

FOX, Mr Jamie, First Assistant Secretary, Indigenous Employment and Recognition Division, Department of the Prime Minister and Cabinet

HEFREN-WEBB, Ms Liz, Acting Deputy Secretary, Department of the Prime Minister and Cabinet

JEFFRIES, Mr Sam, Special Adviser, Regional Governance, and Assistant Secretary, Department of the Prime Minister and Cabinet

RYAN, Mr Robert, Assistant Secretary, Empowered Communities Implementation Taskforce, Department of the Prime Minister and Cabinet

Evidence from Mr Ryan was taken via teleconference—

[11:55]

CHAIR: Welcome, everyone. Thank you for meeting with this committee. The committee has been asked by the Commonwealth parliament to look into constitutional recognition relating to Aboriginal and Torres Strait Islander peoples. The resolution of appointment outlines in more detail the aspects for the committee's consideration. As co-chairs of the committee, we have made statements expressing our wish to hear more from First Nations peoples as we start our work. We've also explained that we will continue to receive submissions and hear more views around Australia in the coming months.

We need to ensure that everyone present is aware of procedural considerations. Today the committee is taking a *Hansard* record of the proceedings, but it is not being broadcast. Microphones aren't broadcasting or amplifying your words in the room, but they are likely to be on and recording at any given time. The committee may wish to make the *Hansard* record public at a later date, but we will seek your views on this before doing so. If you feel very strongly that you don't want your views recorded in any way, we'll give consideration to that.

When you provide information to a committee—and I'm sure you all know this—you're covered by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage you on account of the evidence given, and such action may be treated by the parliament as a contempt. It is also a contempt for you to give false or misleading information. If you make an adverse comment about another individual or organisation, that individual or organisation will be made aware of the comments and given a reasonable opportunity to respond to this committee.

Before we seek opening statements from you, I wish to apologise for the co-chair, Mr Leeser, who's not here, and for other members and senators who are also not here. We acknowledge that we are on the traditional lands of the Kulin Nations. Is anyone going to make an opening statement?

Mr Fox: No, I don't think we have any opening statement to make. We offer apologies from Professor Ian Anderson, who's currently in the UN in New York for the permanent forum on Indigenous people. He asked me to let you know that he'd be more than happy to work with the committee when he's back in Australia.

CHAIR: I take it you're all familiar with our terms of reference—

Mr Fox: Yes.

Ms Hefren-Webb: Yes.

CHAIR: which have been through your hands in the drafting, I presume. But, anyway—

Mr Fox: No, in fact!

CHAIR: We've got to deal with the question that's come from the Uluru Statement from the Heart—those matters of truth telling and agreement making and the voice, and the question of whether the voice should be entrenched in the Constitution. We've also got to deal with maybe alternative ways, by way of legislation. We're trying to look at this from the context of how the nation itself goes forward out of the many hard efforts that have been put in over a long period of time. There is another matter, which is in paragraph 1(b) of our terms of reference, about how First Nations people are being consulted, whether that consultation is effective in assisting with self-determination and the growth in economic independence and how this is influencing legislation and policy. That may be an area in which we would seek some directional guidance from you people.

Mr SNOWDON: I need to ask a couple of threshold questions. What's your understanding of the government policy that currently exists on the issues around the Uluru Statement from the Heart and the entrenchment in the Constitution of a voice?

Ms Hefren-Webb: The government, as you know, announced last October that it did not support the proposal as articulated in the Referendum Council report for a constitutionally enshrined voice to parliament and indicated

that it was supportive of further work being done to look at options, building on the work that had happened through the processes that you referenced. But it does not support the proposal as it came forward.

Mr SNOWDON: There is really no point us discussing this any further then.

Ms Hefren-Webb: The government indicated its position on a constitutionally enshrined voice but indicated it was happy for further work to be done—

Mr SNOWDON: But not on a voice?

Ms Hefren-Webb: There's not any limit on the work of this council. That is the government's agreed position.

Mr SNOWDON: I'm not asking you to defend the government, but can you understand how it makes it almost impossible for this committee to work effectively if we cannot consider that the voice be part of the Constitution?

Ms Hefren-Webb: The committee can consider the full suite of options. The government—

Mr SNOWDON: What you're saying is: the committee can do what it likes, but the government has made up its mind.

Ms Hefren-Webb: The government has announced a position—correct.

Mr SNOWDON: Thank you.

CHAIR: Is that all?

Mr SNOWDON: That's all I need to do, mate. Angus Taylor got into the parliament, when this was introduced, and made it very clear the government would not be supporting the idea of a constitutionally entrenched voice. Our terms of reference give us the capacity to do what we like in that context. But, if at the end of the day we come up with a proposal and a recommendation to support the entrenchment of a voice in the Constitution, it's very clear that there'll be no bipartisan support for it because the government has already rejected it.

Senator SIEWERT: Can you tell us what level of consultation the government did outside of the Referendum Council process in order to come to the position of rejecting the voice?

Ms Hefren-Webb: The government didn't do formal consultation outside of the Referendum Council process. There may have been a series of discussions with various stakeholders, but there was no formal consultation process.

Senator SIEWERT: What level of involvement did PM&C have in those discussions? Was there a formal process of helping to facilitate that or were they purely discussions that members of the government had?

Ms Hefren-Webb: I'm not aware of any formal role or any organisational role that PM&C had. I'll just check.

Mr Fox: No, I'm not aware of any either.

Mr SNOWDON: There was no advice given to the government that a voice would be a third house of the parliament?

Ms Hefren-Webb: That's a separate question—

Mr SNOWDON: Well, it's not. It's related very directly to the statements made by the Prime Minister, who said it would be a third chamber. He must've got advice from someone to make that observation. I'm just asking whether or not any advice was sought from PM&C around the Prime Minister making that statement.

Ms Hefren-Webb: Can I just clarify—I understood Senator Siewert to be asking whether we were part of a further consultation process.

Senator SIEWERT: Yes, but that's a very good question too, so could you answer both.

Ms Hefren-Webb: Yes. We weren't, to my knowledge, part of any further consultation process. The question of advice to the government is really a question about a kind of policy-advising role, and I don't think it would be appropriate for us to indicate what we provided advice about.

Mr SNOWDON: So can we take it from that that the government made up its mind about this being a third chamber?

Ms LEY: That's a bit of an unfair question.

Mr SNOWDON: It's not really, because that's what the Prime Minister said.

Ms LEY: But you're asking the bureaucrats about government thinking that may or may not have advanced since the position that PM&C was in at the time of the statement.

Mr SNOWDON: I appreciate that; I'm just trying to get to the bottom of whether or not any advice was formally given to the Prime Minister about what a voice might look like.

Mr Fox: And I'm not sure that we're in a position to be able to provide you with advice to that effect.

Senator SIEWERT: Were you asked to provide advice on that issue? I'm used to getting the answer saying that you can't tell us what the advice was, but were you asked? I don't see any reason why you couldn't answer that.

Ms Hefren-Webb: Yes, the department was asked for its views.

Senator SIEWERT: But was it on the specifics—specifically, that it would be a third house.

Mr Fox: I actually don't know the answer to the question.

Ms Hefren-Webb: I don't know.

Senator SIEWERT: Could you take that on notice?

Mr Fox: Yes.

Mr SNOWDON: You can see our conundrum. Obviously, this committee and its membership want to see itself as being able to make advice to the parliament, but it seems to me that in a sense we're shackled by a predetermined position of the government. Despite whatever recommendations we may make to the parliament, as a previous person has said, the policy is as it is today until it changes, unless and until the government decides that it might accept alternative advice.

Senator STOKER: But isn't that true of all policy? All policy is subject to change. Over time, all parties have changed their positions on almost all policy areas.

Mr SNOWDON: I'm not disagreeing with you, but—

Senator STOKER: I think we just have to take the terms of reference at face value and do our best to work with them.

Mr SNOWDON: But we need to have a discussion internally, and perhaps with the government members in particular, to ask them to get advice from the government to see if it's worthwhile our continuing.

Ms LEY: As a government member of this committee, I am taking the terms of reference at face value and engaging with the subject matter in a genuine way, as we've been asked to do.

Mr SNOWDON: I accept you are; that's not my point.

Ms LEY: I know, but I'm also not of the view that there is some hidden agenda.

Mr SNOWDON: No, I'm not saying that. It's a very transparent agenda; the announcement has been made; it's not hidden.

Ms McGOWAN: Could I change the topic?

CHAIR: Yes.

Ms McGOWAN: Thank you for that opening comment. I made a note that there's a full suite of options. Could you expand on that a little bit? What do you consider the full suite of options to include?

Ms Hefren-Webb: The wording is that the joint select committee recommend options for constitutional change. The only limitation on that is that the options would meet the expectations of Aboriginal and Torres Strait Islander people and could secure the support of parliament and the Australian people. There's no other limitation being placed on the range of options.

Ms McGOWAN: Can you give us some input on the range of options that would be in your minds when you think about this?

Ms Hefren-Webb: Clearly, the previous processes have discussed a range of options, a range of models, a range of clauses et cetera. I don't know that I've got a particular set of options in mind, and I don't know that the government has a particular set of options in mind. It's interested in the committee's views and the outcome of your discussions.

Mr Fox: If you're asking us what the wording of a proposed question to a referendum should be, I don't think we're in a position to give you that advice.

Ms McGOWAN: No, I was just wondering if you had a more general sense of it. So what you're basically saying is we should look again at some of the other reports that we've looked through, as there's a whole stack of options in those.

Mr Fox: Yes.

Ms Hefren-Webb: Correct.

Mr Fox: I think Ms Hefren-Webb referred earlier to the Prime Minister's statement in October last year, I think it was. If you look at that, the Prime Minister himself made the observation that there have been a number of options and that, short of the position that Mr Snowden was talking about earlier, the Prime Minister has said he is looking to this committee—well, this committee hadn't been established at that time, but he would be open to all options along those lines.

Mr SNOWDON: Again, would you say that the expectation of Aboriginal and Torres Strait Islander people currently is that there should be a voice?

Ms Hefren-Webb: Certainly, there was broad consensus, from the results of the consultations of the Referendum Council, around that proposal.

Mr SNOWDON: And a rejection of any other proposition?

Ms Hefren-Webb: Through that process, yes, that's correct.

Mr SNOWDON: I'm not asking you to tell us how to consult, but, basically, how would we be expected to gain a view of the expectations of Aboriginal and Torres Strait Islander people, apart from the advice they gave us at Uluru?

Ms Hefren-Webb: It's really up to the committee to formulate how it wishes to gather those views and gain that advice. We're happy to work closely with you on that. That was advice that came through a particular process at a point in time. There are other forums in which Aboriginal and Torres Strait Islander people are speaking their views on what they see as useful parts of this process. We can talk about some of those, we can talk about the consultative arrangements we have in place and we can talk about some of the structures, like Empowered Communities, where we have regular dialogue with Aboriginal and Torres Strait Islander people on a whole lot of issues, and whether some of those mechanisms may be useful pathways.

Mr SNOWDON: Thank you.

Ms LEY: I understand that there is something, and it's not the regional dialogue process that the constitutional recognition process engaged with but another regional process—the Empowered Communities discussions.

Ms Hefren-Webb: Correct.

Ms LEY: They involved perhaps similar groups of individuals in even more regional locations—I know one of them came to Mildura, quite near me—talking about what the needs of the communities are in maybe more than just a practical sense but a philosophical sense as well. Did you want to briefly explain that process?

Ms Hefren-Webb: Yes, we'd be happy to. I might ask Mr Ryan, who is on the phone, who looks after the Empowered Communities work, to expand on that. Robert, are you happy to expand on that?

Mr Ryan: Yes. I missed part of the question. Is it about how the Empowered Communities process works? Was that the question?

Ms Hefren-Webb: Yes, it's about the engagement with Aboriginal and Torres Strait Islander people through the Empowered Communities leadership.

Mr Ryan: There are eight regions where Empowered Communities currently operates in some form, some more advanced than others. Those eight regions follow the Jawun footprint, for those of you who are aware of the Jawun corporate partnership. It has a lot of involvement from some fairly big corporates to help build capability in each of those regions. The process began with leaders themselves identifying a model or a desire to work with government in partnership to drive a reform process to help build both resilience and financial independence for Aboriginal people so that they can take responsibility for their own lives. That proposal had bipartisan support for consideration by government in 2013. There was development work done, and then support from the government in 2015 to implement the regional arrangements.

There were some recommendations in the Empowered Communities report that were not supported by government. Probably the most prominent of those was an Indigenous policy productivity council that would have had a national role in terms of both considering policy and providing advice to government on policy, and providing a neutral umpire between government and the Indigenous Empowered Communities leaders. The decision was not to proceed with an IPPC at that time but to proceed with the regional arrangements. It's probably fair to say that the Empowered Communities leaders were fairly disappointed that the full model wasn't supported, but they have worked with government constructively to start the regional process.

In each region, as they're developing that, it tends to take a different form. There's some consistency, but how they determine who the leaders are and their connection with community is different in each place, which reflects

the fact that we're dealing with eight regions across urban, regional and very remote areas. There is a level of flexibility in the models and a bit of an evolving set of arrangements. At the moment I'm up in Cairns dealing with some work in Cape York, where they're looking at developing a model called 'Pama futures', which is going to have both cultural and natural leadership drawn from community, and grassroots governance arrangements that can then be lifted up into a regional structure. In each region they're looking at how they work with government to drive reform, how they can better ensure that government investment is utilised more effectively and in a way that Aboriginal people feel is going to deliver the best results for their community, and in particular how they can drive an empowerment of Indigenous people to try to reduce the actions of government that disempower Indigenous people and to increase approaches that empower Indigenous people to take more responsibility for their lives. It is, as I said, an evolving space. We're currently working across eight sites. Some of those are very large: two sites across the Kimberley, one across Cape York, one across the NPY region. Those are some fairly massive areas. There are lots of challenges, but we have a very strong group of leaders that want to work in partnership with government. It's probably worth making that point—

Teleconference interrupted—

regional authority, which is an authority in its own right, where government has outsourced responsibility for these arrangements that government would normally deliver, through to an authority that operates under an Aboriginal board, that what currently Empowered communities is looking at it as a partnership with government, where government continues to do the things that it would normally do but with greater direction, influence and say by Indigenous people over how government services are delivered, how government investment is delivered, with a development approach that more cleverly and comprehensively targets that effort to try to address the priorities of those Indigenous people in that region.

Ms LEY: Is there a way that you can capture current thinking? I know you're not engaging directly with this issue, but it seems to me that the network, the thoughts and particularly the aspects about resilience would be relevant to this committee. Is there a way we could update the Empowered Communities report in some way and capture current thinking and feedback from all the areas you are in?

Mr Ryan: We can probably provide our assessment, but noting that this is an empowerment agenda, I expect you'll find that the Empowered Communities leaders would contribute and put that position forward. What's consistent across the Empowered Communities and probably relevant to this discussion is the strong desire of leaders to take responsibility for empowerment, making sure Aboriginal people have that direct connection with government to influence and in some cases even perhaps have authority to determine how government policy and investment is delivered in their region.

Ms LEY: It might be useful for the committee to engage directly with the leaders of the eight regions and find a way of hearing from them.

CHAIR: Are you talking about individual leaders or corporate entities? Who is the Indigenous party at the other end of this?

Mr Ryan: In each of the regions there is a constituted group of leaders. In most cases they're self-selected, so leaders that put themselves forward and opt into the Empowered Communities arrangements. It's an opt-in model, so people choose to opt in on the basis that they support the outlined being. They have support from a backbone organisation. There is funding support from the federal government to provide that administrative and resourcing capacity for those leaders to then act as a body that can seriously consider policy matters, priorities and the need for better investment, and liaise with government in a more empowered and informed way. The backbone organisation has a board made up of a number of the leaders in those regions, and then there are opt-in organisations that choose to participate and commit to the process. The design report talked about drawing on three broad groups of leaders. One was leaders from organisations opting in. Another was cultural leaders who bring cultural authority to that process. The third was natural leaders, who may not be leaders of organisations and may not have cultural authority but are people of influence in that community. Again, they're working through how each region takes the design principles and comes up with something that works in their region. The work up here in Cape York around 'Pama futures' is building a model that has grassroots support, so people in each of the 12 sub-regions across Cape York are choosing people empowered to speak on their behalf. Some of them are set positions for traditional owners, because of both their cultural authority and the legislative authority around land; there are leaders who've been selected, which they term 'empowerment leaders'; and then there are those around economic development, people that are ready to lead that community.

CHAIR: What level of government financial commitment is going into this?

Mr Ryan: Primarily it's the backbone organisations. On average in the regional an urban areas we put around \$600,000 a year into those backbone organisations, and in the remote regions around \$700,000. As you'd understand, there's a bit of variation from region to region, but generally they're all in that ballpark.

Senator SIEWERT: Are you able to provide us with a list of the backbone organisations?

Mr Ryan: Absolutely. Do you want that now?

CHAIR: No.

Senator SIEWERT: You can provide that on notice.

CHAIR: Ms Ley proposes that some further investigation of all this might be worthwhile. In relation to our term of reference 1(b), is the department sponsoring or undertaking other consultations of this nature?

Mr Ryan: Mr Jeffries might want to talk about some of the other models we have around the country.

Senator STOKER: Before we go too far, Chair, may I ask that we get a copy of that Empowered Communities report? I'd like to understand it better, if possible.

CHAIR: I thought that was being offered to us.

Senator STOKER: Fabulous.

Ms LEY: It was talked about, but we're not sure how publicly available it. I'm assuming it is.

Mr Ryan: The design report is publicly available on the website, so we can provide that, as well as a list of the backbone organisations in each of the regions.

Ms LEY: A description of the ongoing work would be useful too.

Mr Ryan: Yes.

Senator SIEWERT: What do you mean by self-selected leaders?

Mr Ryan: This policy process wasn't delivered by government; it came from Indigenous leaders. We don't define how they determine their leaders in each of those regions; they do. They have a set of objectives and principles that guide what they're trying to do under Empowered Communities, then organisations and leaders choose to opt into that process. In doing that they have to satisfy the group of leaders that they meet the requirements to implement reform arrangements and achieve the goals that Empowered Communities is seeking. Once they have gone through that selection process, they work in partnership with government, but the determination about which leaders represent is done by that group, not by government.

CHAIR: Mr Jeffries, you were going to outline some other processes.

Mr Jeffries: There are around the country, including the Empowered Communities sites, 23 models of Indigenous leadership or regional governance arrangements. One of those is a Commonwealth statutory authority: the Torres Strait Regional Authority. The only other legislative arrangement in place is the ACT elected body. The rest are unincorporated, unlegislated groups which have fundamentally been pulled together and act as an Indigenous leadership group. The New South Wales government created the Local Decision Making Policy and Operational Framework, which has seen the establishment of an additional seven models—besides Murdi Paaki Regional Assembly, of which, for the record, I was chairman for more than 12 years. South Australia has the Aboriginal Regional Authority Policy. Three bodies have been incorporated or recognised through that process, and we're considering further extending that to others. The Commonwealth is supporting a couple of other leadership groups at the moment: Yarrabah, who have presented to the Commonwealth how they want to drive change in their community, and the Far West Aboriginal Communities Leaders Group based in Ceduna, which has primarily been providing oversight of the cashless debit card trial but is expanding its operations into other things, particularly relationships with government about the delivery of programs and services. Apart from the TSRA, these models are primarily focusing on building their relationship with government about the delivery of programs and services. Approximately 196,000 people are represented or covered by these models. I'm not quite sure of the geographical spread, but New South Wales is almost covered by these models, taking in a broad number of communities and a significant amount of the population. These are jurisdictional-held processes which have been established by state and territory governments, who I think to some degree have seen the value and the use in working with Aboriginal and Torres Strait Islander people through these types of structures.

Ms BURNEY: I'm not asking you for a response to this, but I give this to the committee as an observation; it's something I've been thinking about for some time. With what Mr Ryan and Sam have described, a number of states and territories, including the representative model the ACT government has put in place, could provide part of what we're looking at out of the Uluru statement: the basis for agreement making or treaty making. That's probably not the way that you've seen it, but in essence we're talking about, particularly with Empowered

Communities and Murdi Paaki—which I'm very familiar with, as you know, Sam—giving those authorities the responsibility for decisions on how resources should be used in those areas. That's an agreement, and part of what has come out of Uluru is the establishment of a makarrata commission, which would have the oversight for precisely what you're describing. I give that just as an observation. You probably haven't seen it like that.

Mr Jeffries: I have. I think that, if you talk to these groups, they will certainly say that their voice is not diminished by the decision. They've certainly got a voice even though they are supportive of the structure and stuff that were put forward. For their patch, they want to make sure that they maintain a voice for the people who they've come together to represent or to serve.

Ms BURNEY: How do those structures that you've talked about interface with local government authorities? I'm assuming Yarrabah would be one.

Mr Jeffries: Yarrabah is quite unique. Each of these models are quite unique. That, I think, is one of the real good values that they bring to us. They're responding to what works for them. Local government plays a significant role in the leadership group. They are part of the leadership group.

Ms BURNEY: And TSRA too?

Mr Jeffries: TSRA, again, is a legislative model that's got a service provision role and that kind of thing. Yarrabah is probably the only one in the mix of those models at the moment that has local government inclusive in its structure.

Mr Ryan: Yes, that's largely correct. There are some regions—Cape York, for instance, has some mayors involved directly in their process. The Mayor of Lockhart River has worked a lot on the proposal. But in others the view is that local government should be involved but involved as local government. They are looking at something called a partnership table or a negotiation table, which has community representatives on one side and the three tiers of government on the other. So they would see local government being involved but involved as a form of government along with the Commonwealth and the state. They certainly see it as critical, but in some areas they've gone further than that and they've got direct involvement of council on the community side of the process. So it just varies from place to place.

Ms BURNEY: Thank you.

Mr SNOWDON: Would you mind providing us on notice with the detail of the 23 different models, how they're constructed and how they're working? That would be very useful.

Mr Jeffries: Sure.

CHAIR: And what underpins them by way of cost?

Mr SNOWDON: Perhaps you might talk to us about what role, if any, they might have in determining the priorities for government decision-making in, say, the IAS process.

Mr Jeffries: Certainly. I can probably go to a little bit of that now. I know that quite a good deal of these structures want to have a fully developed relationship with PM&C, through their network office, around having a say on how programs and services are applied through the IAS process. Some of them have determined their priorities through a planning process and they want to be able to align expenditure against that rather than funding projects because they might sound like a good idea or something. What I see demonstrated through this is that everyone wants to have a say in the business of what happens in their communities. They want to have a say in the decisions that affect them and they're using these structures and processes to be able to give that effect. Whether it's the delivery of programs and mainstream services—it could be that or it could be about particular projects that happen.

Mr Ryan: They're starting to implement joint decision-making processes between government and the EC leaders, and the first to trial that were in the inner Sydney region. Cape York and the both of the Kimberley regions are now looking at going down a similar path where they'll consider which grants as grants come to the end of their terms and need to be reconsidered. There will be a process which involves the leaders, and each of the leaders in each of the regions is looking at how they involve community in that decision. In inner Sydney, for instance, they use community panels that were drawn from relevant people in the community to provide advice to the leaders. Leaders are certainly very conscious that it can't just be them making decisions in isolation from the community; the community has to be part of that process. Each region is now looking at how their region will give effect to that. That's currently only applying to the Indigenous Advancement Strategy under PM&C, but we'll begin to work with other agencies such as DSS and Health on how they might work with EC leaders on similar processes. But Minister Scullion has made a commitment to the EC leaders that, where they do engage in these processes and provide advice about how existing investment can be used. He'll both quarantine that investment to

be redirected within the region but also provide a weighting of 75 per cent, when he makes his decisions, on the advice he gets from EC leaders. He made a clear symbolic statement that it will be the primary weighting that he will consider when he makes his decisions around IAS funding where EC leaders engage in that process.

Mr SNOWDON: I'm interested as a former health minister—and Sussan may have an interest as well—that you're saying they should have a role in health given the role of the Aboriginal community controlled health sector and their already existing leadership. Do you consult with them?

Mr Ryan: Yes. At this stage those discussions are yet to happen. We don't anticipate that it's necessarily going to be the same as the IAS, for very good reasons in terms of how they work with the PHNs and everything else. It's more about how Indigenous leaders will engage more broadly with the other Commonwealth agencies. Much as there are different arrangements in each region, I expect that there will be different arrangements when they work with different agencies as well. I would expect it would be substantially different when they're dealing with health than when they're dealing with the IAS. It's more about the engagement. They want to actually work with all the Commonwealth agencies around that.

Mr SNOWDON: I'd be interested in seeing how that develops. I would have thought the ACCHOs would argue that they represent the interests of health in those regions and that they're the organisations to be discussed.

Mr Ryan: And some of the ACCHOs are, in fact, opt-in organisations in some regions and are part of that process as well.

Mr SNOWDON: But in others they're not.

Mr Ryan: But in others they're not, no. That's right.

Mr SNOWDON: So what happens when there's a conflict of views between an ACCHO or another organisation and an empowered leadership?

Mr Ryan: If I can just say one thing: these are matters, firstly, for Indigenous leaders to sort through for themselves in the first instance, but what we've seen when they've looked at this process for the IAS is that leaders are very sensible and very conscious of the need for them to work as a whole community. I think their starting point will be to work constructively and not to cut across arrangements that are very effective and are working well. But these are matters for them to consider.

Ms Hefren-Webb: As you know, there's a lot of funding that goes out separate to the ACCHOs that may be of interest and concern to Indigenous communities and Indigenous people. Funding might go out through PHNs and so forth. It could be that that's the area that Empowered Communities leaders want to focus on.

Senator SIEWERT: And you know ACCHOs have been trying to get involved in that process for a very long time, so why would you go to Empowered Communities rather than to ACCHOs, who have the expertise?

Ms Hefren-Webb: Yes. I guess the Empowered Communities process gives us an opportunity to say to Health, 'Look, these people are keen to have input across a range of activities that include the funding you're putting out through the mainstream service sector.'

Mr SNOWDON: But the ACCHOs are community based organisations, and you would have expected that the leadership of Empowered Communities would have a role in those organisations or being making representations because they're community based.

Ms Hefren-Webb: Correct. There are a lot of strong relationships.

Mr SNOWDON: I'm at a bit of a loss to understand here.

Ms Hefren-Webb: I guess what you're asking is what the Empowered Communities leaders add to the process. In the case of Health it might be that the ACCHOs are the people who should be the primary negotiator, but in the case of other programs and other funding like family support funding or other sources of funding there's a lot of activity that government does where it touches on and affects the lives of Aboriginal people and there's no strong voice or mechanism for input and consultation.

Mr SNOWDON: I think there are many places where people say there's a strong voice but it's not listened to.

Mr Ryan: Yes. To make one more point: while we're talking about joint decision-making, for the Empowered Communities leaders, that's only one part of this. They're trying to look at developing strategies for their region as a whole and trying to get collective impact. It may well be that they don't want to cut across that decision-making and that role of the ACCHOs but want to make sure that Health, which is such an important part of a broad range of strategies, is part of that process of looking at what the priorities are for the region and how each of the various forms of investment government is doing can best contribute to a collective impact approach that delivers better results. I wouldn't want to create the view that this is just about making funding decisions. That's one part of

something they're trying to do. Overall, it's about driving an agenda that is going to deliver better results for Indigenous people and empower Indigenous people across the region.

Ms BURNEY: How do you interact with the Prime Minister's Indigenous Advisory Council?

Ms Hefren-Webb: The department essentially provides the secretariat support to the Indigenous advisory council. We work closely with the two co-chairs, Chris Sarra and Andrea Mason, on what items they'd like considered and what matters they are keen to bring forward. We also work with them on matters that we think would be useful given they're the subject of forthcoming government decisions. They meet about six times a year. Senior departmental staff will come and do quite detailed discussions with them.

Ms BURNEY: Do they provide advice on legislation?

Ms Hefren-Webb: At times they do, though not on draft legislation but on policy that's going to feed into legislation—for example, on the current native title reform consultation process the IAC has provided advice and input to that. The reforms to the Indigenous land council—

Mr Fox: We briefed the advisory council on the legislation that's currently before the parliament about the transfer of the land account to the Future Fund.

Ms Hefren-Webb: As you know, a wide range of our work is not subject to legislative oversight, so we also discuss with them other avenues of reform.

Ms BURNEY: Thank you.

CHAIR: Are there any other questions? If not, here is one question from me: is there a way of making a qualitative analysis of the effectiveness of this process, and are you doing it?

Ms Hefren-Webb: Which process?

CHAIR: The two processes you've outlined: the Empowered Communities process and—I'm not sure how to describe the process Sam's articulated.

Ms Hefren-Webb: We might go to Empowered Communities first because there is an evaluation process.

Mr Ryan: Sure. There are probably two features. First, there is an adaptive learning approach through Empowered Communities with the EC leaders. It's about monitoring and evaluating as we go to improve. But there is then a formal evaluation of it after three years of implementation. We're currently in year 2, so there will be a formal evaluation of it.

CHAIR: I probably should have been a bit more specifically in line with our terms of reference. Is this leading to greater self-determination of these peoples, regions or entities, or is it leading to greater economic self-sustainability of these regions and these peoples? That's the sort of evaluation I'd like to know about, because that's what our terms of reference is asking us about.

Mr Ryan: We haven't done the terms of reference yet, but it would be against the outcomes of Empowered Communities, which is increasing self-reliance and empowerment as well as the more tangible benefits that we might see in communities as a result of a change. I'd anticipate that it would look at those things.

CHAIR: Have you developed a matrix for this?

Mr Ryan: At the moment, we're working on a monitoring and evaluation strategy with the leaders.

CHAIR: It would be good if we were able to have access to that at some time.

Mr Ryan: Yes, okay.

CHAIR: Thanks. I thank you all for your contributions.

Mr Fox: I have a process question. We've undertaken to get you some extra information, including some questions on notice. Will the committee write to us in the same as they would for a normal committee hearing?

CHAIR: This is a normal committee. It may appear abnormal!

Mr Fox: To the extent that an estimates committee is normal—perhaps that's what I should have said.

CHAIR: This is not an estimates committee! It is a normal joint committee. Thank you. This session is now closed.

Proceedings suspended from 12:45 to 13:13