

NATIONAL CONGRESS
OF AUSTRALIA'S FIRST PEOPLES

P: 02 8070 3100 F: 02 8070 3125
FreeCall 1800 266 477

Level 2 27 Cope St. Redfern
NSW 2016 AUSTRALIA

PO BOX 1446 Strawberry Hills
NSW 2012 AUSTRALIA

ABN 47 143 207 687

12 March 2013

Mr David Brunoro
Committee Secretary
Joint Committee of Public Accounts and Audit
PO Box 6021
Parliament House
Canberra ACT 2600

Dear Mr Brunoro,

Thank you for the invitation extended, on behalf of the Joint Committee of Public Accounts and Audit, to our co-Chairs Jody Broun and Les Malezer, for the National Congress of Australia's First Peoples to make a written submission to the Committee. The co-Chairs have asked that I respond on their behalf.

Congress welcomes the opportunity to provide our views to the Committee in its *Review of Auditor-General's Reports Nos. 2 to 10 (2012-13) and related reports*, specifically in relation to:

- Audit Report No.8 (2012-13), *Australian Government Coordination Arrangements for Indigenous Programs*
- Audit Report No.43 (2011-12), *National Partnership Agreement on Remote Service Delivery*
- Audit Report No.26 (2011-12), *Capacity Development for Indigenous Service Delivery*

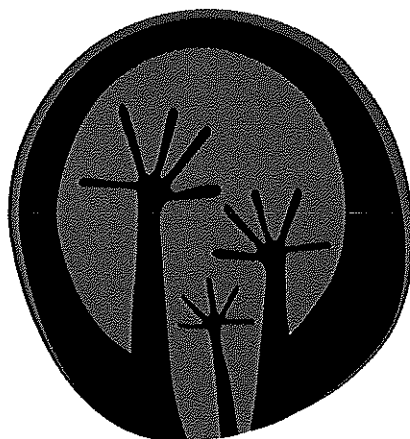
Please find attached our written submission for the Committee's consideration.

Yours sincerely

Linda Coombes
CEO



Statement to the
Joint Committee of Public Accounts and Audit in its
Review of Auditor-General's Reports Nos. 2 to 10 (2012-13) & related reports
by the National Congress of Australia's First Peoples



NATIONAL CONGRESS
OF AUSTRALIA'S FIRST PEOPLES

March 2013

CONTENTS

NATIONAL CONGRESS OF AUSTRALIA’S FIRST PEOPLES	3
INTRODUCTION	3
GOVERNMENTS NEED TO CHANGE THE WAY THEY DO BUSINESS	4
The adverse impact of short term contracts and funding agreements, and the lack of continuity in funding	4
The burden of reporting and compliance mechanisms on community organisations	5
The capacity, experience and attitudes of Government employees working in Aboriginal and Torres Strait Islander communities, or who have a direct bearing on policy outcomes affecting Aboriginal and Torres Strait Islander peoples	5
The need for stronger governance structures, including mechanisms for accountability and evaluation, performance monitoring and reporting, attached to Government programs and service delivery.....	8
The challenges associated with programs operating with different lines of accountability to respective governments and Ministers.....	8
Inadequate or inappropriate consultation processes	9
COLLABORATIVE PROCESSES WHICH REFLECT GENUINE ENGAGEMENT	9
Engagement Framework between Congress and Australian Government Agencies	9
A High Level Agreement with Executive Government	10
A seat at the COAG table on issues affecting First Peoples	11
Sustainability of Congress as a representative body for Australia’s First Peoples.....	11
CONCLUSION	11
APPENDIX A – AUDITOR-GENERAL REPORT RECOMMENDATIONS	12

NATIONAL CONGRESS OF AUSTRALIA'S FIRST PEOPLES

The National Congress of Australia's First Peoples (Congress) is a national representative body for Aboriginal and Torres Strait Islander Australians. Congress is an independent national voice, a leader, an advocate, and a source of advice and expertise for First Peoples. Drawing strength from culture and history, Congress aims to bring equality, freedom, opportunity and empowerment to all First Peoples.

Founded in 2010 and guided by traditions of unity, democracy and culture, Congress is owned and controlled by its membership and is independent of Government.

The *United Nations Declaration on the Rights of Indigenous Peoples* (Declaration) is the foundation and guide for Congress to uphold and strengthen our collective and individual rights in recognition of our status as First Peoples. Congress asserts the collective rights of Aboriginal and Torres Strait Islander Peoples under the Declaration, particularly the right to self-determination.

Article 3 of the Declaration states:

"Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

Congress has a responsibility to ensure the intent of the Declaration and the rights expressed in it are embedded into Australian laws, practices and institutions; and to ensure that our peoples are aware of their rights and are supported in their pursuit of those rights.

Congress acknowledges and pays respect to our ancestors, our Elders and all traditional owners of this ancient land.

INTRODUCTION

Congress welcomes the opportunity to provide our views to the Joint Committee of Public Accounts and Audit in its *Review of Auditor-General's Reports Nos. 2 to 10 (2012–13) and related reports*, specifically:

- Audit Report No.8 (2012–13), *Australian Government Coordination Arrangements for Indigenous Programs*
- Audit Report No.43 (2011–12), *National Partnership Agreement on Remote Service Delivery*
- Audit Report No.26 (2011–12), *Capacity Development for Indigenous Service Delivery*

This is the first occasion that Congress has been asked to participate in this process. Unfortunately, we have not had an extended period to consult with our members on these issues, so we offer these comments as an initial starting point in this discussion.

We have not attempted to address all of the recommendations in each of the reports but rather provide some general reflections on the experience of Congress and its members in relation to the issues of service delivery to Aboriginal and Torres Strait Islander Peoples and coordination arrangements within the Australian Government for Indigenous Programs.

GOVERNMENTS NEED TO CHANGE THE WAY THEY DO BUSINESS

As the Committee is aware, 'Governance and Leadership' was listed as one of the seven 'building blocks' or strategic platforms endorsed by the Coalition of Australian Governments (COAG) in November 2008 as part of the *Closing the Gap* agenda. To date, the concept of 'Governance and Leadership' has not been as strong a focus, nor as clearly articulated, as other priorities within the COAG reform agenda. We note that there are no specific targets addressing 'Governance and Leadership' in the National Indigenous Reform Agreement (NIRA), and there is no specific National Partnership Agreement linked to 'Governance and Leadership'.

In response to a decision by the COAG Working Group on Indigenous Reform (WGIR) in December 2010, that work should be undertaken to develop a national governance, leadership and capacity building framework, the Department of Family and Housing, Community Services and Indigenous Affairs (FaHCSIA) began developing a *National Indigenous Governance and Leadership Framework*.

Congress has been providing advice to FaHCSIA around the development of a draft *Framework*. Key amongst our recommendations has been the need to prioritise the 'governance of Governments' within the *Framework*.

In our view there has been a great deal of focus in recent years on the corporate governance of Aboriginal and Torres Strait Islander organisations, such as the work of the Office of the Registrar of Indigenous Corporations (ORIC), and far too little attention paid to how Government itself operates in our communities.

In our advice to FaHCSIA we have emphasised the need for Government to acknowledge and remedy their own governance issues in their interaction with Aboriginal and Torres Strait Islander Peoples and in the development of policy and programs. In that context, we particularly welcome the findings and recommendations in the three Auditor-General's reports (see Appendix A) which align with and reflect the experience of Congress and its members.

Among the issues we have highlighted in our advice to FaHCSIA, many of which feature as themes in the Auditor-General's reports, are:

The adverse impact of short term contracts and funding agreements, and the lack of continuity in funding

Many of our member organisations, across a range of policies and service delivery areas, have raised concerns about the difficulties they experience in sustaining programs and services which are subject to short and piecemeal funding arrangements with Government agencies.

To this end, our Policy Platform advocates for "long-term funding arrangements which provide greater certainty for Aboriginal community organisations."¹ Our Policy Platform also endorses "funding which provides community control of what and how services and infrastructure are provided."²

We therefore note with interest the Auditor-General's analysis that in 2010–11, three Commonwealth Departments³ administered \$1.34 billion in grant funding to approximately 900 Indigenous organisations, and

¹ National Congress of Australia's First Peoples (Congress), *Policy Platform 2012-13*, para 4.3, <http://nationalcongress.com.au/wp-content/uploads/2013/02/CongressPolicyPlatform.pdf>

² *Ibid.*

³ The Departments of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), Health and Ageing (DoHA) and Education, Employment and Workplace Relations (DEEWR).

"The average length of these grants was 15 months across the departments. By department, the grants were generally small and relatively short with median grant amounts and lengths of: \$55 000 and 12 months in FaHCSIA, \$151 301 and 15 months in DEEWR, and \$327 531 and 12 months in DoHA."⁴

This finding certainly reflects the experience of our member organisations. In Congress' recent *National Justice Policy*, for example, we have explored in some detail the difficulties arising from funding arrangements for Aboriginal Justice NGOs.⁵

We particularly endorse the Auditor-General's finding that "the high number of short-term and small value funding agreements can make it difficult for organisations to predict future funding, which has planning and resourcing implications."⁶

The burden of reporting and compliance mechanisms on community organisations

Congress supports the Auditor-General's finding that:

"... the extent of administration that is associated with individual funding agreements—from the funding application process through to operational plans and reporting requirements—can create a high administration load for organisations, limiting the utilisation of existing capacity for the actual delivery of programs and services."⁷

Again, this finding reflects the experience of our member organisations. In the health field, a Congress member, The Lowitja Institute – Australia's National Institute for Aboriginal and Torres Strait Islander Health Research, has examined the impact of current funding practices and policies on Indigenous health services in its 'The Overburden project: Funding and regulation of primary health care for Aboriginal and Torres Strait Islander people'.⁸

Reflecting our concern with this issue, we note that Congress' Policy Platform states that "Congress will work with the Government to cut red tape from all stages of funding processes..."⁹

The capacity, experience and attitudes of Government employees working in Aboriginal and Torres Strait Islander communities, or who have a direct bearing on policy outcomes affecting Aboriginal and Torres Strait Islander peoples

Congress considers that there is an urgent need for Government agencies to focus on their own capacity building – particularly how their workforce is structured and trained – in order to enhance the knowledge and skill sets of Government staff in relation to First Peoples. In our view this issue is two-fold: the capacity and experience on non-Indigenous officers in the public sector, and the representation of Aboriginal and Torres Strait Islander Peoples in the public sector.

⁴ Australian National Audit Office (ANAO), *Capacity Development for Indigenous Service Delivery* (Department of Family and Housing, Community Services and Indigenous Affairs, Department of Education, Employment and Workplace Relations, Department of Health and Ageing), Audit Report No.26 2011-12, p.19,

<http://www.anao.gov.au/~media/Uploads/Audit%20Reports/2011%2012/201112%20Audit%20Report%20No26.pdf>

⁵ National Congress of Australia's First Peoples, *National Justice Policy*, February 2013, 'Funding for Aboriginal Justice NGOs', <http://nationalcongress.com.au/wp-content/uploads/2013/02/CongressJusticePolicy.pdf>

⁶ ANAO, *Capacity Development for Indigenous Service Delivery*, op cit, p.20.

⁷ *Ibid.*

⁸ See The Lowitja Institute, 'The Overburden project: Funding and regulation of primary health care for Aboriginal and Torres Strait Islander people', <http://www.lowitja.org.au/overburden-project-funding-and-regulation-primary-health-care-aboriginal-and-torres-strait-islander> which details a number of key publications in this area.

⁹ Congress, *Policy Platform 2012-13*, op cit, para 4.3.

In the experience of Congress and its members, non-Aboriginal government employees too often lack the knowledge, experience and cultural competency to engage appropriately with Aboriginal and Torres Strait Islander peoples. This is particularly the case in remote communities, where current service delivery models, particularly fly-in, fly-out arrangements, undermine efforts to build appropriate and effective relationships with the communities.

This view is supported by the February 2010 *Strategic Review of Indigenous Expenditure* which noted that the majority of people consulted on Indigenous program delivery and implementation highlighted the “inadequacy of skills possessed by many APS personnel required to effectively work with and engage Indigenous people and communities”.¹⁰

The *Strategic Review* suggested that building the capacity of the public sector to better design and deliver its services in partnership with the Indigenous community “will require a paradigm shift in the value placed on investing in structured training, recognising and valuing skills and experience in working in the Indigenous affairs arena, including on-the-ground experience, and ongoing assessment of how we are faring.”¹¹ Congress endorses this view.

A second issue of concern to Congress is the representation of Aboriginal and Torres Strait Islanders in the public sector. Congress is concerned that despite the Australian Public Service Commission’s Indigenous Employment Strategy¹² and a Federal Government commitment to increase Indigenous employment across the Australian Government public sector – including the APS – to at least 2.7% by 2015,¹³ that the number of ongoing Indigenous employees in the APS is actually going backwards.

According to the latest *State of the Service Report*, ongoing Indigenous employees in the APS decreased from 3,314 in 2010–11 to 3,229 in 2011–12.¹⁴ The representation of ongoing Indigenous employees was 2.1% at 30 June 2012.

This movement reflects an overall decline in Indigenous representation in the APS since 2008:

Representation of Indigenous ongoing and non-ongoing employees, 2008 to 2012					
	June				
	2008	2009	2010	2011	2012
Indigenous employees (ongoing and non-ongoing) (%)	2.4	2.4	2.4	2.3	2.2
Indigenous employees (ongoing) (%)	2.2	2.3	2.3	2.2	2.1

Source: *State of the Service Report 2011-12*, Table 6.1

¹⁰ Department of Finance and Deregulation (DOFD), *Strategic Review of Indigenous Expenditure: Report to the Australian Government*, February 2010 (released under FOI Act), p.350, http://www.finance.gov.au/foi/disclosure-log/2011/docs/foi_10-27_strategic_review_indigenous_expenditure.pdf

¹¹ *ibid.*

¹² Australian Public Service Commission (APSC), *State of the Service Report 2011-12*, Chapter 6 -- Diversity: ‘Strategies to improve the representation of Indigenous employees’, <http://www.apsc.gov.au/about-the-apsc/parliamentary/state-of-the-service/new-sosr/06-diversity>

¹³ In early 2009, the Australian Government, as party to the Council of Australian Governments (COAG) and in line with the COAG’s National Partnership Agreement on Indigenous Economic Participation, committed to increase Indigenous employment across the Australian Government public sector—including the APS—to at least 2.7% by 2015, to reflect the projected national Indigenous working-age population: *ibid.*, ‘Indigenous Employees’.

¹⁴ *ibid.*

Indeed, this pattern has been in place for almost two decades: the *Strategic Review* noted that the number of Indigenous employees in the APS as at June 1995 was 3,357 from a total APS population of 129,889 equating to Indigenous representation of 2.6 per cent.¹⁵

The *State of the Service Report 2011-12* acknowledges that:

“The retention of Indigenous employees is an issue for the APS with more separating than being recruited”¹⁶

and

“Not only are Indigenous employees leaving at a greater rate, they are leaving earlier in their career... During 2011–2012, 16.1% of Indigenous employees separated from the APS less than one year after their ongoing engagement, almost twice the rate of non-Indigenous employees (6.4%).”¹⁷

In addition to broad issues of representation, Congress has previously drawn attention to the need for more to be done to significantly improve representation of First Peoples in the senior levels of the APS.¹⁸

In 2011, Indigenous Australians represented 2.1% of ongoing employees of the APS. However, the number of ongoing Indigenous Senior Executive Service employees, which increased slightly over the year (from 13 to 15) – represented only 0.6% of SES employees. Executive Level (EL) employees also increased, from 405 to 421 – 1% of EL employees. Indigenous employees are still concentrated at lower classification levels, accounting for 28.5% of all trainees and 6.7% of all APS 1–2s at June 2011.¹⁹

As the *Strategic Review of Indigenous Expenditure* noted,

“...increasing Indigenous employment in the public sector will, by nature, raise general awareness of issues facing Indigenous people. The perspectives, knowledge and experience Indigenous employees bring to the workplace will help to influence the understanding of non-Indigenous employees to the plight facing Indigenous Australians and assist to build relationships, influence policy formation and benefit service delivery.”²⁰

We note that these factors have not been examined in any depth by the Auditor-General in the three reports currently under consideration, however Congress considers that these issues require greater emphasis and effort if Government programs and service delivery to Aboriginal and Torres Strait Islander Peoples are to meet expectations.

¹⁵ DOFD, *Strategic Review of Indigenous Expenditure*, op cit, p.353.

¹⁶ APSC, *State of the Service Report 2011-12*, op cit, Chapter 6 – Diversity: ‘Indigenous Employees’.

¹⁷ *ibid.*

¹⁸ National Congress of Australia’s First Peoples, *Position Paper: National Anti-Racism Partnership and Strategy*, June 2012, <http://nationalcongress.com.au/wp-content/uploads/2012/06/20120603CongressAntiRacismDiscussionPaper.pdf>

¹⁹ Australian Public Service Commission, *State of the Service Report 2010-11*, Chapter 7 – Diversity, <http://www.apsc.gov.au/about-the-apsc/parliamentary-reports/state-of-the-service/state-of-the-service-2010>

Similar figures were not published for the 2011-12 year, but the latest *State of the Service* report stated that: “The proportional representation of Indigenous employees at most classifications remained stable from 2010–11 to 2011–2012”: APSC, *State of the Service Report 2011-12*, op cit, Chapter 6 – Diversity: ‘Employment’.

²⁰ DOFD, *Strategic Review of Indigenous Expenditure*, op cit, p.350.

The need for stronger governance structures, including mechanisms for accountability and evaluation, performance monitoring and reporting, attached to Government programs and service delivery

Reflecting the views of Congress Members and Delegates, our Policy Platform relevantly states:

“Congress demands accountability to ensure that Government expenditure and policies lead to improved outcomes in Aboriginal and Torres Strait Islander communities.

“Congress is concerned not just with programs aimed at Aboriginal and Torres Strait Islander communities, but also the necessity for mainstream services to meet the needs of our peoples.”²¹

In light of this position we particularly welcome the Auditor-General’s recommendation in the *National Partnership Agreement on Remote Service Delivery* report that FaHCSIA strengthen its performance measurement approach.

The challenges associated with programs operating with different lines of accountability to respective governments and Ministers

Congress concurs with the Auditor-General’s observation that “Indigenous service provision occurs through multiple layers of government, with services being delivered by a complex network of implementation partners that include Australian Government agencies, state and territory government agencies, local governments and non-government service provider organisations.”²²

One such example is the approach to Aboriginal and Torres Strait Islander language learning, maintenance and revival. In our submission to the recent House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs (the ATSIA Committee) inquiry on Indigenous languages, Congress highlighted the challenges in progressing action on these urgent issues –and in particular in the implementation of the 2009 National Indigenous Languages Policy – when administrative responsibilities were spread across multiple Commonwealth Government departments.²³ We noted that these challenges were compounded by a lack of coordination between the Commonwealth and State and Territory Governments.²⁴

Congress recommended the establishment of a new National Aboriginal and Torres Strait Islander Languages body to initiate a long term strategic approach to not only implement the 2009 Policy and associated measures, but to also drive a coordinated and resource efficient approach with State and Territory Governments.

The ATSIA Committee’s report, *Our Land Our Languages: Language Learning in Indigenous Communities*, tabled on 17 September 2012, made a total of 30 recommendations across six

²¹ Congress, *Policy Platform 2012-13*, *op cit*, para 4.3.

²² Australian National Audit Office (ANAO), *Australian Government Coordination Arrangements for Indigenous Programs* (Department of Family and Housing, Community Services and Indigenous Affairs), Audit Report No.8 2012-13, p.13, <http://www.anao.gov.au/~media/Files/Audit%20Reports/2012%202013/Audit%20Report%208/201213%20Audit%20Report%20No%208.pdf>

²³ See National Congress of Australia’s First Peoples, *Supplementary Statement to the House of Representatives Aboriginal and Torres Strait Islander Affairs Committee’s Inquiry Into Language Learning In Indigenous Communities*, June 2012, pp.4-5, <http://nationalcongress.com.au/wp-content/uploads/2012/07/CongressSupplementaryStatementLanguages.pdf>

²⁴ *ibid*, p.6.

thematic areas.²⁵ In our analysis, these recommendations involved responsibilities of eight departments and nine Ministers.

This is not an unusual or isolated example; in Congress' experience many policies relevant to Aboriginal and Torres Strait Islander Peoples would benefit from greater bureaucratic coordination, streamlining and integration.

Inadequate or inappropriate consultation processes

In the experience of Congress and its members, consultation by Government agencies on issues affecting First Peoples is extremely mixed. Too often, consultation is an after-thought, with affected communities and organisations consulted only after all other affected parties have designed a policy or program. On other occasions, consultation processes do not demonstrate respect for Aboriginal and Torres Strait Islander ways of consulting, communicating and making decisions. For example, many consultation processes involving Aboriginal and Torres Strait Islanders have unrealistic timeframes.

One process that has worked well for Congress has, to date, been the National Health Leadership Forum, in the development of the Congress-led National Aboriginal and Torres Strait Islander Health Plan (NATSHP).²⁶ The Minister for Indigenous Health and Office of Aboriginal and Torres Strait Islander Health (OATSIH) are to be commended for the inclusiveness of the early stages of the consultation program. In Congress' view, this philosophy of partnership needs to be utilised and sustained through all policy and program planning processes affecting First Peoples, as well as being embedded into implementation and mechanisms to monitor accountability for funding and delivery.

COLLABORATIVE PROCESSES WHICH REFLECT GENUINE ENGAGEMENT

Congress notes that each of these Auditor's reports focus on the role of Government agencies in the development of policies and programs, and in the delivery of services, in the area of Indigenous Affairs. While we endorse the Auditor-General's recommendations in these reports, we argue that a new and broader approach is required, which embraces genuine engagement with, and active participation of, Aboriginal and Torres Strait Islander Peoples in decision making processes on issues that affect them, particularly in determining the provision of services and infrastructure in our communities.

Engagement Framework between Congress and Australian Government Agencies

*A Framework for Engagement between Australian Government Agencies and the National Congress of Australia's First Peoples*²⁷ was signed by Congress and the secretaries of ten Commonwealth government agencies in September 2012.²⁸

²⁵ House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Our Land Our Languages: Language Learning in Indigenous Communities*, 17 September 2012, http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=atsia/language2/report.htm

²⁶ The National Health Leadership Forum (within the National Congress of Australia's First Peoples), *Submission on the National Aboriginal and Torres Strait Islander Health Plan*, January 2013, <http://nationalcongress.com.au/wp-content/uploads/2013/02/CongressNationalHealthPlanSubmission.pdf>

²⁷ *A Framework for Engagement between Australian Government Agencies and The National Congress of Australia's First Peoples*, <http://nationalcongress.com.au/engagement-framework/>

²⁸ The Engagement Framework was signed by senior representatives from the following Departments: Prime Minister and Cabinet; Families, Housing, Community Services and Indigenous Affairs; Treasury; Finance and Deregulation; Health and Ageing; Education, Employment and Workplace Relations; Attorney-General; Regional Australia, Local Government, Arts and Sport; Human Services; and Sustainability, Environment, Water, Population and Communities.

The *Framework* recognises the importance of effective engagement between Congress and Government and outlines agreed principles, values and responsibilities to guide good engagement between Congress and Government agencies – in our dialogue, in our actions and in our negotiations.

The Principles in the *Framework* include:

- full and effective engagement of First Peoples in decisions that affect them including in the negotiation and formulation of legislation, policies and programs.
- recognition of the importance of long-term planning and investment.
- an approach that respects the cultural diversity of First Nations and distinguishes between their differing goals and priorities.
- respect for the existing leadership and governance arrangements of First Peoples while taking action where necessary to strengthen leadership, governance and capacity.

The *Framework* also provides some guidance for how we would like to engage with Government. Factors such as early notice, sharing and providing information, agreed timeframes and common understanding around public announcements are critical protocols that demonstrate mutual respect and underpin strong and constructive relationships.

These principles, applying to federal agencies under the *Framework*, are equally important to our relationships with Ministers and indeed with all elected Parliamentarians.

While Congress welcomes the commitment by the Prime Minister and Opposition Leader to an annual meeting with our National Board – and the valuable opportunity it provides to raise issues, offer solutions and discuss policy – we seek a true bilateral relationship with Government, a strong and constructive relationship with Congress and Government as equal partners.

In our view, such a partnership involves several key elements:

A High Level Agreement with Executive Government

Congress has raised the development of a separate high level agreement between Congress and the Australian Government (and/or COAG). As a representative body for Aboriginal and Torres Strait Islander peoples, Congress expects to be engaged at the highest levels of Government on a broad range of decisions and developments affecting First Peoples:

- policy development in relation to significant new policy initiatives or reforms;
- proposed new legislation or significant amendments to existing legislation;
- reviews of specific programs or mainstream programs affecting First Peoples;
- evaluations of specific programs or mainstream programs affecting First Peoples;
- changes that affect the operations of Congress or the framework;
- announcements of major Government policies or initiatives;
- negotiation of a new, or the review of an existing, National Partnership Agreements

Congress has advised the Government, through Minister Macklin and senior government officials, that the development of such an agreement is a priority. The Government has sought further advice from Congress on the purpose of the agreement, intended outcomes, content, signatories and process for development.

It is envisaged that this agreement would require the leadership and commitment of Executive Government as opposed to the operational Engagement Framework which relates to Congress' engagement with the public service. A High Level Agreement will require negotiation with the Federal Government along with all states and territories and may therefore need to be progressed through COAG.

A seat at the COAG table on issues affecting First Peoples

The absence of Aboriginal and Torres Strait Islander representation within COAG – limiting our ability to influence the COAG *Closing the Gap* agenda, the NIRA and National Partnership Agreements – is a continuing barrier to genuine engagement and effective progress on these issues.

Acknowledging the inclusion of the Australian Local Government Association as a COAG member, Congress – as the national representative body for Aboriginal and Torres Strait Islander peoples – seeks inclusion as a COAG member.

Sustainability of Congress as a representative body for Australia's First Peoples

Congress was established in 2010 following the report of the Steering Committee for the creation of a new National Representative Body, *Our future in our hands – Creating a sustainable National Representative Body for Aboriginal and Torres Strait Islander Peoples*.

Fundamental to Congress fulfilling this role is a bipartisan commitment to a national representative body for Aboriginal and Torres Strait Islander people, which in the words of the Steering Committee is "here for the long haul, and 'government proof'".²⁹

Congress acknowledges the Australian Government's commitment to work with Congress to advance self-determination of Aboriginal and Torres Strait Islander peoples. While the Australian Government has supported Congress, a further commitment is essential to support Congress as the independent national voice for First Peoples.

CONCLUSION

The National Congress of Australia's First Peoples thanks the Joint Committee of Public Accounts and Audit for the opportunity to provide our views in relation to the Auditor-General's Reports. Many of the findings in these reports closely align with the experience of Congress and its members. We look forward to the implementation of the report's recommendations by the relevant agencies.

²⁹ Australian Human Rights Commission (AHRC), *Our Future in our Hands: Creating a sustainable National Representative Body for Aboriginal and Torres Strait Islander peoples*, 2009, p.1, http://www.humanrights.gov.au/social_justice/repbody/report2009/index.html

APPENDIX A – AUDITOR-GENERAL REPORT RECOMMENDATIONS

Capacity Development for Indigenous Service Delivery³⁰ report:

Recommendation 1

To ensure funding arrangements adequately support the achievement of desired policy outcomes, the ANAO recommends that the departments review their current funding approaches and supporting arrangements, and where appropriate, consider other options to achieve program deliverables such as longer-term partnerships or core support.

Recommendation 2

To support service delivery arrangements and the achievement of desired policy outcomes in the longer-term, the ANAO recommends that the departments take a more strategic approach to risk management that gives greater consideration to the broader operating environment, and balances compliance requirements with the actual level of risk and the achievement of outcomes.

Recommendation 3

To implement the capacity development elements of the National Indigenous Reform Agreement the ANAO recommends that FaHCSIA, through the Executive Coordination Forum on Indigenous Affairs, facilitates the development of a whole-of-government strategy and an implementation approach to provide a long-term, integrated and consistent approach to capacity development across Australian Government departments.

National Partnership Agreement on Remote Service Delivery³¹ report:

Recommendation No. 1

In order to assess whether the range, standard and accessibility of services has improved, and to obtain greater benefit from the investment made to date in baseline mapping, the ANAO recommends that FaHCSIA further develop its performance measurement approach to examine changes in the provision of services at agreed intervals.

Australian Government Coordination Arrangements for Indigenous Programs³² report:

Recommendation No. 1

In order to achieve the collaboration needed for implementing the National Indigenous Reform Agreement (NIRA), the ANAO recommends that FaHCSIA review its current coordination role in the light of the priorities of the Closing the Gap agenda and advise the Government of options for an updated lead agency role that reflects the NIRA arrangements and includes priority results to be achieved through the coordination arrangements.

Recommendation No. 2

In order to better integrate the delivery of Indigenous programs and services between and across government agencies and non-government service providers in remote and very remote areas, the ANAO recommends that FaHCSIA, in consultation with relevant agencies and in the context of broader delivery reforms, actively promote relevant changes in agencies' practices and, where necessary, seek agreement from the Government for delivery reforms.

³⁰ ANAO, *Capacity Development for Indigenous Service Delivery*, op cit.

³¹ Australian National Audit Office (ANAO), *National Partnership Agreement on Remote Service Delivery* (Department of Family and Housing, Community Services and Indigenous Affairs), Audit Report No.43 2011-12,

³² ANAO, *Australian Government Coordination Arrangements for Indigenous Programs*, op cit.