

North Australian Aboriginal Family Violence Legal Service



Submission to the Senate

Finance and Public Administration References Committee

IAS Grants Tendering Process

April 2015



North Australian Aboriginal Family Violence Legal Service

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Submission of the North Australian Aboriginal Family Violence Legal Service

The North Australian Aboriginal Family Violence Legal Service (NAAFVLS) wishes to make the following submission to the Finance and Public Administration References Committee for inclusion in its inquiry into the Commonwealth Indigenous Advancement Strategy tendering processes.

While NAAFVLS is satisfied with the outcome of the IAS tender for our organisation, we do wish to submit our feedback to the Finance and Public Administration References Committee inquiry and report into the process.

Our responses below are divided into the Terms of Reference for the inquiry.

- a. the extent of consultation with service providers concerning the size, scope and nature of services tendered, determination of outcomes and other elements of service and contract design;

Overall, NAAFVLS was satisfied with the outcomes consultation for our organisation, with some qualifications— the first being that the original November 2014 deadline for determination of outcomes would have been even more welcome.

Following the Minister's announcement that the results of the IAS had been determined, NAAFVLS received timely consultation from the Department of the Prime Minister and Cabinet on the successful outcome of our submission for tender, including the scope, nature and length of funding. We are aware however that other providers did not receive notification in such a timely manner; and that it was several days before many received the full details of their funding offer, if they were successful.

While NAAFVLS is satisfied with both our outcome and notification, it is always helpful to have an understanding of the outcomes for other regional providers, particularly related services and referral services (e.g. the North Australian Aboriginal Justice Agency; women's legal services; women's refuges). This helps us to understand the context in which will be delivering our services for the next three years, and any particular sensitivities following the funding announcement.

- b. the effect of the tendering timeframe and lack of notice on service collaboration, consortia and the opportunity for innovative service design and delivery; NAAFVLS was satisfied with the tendering timeframe; noting that the Darwin information session about the process was held a considerable time after the tendering documentation

had been released and after we had begun preparing our application. Others relying on the information session before preparing their response may have been pressed for time.

Indeed, NAAFVLS prepared our application in time for the original closing date, submitting our proposal on 10 October 2014. The announcement of the closing date extension and the late communique (on 13 October 2014, after our submission was tendered) that annual budgets were to be required when funding applications exceeded one year did cause us some disruption, although not unsurmountable.

- c. the opportunities created for innovative service design and delivery, and the extent to which this was reflected in the outcomes of the tender process; NAAFVLS believes that our successful submission was due in part to our innovative service design and delivery.

- d. the information provided to tenderers about how decisions are made, feedback mechanisms for unsuccessful tender applicants, and the participation of independent experts in tender review processes to ensure fairness and transparency;

To our knowledge, limited information on how decisions are made was provided prior to decisions being announced. NAAFVLS relied heavily on the information within the funding guidelines and our existing understanding of procurement processes. We acknowledge that organisations with less understanding of how funding decisions are made may have felt less confident in the application process, and that unsuccessful tender applicants may have received additional information of which we are unaware.

We also acknowledge that Indigenous organisations with less capability or capacity than NAAFVLS to prepare a high-quality written submission may have been at a disadvantage in the tendering process when compared with larger organisations with greater resources.

NAAFVLS looks forward with anticipation to the release of more detailed feedback for all applicants on how decisions were made. This feedback can help to inform our future submissions.

- e. the impact on advocacy and policy services across the sector; NAAFVLS notes with some concern the growing trend to cease or reduce funding for services which advocate on behalf of disadvantaged groups, including Aboriginal and Torres Strait Islander people. While we welcome and support the decision to reinstate funding to Aboriginal Legal Services, this decision was made outside of the formal tendering process. Other services cannot rely on having the same influence and level of community support required to overturn funding decisions made as part of a tendering process. Services that succeed in the formal tendering process may also question where the newly found funds are being drawn from and the fairness of a system which allows organisations of influence, however deserving, to access funding that is seemingly unavailable to others.
- f. factors relating to the efficient and effective collection and sharing of data on outcomes within and across program streams to allow actuarial analysis of program, cohort and population outcomes to be measured and evaluated; No comment supplied.

- g. the extent of contracts offered, and the associated conditions, to successful applicants;
NAAFVLS looks forward with anticipation to the release of this information which can help to inform our strategic planning.
- h. the effect of mandatory incorporation under the Corporations (Aboriginal and Torres Strait Islander) Act 2006 on Indigenous organisations receiving grants of \$500 000 or more per annum;
NAAFVLS is incorporated under the Corporations (Aboriginal and Torres Strait Islander) Act 2006 and was not disadvantaged by this requirement.
- i. the effect and cost impact of delays in the assessment process and the extension of interim funding on organisations pending the outcome of the Indigenous Advancement Strategy;
NAAFVLS was able to accommodate the delay and extension however the original November 2014 deadline for determination of outcomes would have been even more welcome.
- j. any other related matters.
NAAFVLS would welcome more information on the availability of funding for 'demand-driven' applications under the Indigenous Advancement Strategy. Specifically, clear advice on the types of projects that will be considered as meeting the definition of demand-driven and those that will not be considered eligible, as well as an indication of the length of time the Department may take to respond following the submission of a demand-driven application. This would give greater clarity to service providers and potential applicants and may also reduce the number of demand-driven applications submitted to the Department.

On behalf of NAAFVLS, I would be happy to discuss any of these issues further at your request.

Yours faithfully,

Tony Lane

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Chief Executive Officer
North Australian Aboriginal Family Violence Legal Service ICN:4641