whether there will be a particular organisation or body you will contract or whether there will be a public process undertaken. I also did not find any funds for this in the PBS that are actually earmarked to be provided this coming year. You are saying there are funds, though, Mr Yates?

Mr Yates—Yes. As you know, we do not have line items on every activity that occurs in the organisations, but we will provide that information to you in our response to the questions that you have given us.

Senator CROSSIN—If you could tell me what output it is and the amount of money that has been set aside in the PBS for 2005-06, and any forward estimates over the coming years.

Mr Yates—We will do our best in that regard.

Senator CROSSIN—Okay. Thanks.

Ms Hawgood—Senator Carr has left, but I agreed to provide some information on a La Perouse SRA which I now have. I can confirm that, while it is early days, one of the issues that the community has put on the table for further development relates to funding for the provision of maintenance costs for houses.

CHAIR—Thank you very much.

Mr Yates—Chair, I had just two points to respond to, as I undertook to get some further information. Firstly, the sitting fees for National Indigenous Council members are consistent with the Remuneration Tribunal determination which provides a sum of \$448 per day. Secondly, with regard to Senator Crossin's question about the national roundtable recommended by the social justice commissioner, I understand that the Department of Family and Community Services has agreed to support or sponsor the convening of such a roundtable.

Senator CROSSIN—Thank you.

CHAIR—Thank you very much. I understand there are no further questions. That brings to an end the consideration of budget estimates for this week for both the Attorney-General's and Justice portfolios and the Immigration and Multicultural and Indigenous Affairs portfolio. I would like to thank the minister and Mr Farmer and officers of the Department of Immigration and Multicultural and Indigenous Affairs for their assistance and that of associated agencies. Minister, do you wish to make—

Senator Vanstone—A closing statement? And a correction, if I may. I did indicate I had been handed materials that were the latest data—2002 data—on Indigenous home ownerships, at 27.4 per cent. Apparently it is actually 32 per cent and the latest data is from 2001. So we have got a long way to go. I am advised that the gap is in fact reducing. I think Senator Crossin, when I quote increases, says, 'But what about the gap?' The gap is, I am advised, decreasing, but non-Indigenous home ownership is around 70 per cent. Indigenous home ownership is at about 32 per cent and non-Indigenous, 70 per cent, so we have got a way to go and we have an obligation to look at every way we can assist in that. Having said that, since we are coming to a close, I thank the committee for the, generally speaking, civil manner in which proceedings have been conducted. I thank Hansard—linesmen, ball boys and everyone else.

Senator CROSSIN—Ball girls?

Senator Vanstone—But there have been boys over the course of the proceedings.

Senator CROSSIN—Ball people, maybe?

Senator Vanstone—Maybe even men—let's not go there! I would ask the committee, and I have raised this with the chair, whether it is possible for the department to assist the committee in some way in getting a sharper focus to the ordering of the questions. The chair has given me some ideas of where the department might be able to assist—for example, where there are contentious issues, to give a clear indication, perhaps a list, to the committee, I don't know how many days before, of what categories they would fit in. This is the committee's time; we understand that and accept it. It clearly is yours to dispose of as you choose.

But, since the committee decided to have a day of general questioning, which, in itself, was not particularly ordered, we have had officers coming and going from the table with a tremendous degree of—I would like to say regularity; it is regular but haphazard in a sense. Then we have jumped around a bit over the other arrangements. It is our job—I am not being nice here—to fit in with what the committee wants. I understand that one of the committee members wanted to attend something and so the committee chose to focus its arrangements to

accommodate that committee member—that is fine. We are happy for you to do that. All we are flagging is that we would like to have a discussion to see if we can get a better order into hearings. I think that will mean that officers would be able to give you more answers at the time, because they would not have been coming and going. We stand ready to accept whatever advice the committee wants to offer in that respect. Thank you very much.

CHAIR—I note those observations, Minister. I think I would prefer to consider my response, in terms of the operation of the process, rather than to make it now. I am not sure that I agree with you on every point—that will not be a bolt out of the blue. The committee indicated at the beginning of considerations on Wednesday morning that a significant portion, if not all of that day, would be applied to general matters. Given the level of attention being paid to this policy area in general terms, I was not surprised by that, but I felt it appropriate to advise the secretary and yourself that that would be the approach that was being taken by the committee.

Senator Vanstone—And we were grateful for that advice.

CHAIR—As you consider these matters, so will the committee. I would also like to thank my committee secretariat, which works very hard to ensure—

Senator Vanstone—Indeed.

CHAIR—that departments are well prepared to assist the committee in this process. Thank you, in particular; to sound and vision; Hansard; and particularly to the attendants, who have made a very significant effort to look after senators well this week, for which we are very grateful.

Senator Vanstone—And to refresh our water, which we are grateful for as well.

CHAIR—I declare this meeting of the Senate Legal and Constitutional Legislation Committee closed.

Committee adjourned at 12.57 pm