

Senate Estimates October 2019

CEO Opening Statement

Good morning Chair and Senators.

Dhawra nguna, dhawra Ngoonawal  
Yanggu gulanyin ngalawiri, dhunayi, Ngoonawal dhawra  
Wanggaralijinyin mariny balan bugarabang

This is Ngoonawal Country

Today we are all meeting together on Ngoonawal Country

We acknowledge and pay our respects to the Elders.

Can I also extend that respect to Aboriginal and Torres Strait Islander Senators and colleagues present this morning.

As this Committee would be aware, on 1 July, the National Indigenous Australians Agency was established as an Executive Agency. I want to briefly provide the Committee with some of our work over the last number of months.

The Agency is focused on implementing the Government's policies and programs to improve the lives of all Indigenous Australians and to working with Aboriginal and Torres Strait Islander peoples. The Agency remains within the Prime Minister's portfolio.

The full list of our responsibilities is contained in the Executive Order signed by the Governor-General on 29 May, which I will attach to this statement for your convenience, but broadly, the NIAA now has primary carriage of a number of functions, including:

- to lead and coordinate Commonwealth policy development, program design and implementation and service delivery for Aboriginal and Torres Strait Islander peoples;
- to provide advice to the Prime Minister and the Minister for Indigenous Australians on whole-of-government priorities for Aboriginal and Torres Strait Islander peoples;
- to lead and coordinate the development and implementation of Australia's Closing the Gap targets in partnership with Indigenous Australians; and
- to lead Commonwealth activities to promote reconciliation.

The focus during the transition to the Agency was to have minimal disruption to program delivery and to minimise staff concerns during the machinery of Government change process. The Agency has around 1200 staff which includes around 90 staff transferred from the Outcome 1 part of the Department of Prime Minister and Cabinet to provide a Corporate function.

My focus this year has been on organisational reform which we had embarked on before the Agency was announced and have continued to deliver on. We have reinvigorated cross cultural learning as a key competency for our people who have to operate in a wide range of cultural contexts. We have done this through our Footprints program which is run along the lines of a Continuing Professional Development program. Additionally I recently launched a new Agency specific Values and Behaviours program to further shape the development of the Agency with a One Team approach.

Our delegations structure was overhauled and the Regional Managers Discretionary Fund was increased following discussions with Minister Wyatt with the aim of more decision making closer to the communities we work with.

We continue to improve the capabilities of our regional staff in the identification and facilitation of economic development opportunities as they work with their local communities.

For all of our work, we adopt a place-based approach and work from the ground up, with communities, Elders, peak organisations, providers, state and territory governments, and across the Commonwealth, to develop more meaningful programs and outcomes.

Our work in making the partnership Agreement between the Commonwealth, State and Territory governments and representatives of Indigenous Australians, through the Coalition of Indigenous Peak organisations work, has I think, led the way in showing what working in genuine partnership looks like.

It does require the bureaucracy to work and think differently, it is hard at times, it does take time but ultimately, and particularly in the Closing the Gap context, it offers the opportunity for stronger accountabilities across all parties and a much stronger focus on outcomes.

I thank the committee for the time to make this statement and welcome your questions.



PRIME MINISTER

Departmental No. 14/2019

Minute Paper for the Executive Council

Executive Council Meeting No. 8

Subject

Public Service Act 1999

Order to Establish the National Indigenous Australians Agency as an Executive Agency

Approved in Council

Recommended for the approval of His Excellency the Governor-General in Council that he, by instrument in the attached form and under section 65 of the Public Service Act 1999, establish the National Indigenous Australians Agency as an Executive Agency in the form specified.

[Signature of Peter Cosgrove]
Peter Cosgrove
Governor-General
29 MAY 2019
Filed in the Records of the Council

[Signature of Scott Morrison]
Scott Morrison
Prime Minister

[Signature of Secretary to the Executive Council]
Secretary to the Executive Council



*Public Service Act 1999*

**Order to Establish the National Indigenous Australians Agency as an Executive Agency**

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under section 65 of the *Public Service Act 1999*:

- (a) establish the National Indigenous Australians Agency as an Executive Agency;
- (b) allocate the name National Indigenous Australians Agency to the Executive Agency;
- (c) allocate the name Chief Executive Officer to the Head of the Executive Agency;
- (d) identify the Minister for Indigenous Australians as the Minister responsible for the Executive Agency;
- (e) specify the functions of the National Indigenous Australians Agency be as follows:
  - i. to lead and coordinate Commonwealth policy development, program design and implementation and service delivery for Aboriginal and Torres Strait Islander people;
  - ii. to provide advice to the Prime Minister and the Minister for Indigenous Australians on whole-of-government priorities for Aboriginal and Torres Strait Islander people;
  - iii. to lead and coordinate the development and implementation of Australia's Closing the Gap targets in partnership with Indigenous Australians;
  - iv. to lead Commonwealth activities to promote reconciliation;
  - v. to build and maintain effective partnerships with Aboriginal and Torres Strait Islander people, state and territory governments and other relevant stakeholders to inform whole-of-government priorities for Aboriginal and Torres Strait Islander people, and enable policies, programs and services to be tailored to the unique needs of communities;
  - vi. to design, consult on and coordinate the delivery of community development employment projects;
  - vii. to analyse and monitor the effectiveness of programs and services for Aboriginal and Torres Strait Islander people, including programs and services delivered by bodies other than the Agency;
  - viii. to coordinate Indigenous portfolio agencies and advance a whole-of-government approach to improving the lives of Aboriginal and Torres Strait Islander people; and
  - ix. to undertake other tasks the Prime Minister and the Minister require from time to time.

This Order will commence on 1 July 2019.

Dated *29th May 2019*

Peter Cosgrove  
Governor-General

By His Excellency's Command

Scott Morrison  
Prime Minister

## EXPLANATORY MEMORANDUM

Minute No.          of 2019 – Prime Minister

Subject - *Public Service Act 1999*

Order to Establish the National Indigenous Australians Agency as an  
Executive Agency

Section 65 of the *Public Service Act 1999* (the Act) provides for the establishment of an Executive Agency.

Under subsection 65(1) of the Act, the Governor-General may do any of the following by Order in the *Gazette*; establish or abolish an Executive Agency (paragraph 65(1)(a)); allocate a name to an Executive Agency or the Head of an Executive Agency (paragraph 65(1)(b)); identify the Minister who is responsible for an Executive Agency (paragraph 65(1)(c)); and specify the functions of an Executive Agency (paragraph 65(1)(d)). Subsections 65(3) and (4) of the Act provide for the establishment and abolition of the office of Head of the Agency. Under section 67, appointment of the Head is by the Agency Minister.

Executive Agencies are non-statutory bodies headed by a person (possibly, but not necessarily, a public servant) appointed by, and directly accountable to the Minister responsible for the agency. The agency consists of the Head and Australian Public Service employees assisting the head (subsection 65(2)). The Head has the same management and accountability responsibilities as a departmental secretary. The Executive Agency structure provides for independence from departmental management where that is appropriate to an agency's functions.

The purpose of the proposed Order is to establish the National Indigenous Australians Agency (the Agency) as an Executive Agency, to be headed by the Chief Executive Officer. It is proposed that the responsible Minister for the Agency will be the Minister for Indigenous Australians. The Agency would therefore be part of the Prime Minister and Cabinet portfolio.

The establishment of the Agency would create an agency with responsibility for leading and coordinating whole-of-government policy development, program design and implementation as well as service delivery for Aboriginal and Torres Strait Islander peoples, including across Indigenous portfolio agencies. The Agency would build and maintain effective partnerships with Aboriginal and Torres Strait Islander people, communities, state and territory governments and other stakeholders to inform advice to the Prime Minister and the Minister for Indigenous Australians on the priorities for Aboriginal and Torres Strait Islander people. The Agency would lead and coordinate the development and implementation of Australia's Closing the Gap targets in partnership with Indigenous Australians.

The Agency would have the function to analyse and monitor the effectiveness of programs and services for Aboriginal and Torres Strait Islander people, including programs and services delivered by bodies other than the Agency. The Agency would promote and ensure delivery of the Government's priorities and coordinate Indigenous portfolio agencies.



The Chief Executive Officer would be assisted by Australian Public Service employees, as well as a Policy Advisory Board, comprising relevant Deputy Secretaries from the Department of the Prime Minister and Cabinet, the CEO and Deputy CEO of the agency and possible inclusion of two external Indigenous representatives engaged to assist in the performance of the functions of the Agency.

The Executive Agency would commence operations on 1 July 2019.

The Minute recommends that the Order be made in the form proposed.

Authority: Section 65 of *Public Service Act 1999*

A handwritten signature in black ink, appearing to be 'Jm', located in the bottom right corner of the page.