

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES: November 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(91) Output 3.1: Indigenous Policy

Senator Crossin asked:

Two Indigenous programs of great importance in the NT will be up for reconsideration soon – the Aboriginal Interpreter Service and the Juvenile Diversionary Program. What discussions have occurred about these programs and with whom? If none what is planned and when?

Answer:

The NT Aboriginal Interpreter Service and the pre-court juvenile diversion scheme have been funded under the NT Agreement which commenced 1 September 2000 and ended 30 August 2004.

In the 2004-2005 Budget the Government allocated a further \$3.9 million to extend the Agreement until 30 June 2005.

The Extension Agreement, signed on 31 August 2004, notes that during the period of the Extension Agreement, the NT Government will examine options for continued operation of the pre-court juvenile diversion scheme on the cessation of Australian Government funding on 30 June 2005. The Extension Agreement also notes there is a need to examine options for continued provision of Aboriginal Interpreter Services on the cessation of Australian Government funding on 30 June 2005.

On 9 November 2004, Mr Robert Cornall, Secretary of Attorneys-General's Department, met with Mr Mike Dillon, Chief Executive Officer, NT Department of Community Development, Sport and Cultural Affairs in relation to the Aboriginal Interpreter Service. The Australian Government is examining options for the continued provision of the Aboriginal Interpreter Service.

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SUPPLEMENTARY BUDGET ESTIMATES: November 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(92) Output 3.1: Indigenous Policy

Senator Carr asked:

ATSIC assets

(a) Please provide detail of the proposed plans for the transfer and/or divestment of the assets of ATSIC.

(b) What will happen to the assets to be retained and how and by which unit of which agency or agencies will they be managed?

Answer:

Under the proposed ATSIC Amendment Bill, the general rule is that assets follow programmes, thus all ATSIC assets will vest in the Commonwealth except for the money standing to the credit of the Housing Fund (which will vest in Indigenous Business Australia) and the money standing to the credit of the Regional Land Fund (which will vest in the Indigenous Land Corporation). In addition, the Minister may declare other assets to vest in Indigenous Business Australia or the Indigenous Land Corporation where other programmes transfer to those entities.

Assets vested in the Commonwealth will be managed by those agencies/departments which have received programmes to which the assets relate [refer 92(a)].

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(93) Output 3.1: Indigenous Policy

Senator Carr asked:

- (a) Please provide detail on the proposed evaluation processes, and the timetable for these processes, for the COAG trials.
- (b) By what means is this process to be administered, implemented and coordinated?
- (c) Will the evaluations be made public? When? If not, why not?

Answer:

(a) The Australian Government is committed to evaluating the COAG Trials. At the June 2004 meeting of the Council of Australian Governments, First Ministers noted that 'the Trials provide an important opportunity to identify what works, what does not work and to make those lessons available more broadly.'

A national evaluation framework for the COAG Trials was released in October 2003. It is available from the Indigenous Communities Coordination website (www.icc.gov.au) under the publications tab. This framework recognises that every Trial site is different and timeframes will be dependent on the pace of agreement making.

(b) The implementation, administration and coordination of the evaluation arrangements for each site would be negotiated between governments and the local community in the context of agreement making and the evolution of the Trial in that site.

(c) It is intended that the Trial site evaluations would be made public, so that the lessons learnt would be available more broadly. However, as each Trial involves a number of partners, the Australian Government cannot make this decision alone.

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SUPPLEMENTARY BUDGET ESTIMATES: November 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(94) Output 3.1: Indigenous Policy

Senator Carr asked:

(a) Has the Education, Science and Training portfolio now completed its review of programs and services for Indigenous people as required as set out in the letter from former Minister, Mr Ruddock?

(b) When did it complete this process? If it has not completed it, what reasons has it provided for the delay and when is the process projected to be completed?

(c) What has DIMIA done to ensure that the process of review is completed by DEST? Please provide details, including dates of correspondence or actions taken.

(d) Can a report be provided to the Committee on the results and findings of the portfolio reviews?

Answer:

(a) No.

(b) The reviews were commissioned some time ago and since that time the Department of education, Science and Training has initiated major new internal business processes around the theme of making Indigenous business everybody's business.

Reviews of the Indigenous Education Direct Assistance (IEDA) were completed in 2002 and 2003. The Indigenous Education Strategic Initiatives Programme (IESIP) was reviewed in the context of the arrangements for the next funding quadrennium 2005-2008.

Arrangements for the 2005-2008 funding quadrennium include a requirement for systems to provide annual Indigenous education statements, reporting on Australian government schools grant funding expended on improving student's educational outcomes, their goals for Indigenous education, progress in achieving those goals, barriers faced, and strategies for overcoming those barriers.

(c) DIMIA officers met with various portfolios to discuss progress of the reviews on 13 and 21 August 2002 and 3 September 2002.

(d) No. The review process initiated in Mr Ruddock's letter was overtaken by events, including the introductions of the Government's new arrangements in Indigenous affairs announced in April 2004. Under the new arrangements, the Secretaries Group on Indigenous affairs will produce an annual public report on the performance of Indigenous specific programs. In addition, the Government's Response (in September 2002) to the Commonwealth Grants Commission (CGC) Inquiry into

Indigenous Funding has established a platform for taking these issues forward and reporting publicly on progress in 2005-06 and we have the Overcoming Indigenous Disadvantage framework in place.

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SUPPLEMENTARY BUDGET ESTIMATES: November 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(95) Output 3.1: Indigenous Policy

Senator Carr asked:

National Indigenous Council and consultative arrangements

- (a) Please provide details of guidelines, Terms of Reference or other prescriptions or guides for operational requirements and functioning of the National Indigenous Council.
- (b) Please include information on the formal powers of the NIC – for example, to generate its own references and agendas – and on its proposed budget.
- (c) Please provide information on how it will be administered, and by which agency and which unit or structure within that agency.
- (d) What processes, formal and informal, will be put in place to enable and to require members of the NIC to consult with Indigenous people and organisations? What budget will be available for this?
- (e) If no such consultative process, and/or no budget for this, is envisaged, how will the NIC identify and determine the views of Indigenous people and organisations?
- (f) How will the “regional level” representation of Indigenous people, referred to in the Government’s relevant election policy document p.20, be implemented? What structures and processes are to be put in place? How will these be funded?
- (g) What will be the role of ATSIC Regional Councils prior to their abolition in July 2005? How many times will they meet and what is the estimated budget for these meetings?

Answer:

- (a) The Terms of Reference of the National Indigenous Council (NIC) are attached.
- (b) The NIC does not have formal powers and has been established as a non-statutory body to advise Government on policy, program and service-delivery issues affecting Aboriginal Torres Strait Islander people, directly through the Ministerial Taskforce on Indigenous Affairs.

The NIC has an operational budget in 2003-04 of \$100,000 and is able to generate its own references and agendas within its Terms of Reference and prescribed budget.

- (c) The Secretariat and Policy Coordination Branch (SPCB) within the Office of Indigenous Policy Coordination provides Secretariat and administrative support to

the NIC. The Branch has responsibility for the administration of the NIC's operational budget.

(d and e)

The NIC is not intended to be a representative body and has therefore not been tasked with consulting with Indigenous people. Its members have not been appointed to represent any particular region, organisation or community. Members are appointed as individuals on the basis of their considerable success, leadership, expertise and experience in dealing with Indigenous issues at various levels. The NIC has no funds available for the purpose of consultation with Indigenous communities.

(f) The government is currently consulting with State and Territory governments, Indigenous communities and Regional Councils about future regional representative arrangements.

(g) In the period to July 2005 Regional Councils have been invited to actively engage in contributing to the development of the new arrangements. They have a number of key roles such as:

- performing an advisory role with government agencies while new arrangements are being put in place;
- assisting the government to make the new arrangements work; and contributing, along with others, to the formulation of new regional representative arrangements.

The number of times that Regional Councils meet is a matter for them to decide. The 2003-04 Budget total allocation for Regional Council administration was \$12.13 million, and it is up to each Regional Council to determine how much of its individual allocation should be used for meetings.

NATIONAL INDIGENOUS COUNCIL – TERMS OF REFERENCE

The National Indigenous Council will:

1. Provide expert advice to the Australian Government on how to improve outcomes for Indigenous Australians in the development and implementation of policy affecting Aboriginal and Torres Strait Islander people;
2. Provide expert advice to Government on how to improve programme and service delivery outcomes for Aboriginal and Torres Strait Islander people including maximising the effective interaction of mainstream and Indigenous-specific programmes and services;
3. Provide advice on Indigenous Australians' views on the acceptance and effectiveness of Australian Government and State and Territory Government programmes;
4. Provide advice on the appropriateness of policy and programme options being considered to address identified needs;
5. Provide advice to government on national funding priorities;
6. Alert government to current and emerging policy, programme and service delivery issues;
7. Promote constructive dialogue and engagement between government and Aboriginal and Torres Strait Islander people, communities and organisations;
8. Provide advice on specific matters referred to it by the Minister; and
9. Report to the Minister as appropriate on the NIC's activities and achievements.

It is also expected that the NIC will use its contacts and networks to assist consultation.

Advice will not be sought from the NIC on specific funding proposals or specific planning or programme matters related to individual communities or regions.

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SUPPLEMENTARY BUDGET ESTIMATES: November 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(96) Output 3.1: Indigenous Policy

Senator Carr asked:

'Shared responsibility' approach to Indigenous policy

- (a) What is the proposed timetable for the implementation of the new "Shared Responsibility" approach – however called – to Indigenous service provision and welfare?
- (b) What will be the role of the States and Territories in this? Will formal agreements with this level of government be sought? How and when will that occur? Will there be a generalised approach agreed to, or will agreement be sought on a case-by-case basis for each project and/or community?
- (c) Similarly, what is the envisaged role of local government and how and when will agreements be sought?

Answer:

(a) Discussions are underway with a number of indigenous communities on Shared Responsibility Agreements (SRAs). SRAs are part of the new Australian Government Indigenous Affairs arrangements which commenced on 1 July 2004.

The Government recognises that the pace of change will vary from community to community. The Government is committed to this approach for the long term.

(b) State and Territory governments are important partners in the process. All shared responsibility agreements already in place under the COAG trials have state/territory governments as signatories.

The COAG meeting on 25 June 2004 agreed to a framework of principles on Indigenous service delivery based on shared responsibility.

COAG also agreed that bilateral discussions should commence between the Australian Government and State/Territory governments aimed at reducing red tape, overlap and duplication between levels of government and harnessing the mainstream to deliver better outcomes for Indigenous Australians.

It is expected that a number of high level government agreements will be generated from these discussions. These may differ from State to State.

This work will feed into SRAs to ensure that communities have access to more flexible, streamlined responses from government.

In relation to SRAs themselves - agreement is always sought on a case by case basis. Development of an SRA starts with a community identifying its priorities and long term objectives, with governments then working out how they can support those objectives. The support from any level of government in that process has to be shaped around those identified local needs – and all partners, government and community, then have to agree on what they will do to contribute to meeting the objectives. This can only be done case by case.

(c) Local governments are important partners in the process, they are represented on COAG and were therefore part of the COAG agreement on the framework of principles of 25 June 2004.

Local Government has already been involved in some of the COAG Trial site agreements.

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SUPPLEMENTARY BUDGET ESTIMATES: November 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(97) Output 3.1: Indigenous Policy

Senator Carr asked:

Regional agreements

(a) How will agreements be reached at regional level? What will a "region" constitute? How will these agreements be negotiated and by whom?

(b) What will happen if agreement cannot be reached at this level between the parties?

(c) What will the agreements encompass? Please provide a list of matters and items. What are the expected terms of the agreements and what obligations would they place on?

(d) What will be delivered as a result of these regional agreements?

Answer:

(a) At the regional level, Regional Partnership Agreements (RPAs) can be negotiated with networks of elected or representative groups or organisations. These would generally set high level priorities and strategic direction. RPAs may not be appropriate in all areas.

The Government is taking a flexible view of what may constitute a region. Regions could be similar to the current ATSIC regions. On the other hand these are not always considered to be the most effective or appropriate boundaries by Indigenous people – the preference may be for smaller regions based around family or clan structures or using traditional owner groupings as the foundation to build on.

It is expected that regions will differ between regional, remote and urban areas.

The approach for agreements at the regional level will vary on a case-by-case basis, dependent on the priorities for that area, the regional representative networks that emerge and State/Territory Government involvement. Until Regional Councils cease in June 2005 they are involved in any regional processes.

(b) RPAs are not compulsory and may not be appropriate in all locations. It is expected that in some regions government/community partnerships will be limited to the community, family and clan level through Shared Responsibility Agreements.

The process of agreement making does not have rigid time constraints, the intention is to start small and be inclusive with a bottom-up approach – it is expected there will be variation in time required to develop agreements reflecting the different circumstances of Indigenous communities across the country.

(c and d) RPAs will be 'umbrella' agreements covering several communities and will be informed by the principles of shared responsibility and the broad priorities of those communities. They may also be thematic, addressing a set of common issues/priorities.

An example might be:

- A regional network of organisations representing a number of communities in a particular region may decide two key priorities for all of them are safer communities and good governance and citizenship;
- through an RPA they may lock in support (resources) from governments for the development and implementation of regional strategies on these two issues – involving, for example, governments providing additional police back up and resources to support the strengthening of governance and leadership skills for people in communities;
- the regional representative network would commit to leading the planning and development of the regional strategy and to ensuring that communities in the region are committed to implementing/supporting the outcomes;
- if appropriate, government could facilitate the involvement of the corporate philanthropy or NGO sector to provide leadership and governance development (managing boards, leading people etc); and
- the strategies developed regionally through this process would then be available to adapt for each community and this could be done through a local SRA.

RPAs may also provide a mechanism for governments to identify and progress some of their policy imperatives for Indigenous Australians – eg, increased school attendance and retention/local jobs for local people.

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SUPPLEMENTARY BUDGET ESTIMATES: November 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(98) Output 3.1: Indigenous Policy

Senator Carr asked:

Agreements with local Indigenous communities or similar groups

- (a) What will these agreements encompass and include? Please provide a detailed list.
- (b) Who will have the authority to sign these agreements on behalf of communities or families or groups? How will this be decided and by whom?
- (c) What is the timetable for the removal of the Remote Area Exemption, and similar exemptions applying to remote areas and/or to certain Indigenous communities? What policies will be put in place to deal with the problems that will arise for Indigenous people as a result of the removal of the exemption(s)? What arrangements are there to pilot this?
- (d) Is it the case that the Government will use both “carrots” and “sticks” to bring about behavioural change in Indigenous communities? What is meant by these terms? Please provide examples of the “carrots” and “sticks”.
- (ei) Is it proposed to apply sanctions to Indigenous people and/or communities who do not comply with agreed requirements under the agreements? What kind of sanctions? Who will decide whether to apply these in each case, and the nature of the sanctions?
- (eii) Has it been proposed to apply the sanction of “compulsory money management”? what is meant by this term?
- (f) What kind of loans would be available to Indigenous people as part of this approach? What will be the terms of the loans? Will they be income-related loans, with repayment schedules similar to HECS?
- (g) Is it proposed to introduce a “smartcard” system? How would it operate, and what purchases would it allow and preclude? Is the purpose of smartcards to stop food money ending up as grog money?
- (h) Is there a proposal to expand the use of smartcards beyond Indigenous people, to other groups? Which groups?
- (i) How would family payments be used to drive behavioural change?
- (j) How will transparency be assured in the application of incentives and sanctions?
- (k) What criteria will have to be met for agreements to be supported by the Commonwealth? What guidelines are proposed?
- (l) What will be the role of ICCs in this process? What authority will they have?
- (m) How will the regional stocktake be conducted? What is the timetable for this? What will it include?
- (n) Have there been bilateral discussions between the Commonwealth and state and territory governments, with a view to assessing and listing their resources and assets relevant to Indigenous service delivery and related matters?
- (o) What have the COAG trials shown that is relevant to this process?
- (p) How will the new approach and programs be monitored, and by whom? Will evaluations be made public? How and when?
- (q) What are the implications of this new approach for the CDEP program? How will it be improved and made more effective?

Answer:

(a) The agreements with indigenous communities will vary on a case-by-case basis, dependent on community priorities. They will however commit all partners to doing things differently, both governments and communities.

The agreements will be focused on flexible and pragmatic local solutions to local issues. The aim is for the partners to be clear with each other, get rid of confusion and to move away from the notion of one size fits all.

The agreements over time will replace a relatively inflexible and complex system of multiple grants.

(b) Communities decide who will sign on their behalf. SRAs are developed through a negotiation process with representatives from communities/families and it would usually be those people who would sign.

However, in Wadeye, when an SRA was developed for the COAG Trial it was signed by people from all the clan groups across the area – more than 70 people.

(c) The removal of the Remote Area Exemption will occur progressively.

In its election policy the Government announced the removal of exemptions on activity testing for certain welfare payments in remote Indigenous communities.

This is starting initially at the request of ten communities who want to tackle passive welfare and want working age, able bodied local people to be treated like any other Australians in receipt of income support. This will place no greater mutual obligation requirement on Indigenous communities than that imposed on the non Indigenous community.

(d) The Government's policy is one of shared responsibility. This is consistent with the notion of reciprocity which is endorsed by a large number of Indigenous people and communities, and which COAG has also endorsed.

(ei) See answer to (d) above.

(eii) No.

(f) At this stage loans have not been part of the agreement making process.

(g) A range of ideas such as smartcards have been suggested by individuals and organisations, aimed at things like stopping food money ending up as grog or gambling money.

At this stage these are ideas only and the Government does not have a policy position on this matter.

(h) Not applicable - see answer to (g) above.

(i) This question should be referred to the Department of Family and Community Services.

(j) See answer to (d) above.

(k) This is currently being worked through with State and Territory Governments.

In the meantime the template used for SRAs in the COAG Trial sites (attached) provides a guide.

(l) ICCs lead the whole of government effort at the local level in engaging with communities, coordinating Australian Government investment in the SRA and ensuring that all other relevant stakeholders have been engaged.

(m) OIPC has commenced the process of mapping Indigenous-specific Australian Government funding to regional level.

(n) This is a matter that the Australian Government is discussing with State and Territory governments.

(o) The COAG Trials have provided an opportunity to test 'whole of government' and shared responsibility arrangements and negotiate agreements in a range of contexts. Key lessons that have emerged from this experience are that:

— listening, agreeing and supporting appropriate community governance and engagement arrangements has been a critical focus in each trial site. Effective governance and engagement underpins shared responsibility, enabling inclusive community input into setting priorities and working towards outcomes.

— relationships with communities and leaders are important and should be seen as part of core business. Such relationships are essential to developing the trust needed to underpin a working engagement in the trials.

— the leadership of Secretaries in each Trial site and through the Secretaries' Group has been critical in providing the whole of government initiative with the authority and status that it needed to get started, achieve recognition across the APS and engage indigenous communities and leaders.

— 'whole of government' working is often adopted with enthusiasm by local staff, but they require support to develop the skills to design and implement joined-up solutions.

— streamlining, rationalising and making more effective the way government engages with Indigenous Australia must be a key objective. The consequences for Indigenous communities of the way that we allocate funding through many different contracts, with different reporting and accountability requirements is a large amount of their human resource is consumed in contract management, resulting in a high opportunity cost.

(p) Improved accountability, performance monitoring and reporting are built into the new arrangements.

Departments will continue to be responsible under the new arrangements for monitoring and evaluating the effectiveness of the programs they respectively deliver, and ANAO

and the Office of Evaluation and Audit will continue to exercise their evaluation and auditing functions. Whether or not such evaluations are made public is a matter for the relevant Minister at the time.

In addition, the Office of Indigenous Policy Coordination (OIPC) has a performance monitoring and evaluation role relating to the new whole-of-government arrangements. OIPC's responsibilities include coordinating an annual public report to be published by the Secretaries' Group on Indigenous Affairs on the performance of Indigenous programs across government. This report would cover all key evaluation findings.

(q) This question should be referred to DEWR.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(99) Output 3.1: Indigenous Policy

Senator Carr asked:

Stolen Generations

- (a) Does the Department have an official policy or a practice of avoiding the term “Stolen Generations” as used in the *Bringing them Home* report?
- (b) Has there been a Ministerial directive on this matter? To what effect?
- (c) If there is a policy or prescribed practice, when was it adopted and what rationale was provided for it?
- (d) If there was a Ministerial directive, when was it issued and what rationale was provided for it?

Answer:

- (a) The Government has always employed the term “separated children” as used in the *Bringing Them Home* report.
- (b) No.
- (c) This has always been the Government’s practice. The reason for this practice is that this is the terminology employed in the *Bringing Them Home Report*.
- (d) There was no such Ministerial directive.