

- 1. One of the most experienced researchers on Indigenous Australia is Jon Altman of ANU. He has said that the re-allocation of programs from ATSIC to departments is 'rewarding departments that have not performed and penalizing ATSIC in many areas where it has performed. It is unclear what mechanisms have been put in place to ensure accountability by mainline departments to administer these Indigenous specific programs more effectively than ATSIC between 1990 and 2004'. What mechanisms is your agency working with that will ensure greater accountability than under ATSIC?**

The Government's revised arrangements for Indigenous Affairs introduced structures and mechanisms to ensure improved coordination, accountability and outcomes for Indigenous programs than previously existed under the ATSIC structure. These include the:

- Ministerial Taskforce on Indigenous Affairs;
- National Indigenous Council (NIC); and
- Secretaries' Group on Indigenous Affairs.

The Ministerial Taskforce, supported by the Secretaries' Group and advised by the NIC, provides a strategic coordination point for the Government's policies and programs across government; and the reports annually on the performance of Indigenous-specific programs and services and the proposed allocation of resources across agencies.

Each year, the Ministerial Taskforce reviews Indigenous program performance (based on a report from the Secretaries' Group that will be released publicly) with a view to recommending the reallocation of resources to the approaches that are seen to work best. Such an approach allows the effective targeting of areas of greatest need, focussing on demonstrable outcomes, and ensures greater public accountability. Accountability will also be strengthened by the activities of a strengthened Office of Evaluation and Audit (Indigenous Programs) will also play a key role through the audit and evaluation of programs and funded organisations.

- 2. How will your agency provide greater transparency than ATSIC did in showing who gets what resources in the Indigenous programs in your portfolio?**

DIMIA-OIPC received a number of small programmes from Aboriginal and Torres Strait Islander Services, most of which have essentially been amalgamated into a new Shared Responsibility Agreements Implementation Assistance programme, to support the SRA development process.

The significant programme transferred to DIMIA-OIPC was that dealing with Native Title and Land Rights. This programme continues to provide funding to Native Title Representative Bodies (NTRBs) to support their role in representing the interests of Indigenous Australians in the native title system.

The *Native Title Act 1993* ('the Act') details the functions to be performed by NTRBs in relation to native title matters, and OIPC's administration of the Native Title program is largely governed by the requirements of the Act. This includes ensuring a consistently high standard of service is provided to native title claimants; that the Minister retains overall strategic control of NTRB performance; and that their accountability is in line with standards applying to other Commonwealth funded bodies.

To enable the delivery of the best possible service, OIPC considers there is a need for increased flexibility in the arrangements for the delivery of native title services for Indigenous people, and enhanced efficiency and effectiveness. OIPC is currently developing ways in which to improve the delivery of services to native title claimants and holders, including further enhancing the outputs/outcomes operating framework introduced by ATSIS in 2004. This includes an improved performance and compliance reporting and monitoring regime to ensure that outputs are better quantified and outcomes for Indigenous people improved.

Operational and other representative body planning and reporting processes will be aligned to the triennial strategic plans required to be tabled in the Parliament under the Act ensuring greater accountability to the Parliament and improved performance reporting to the Minister for Immigration and Multicultural and Indigenous Affairs in fulfilling her responsibilities under the Act.

OIPC is working to ensure that the process for allocation of funding to NTRB and equivalent service providers is exhaustive, objective and transparent. The Government is considering how to ensure that existing resources are appropriately prioritised to improve the effectiveness of NTRBs, and deliver value for money.

OIPC will continue to place a high priority on supporting representative bodies in improving the quality of their strategic planning processes and integrating strategic plans, operational plans and performance-based budgeting and reporting processes.

3. Worldwide, research on Indigenous service delivery indicates that indigenous control is central to program success. How will your Indigenous programs be controlled by Indigenous people? What evidence can you point to in your areas of responsibility that suggests your department is more appropriate to administer your programs than would be an Indigenous-controlled organisation such as ATSIS or a successor to ATSIC?

Under the new approach to Indigenous Affairs, the Australian Government is committed to a whole of government approach for the delivery of services to Indigenous Australians. This requires that mainstream government

departments work together to respond to the needs of local communities through the delivery of flexible services and programmes.

A central plank of this new approach is the development of Shared Responsibility Agreements (SRAs) between governments (local, State and Commonwealth) and communities themselves. The Government will work with representative Indigenous groups to determine the needs of communities, how programs and services can be delivered to provide discretionary benefits to communities and how communities will meet their obligations. These priorities and outcomes as determined by the community and will be set out in the SRA between a community and government. Monitoring and feedback arrangements are also laid out in SRAs.

In relation to the Native Title programme transferred to DIMIA-OIPC, services to Indigenous people are delivered through NTRBs and alternative service providers performing the function of NTRBs. Eleven of these seventeen funded organisations are incorporated under Part IV of the *Aboriginal Councils and Associations Act 1976*, a condition of which is an Aboriginal membership. All organisations have an Indigenous board and staff and act under instruction from Indigenous claimants.

In recognition of the integral role of the NTRBs in the Native Title process, the NTRB Capacity Building Program has aimed to improve the organisational and operational capacity of NTRBs in the areas of corporate and cultural governance, management and staff development, information technology, native title technical training, collaborative relationships and research, applied capacity building and building effective relationships between NTRBs and OIPC.

Regular NTRB CEO and Leaders forums have provided an arena for the development of more effective and robust relationships between NTRBs and the funding agency, including the opportunity for input and consultation with Indigenous organisations.

OIPC, as an Indigenous-specific coordinating agency, is well placed to work with the Attorney-General's Department in facilitating cross-government coordination of the native title system.

Quarterly Native Title Consultative Forums, established by the Attorney-General's Department, provide the opportunity for consultation between key stakeholders. NTRBs are represented at the Consultative Forum. OIPC strongly supports this collaborative approach to native title, which is consistent with the philosophy underlying the 'whole-of-government' approach to Indigenous program delivery.

4. What evidence is there that mainstreaming provides opportunities that were not already present?

Aside from improved outcomes that have been achieved in areas where mainstream departments have had responsibility for Indigenous programs over a long period, experience from the COAG trials indicates the potential for significantly improving the interactions between governments and communities to address with Indigenous needs.

Agencies with significant mainstream programs are now exploring the opportunities to link these more effectively with the Indigenous-specific programs that they inherited from ATSIC/ATSIS (eg the proposed reforms to CDEP and the better integration of business support to Indigenous entrepreneurs being promoted by the Employment and Workplace Relations portfolio). .

5. AIATSIS has recommended that agreements entered into with indigenous organisations contain substantive commitments, including timetables, resource commitments and implementation plans (submission 144, p.4). Is your agency entering into agreements with Indigenous organisations? Do they include these features?

Yes. Organisations that receive government funding are subject to the provisions of funding agreements. These will vary in detail, but all include general clauses on expected commitments, including timetables, resource commitments and how the services will be implemented.

Thus, from 1 July 2004, OIPC has entered into funding agreements with NTRBs and alternative service providers under the *2004-2005 General Terms and Conditions Relating to Native Title Program Funding Agreements*.

A requirement of the funding agreement is that NTRBs prepare and submit triennial strategic plans (required under the Act) and annual operational plans as part of their annual funding applications.

NTRBs must also provide six monthly progress reports measuring their actual performance against key results identified in the operational plan, audit reports, and annual reports. Specific reporting requirements are determined by the level of activity risk as determined by OIPC as part of the annual funding submission appraisal process.

Previous organisational performance and compliance reviews are considered as part of the appraisal process under the improved monitoring and evaluation framework.

The further development of the outputs/outcomes framework also works to better measure outcomes and ensure improved accountability and outcomes.

6. What coordination took place between IBA and your agency on business development-related programmes before the mainstreaming of services? Has that changed as a result of the new arrangements?

Not applicable.

7. When will your agency have in place reporting arrangements for measurement and assessment of its new programmes?

DIMIA-OIPC's programs will be covered by the annual report on the performance of Indigenous programs generally that will be publicly released by the Secretaries' Group On Indigenous Affairs. Moreover, the Native Title program remains subject to Australian National Audit Office scrutiny as well as reviews by the Office of Evaluation and Audit (Indigenous Programmes). The new SRA Implementation Assistance Programme will be evaluated in the context of the assessment of the success of SRAs generally.

1. Does OIPC anticipate that each Indigenous community will enter into Shared Responsibility Agreements (SRAs) that relate to each specific component of the areas that the community and Government seek to address?

No. SRAs are being developed in partnership with Indigenous people and other key partners like State and Territory governments. They are about capturing partnership and commitment from all partners to address community priorities both now and into the longer-term.

It is the communities themselves that decide the areas they wish to address and what they need from government(s) in order to address them. The specific components included in a given SRA will depend on the community's short and longer term needs when the agreement is negotiated.

Each SRA will be different as it will reflect community decision making. Some may start by focusing on one or two issues and develop into more comprehensive approaches over time. Others may be more holistic from the start.

Over time, a given community may negotiate several initiatives, each building on the previous one, in order to address all the issues that they have identified. However, this does not mean that a separate SRA needs to be developed for each specific area that the community wishes to address.

2. What level of resources will the Commonwealth commit to in order to negotiate, implement and evaluate such SRAs?

The primary responsibility for the negotiation and evaluation of SRAs lies with OIPC through the network of Indigenous Coordination Centres (ICCs), backed up by OIPC's national office. Implementation of SRAs, reflecting the nature of individual agreements, will largely be the responsibility of mainstream agencies, through their staff in each ICC (with ICC Managers coordinating the funding provided to communities through mainstream agencies' programs).

The resources committed by OIPC include:

- ICC Managers and staff in 30 ICCs;
- State/Territory Managers in OIPC's State Offices; and
- staff in OIPC National Office supporting the SRA role.

In addition, OIPC has \$19m available in 2004-05 in the SRA Implementation Assistance Program, to provide a flexible pool of funds to support implementation of SRAs, including: community engagement activities to develop SRAs, innovative cross-portfolio projects addressing community priorities, and encouraging States' and corporate/philanthropic sector's contributions to joint activities.

OIPC will also be undertaking an assessment of each SRA and more generally of the whole-of-government processes involved. This is in addition to the evaluation work of mainstream agencies, the Auditor-General and the Office of Evaluation and Audit for Indigenous Programs.

3. What process has OIPC or other relevant agencies put in place for the evaluation of such agreements?

Each agreement will have an evaluation component built into it, as agreed by the community and signatory governments, that reflects its purpose and the commitments entered into by the parties. Other agencies will assist OIPC where necessary to support the evaluation.

4.(a) How will staff interact with public inquiries and requests? Will staff address clients over-the-counter or through some other method?

ICC staff respond to phone and mail requests for information and advice (there are toll free 1800 numbers available for clients to contact all ICCs). Alternatively, clients are able to come into ICCs to seek advice. The ICC receptionist will direct any inquiries to the relevant officer in the ICC.

(b) The rationale of the ICC is to bring all relevant decision-makers together. What measures are in place to ensure adequate inter-departmental communication between staff in solving problems? How are staff empowered to solve service delivery problems quickly and efficiently?

ICCs have developed a range of strategies to ensure effective whole of government decision making which reflects the particular needs of their region/communities. These strategies include:

- ICC Managers have adopted procedures to ensure a whole of government approach within the ICC, including regular meetings of all staff within the ICC;
- OIPC is developing a Memorandum of Understanding with agencies to agree the roles and involvement of agencies involved in whole-of-government arrangements and this will be supported at local level in respect of agency staff involved in developing Shared Responsibility Agreements;
- staff from agencies represented in the ICC travel to communities together, presenting a coordinated whole of government engagement with the community;
- staff within the ICCs are actively encouraged by their agencies to work cooperatively with others in the ICC to ensure local issues are addressed quickly. Where issues cannot be resolved at the local level, staff seek assistance from their senior managers; and
- Heads of Commonwealth agencies at the state/territory level meet regularly to ensure there is a consistent approach to program and service delivery issues within the state/territory, and to work cooperatively to address cross-agency issues.

(c) What delegations, covering both financial and other decision making, does the manager of the ICC have? How do the delegations flow through each ICC?

ICC Managers have all the necessary delegations to manage their office. For example, they have the delegation to approve leave for their staff, and to approve expenditure on items required to run the ICC. Where appropriate, delegations have been devolved to more junior staff in the ICC.

Consistent with the Government's mainstreaming arrangements, line agency staff have the delegations to manage the programs run by their agency.

- 6. What kind of arrangements have been made for consultation with local communities where Regional Councils have been abolished and there is no emergent representative group in place? Will these arrangements differ where replacement structures are not apparently imminent?**

Regional Councils will remain in place until the passage of legislative amendments to the ATSIC Act. Beyond that point, the Government has made clear that it will work with Indigenous representative organisations at the local/community level and at the regional level. ICC Managers will be authorised to work with whatever structures Indigenous communities believe are appropriate for them.

- 7. How will the Government assess which groups they will negotiate with?**

- (a) What criteria will be used to assess the organisations or proposals?**

How communities are represented depends upon arrangements established within Indigenous communities and arrangements agreed with State and Territory governments on how best to engage with Indigenous bodies.

- (b) Will the criteria differ between proposals worked up by outgoing Regional Councils and those that aren't?**

Each will be considered on the merits.

- (c) How will the Government assess whether emergent organisations are properly representative of all relevant groups, such as women?**

The Government recognizes that representation should be as broad as possible and inclusive of all relevant groups, but how this is achieved is a matter for Indigenous communities.

- (d) Will the assessment process involve any kind of accreditation or similar? Why or why not?**

No. Indigenous communities will determine the nature of their representation to governments.

- (e) Will selected groups be eligible for financial assistance with which to conduct their representative functions?**

The nature of funding arrangements will have regard to discussions with State and Territory governments, but ongoing funding for elected bodies is not expected. It should also be noted that a range of Indigenous representative organisations already exists, many of which are funded from Commonwealth or

State/Territory funds.

(f) Will government sponsor the formation of new groups where necessary? If so, what kind of assistance will be given?

Whether the community wants to use an existing or a new group will be taken into account in ensuring that effective consultations take place. A wide range of support may be provided, depending on the circumstances of particular areas. For example, groups may be funded to come together for consultations on a shared responsibility agreement.

8. Is there a danger that funding inequity will exist between the emergent communities, depending on the effectiveness of their local representative structure? Wouldn't it be the case that those communities with less effective structures require, almost by definition, more support rather than less? How does the Government plan to address this danger?

Some communities and organisations have effective governance. Those without will require more support. Much depends on the leadership that exists in the communities and regions. The Government will be working with the State and Territory governments on assessing what is necessary to support governance arrangements at the regional and community level. The Australian Government has already initiated various leadership programs that are being delivered to Indigenous people.

9. Could you outline what you understand to mean by the word mainstreaming?

Mainstreaming in this context, is the movement of Indigenous-specific policy and programs to the Australian Government agency responsible for the function in respect of Australians generally. Programs targeted specifically to Indigenous people are *not* being abolished. Indigenous people will continue to be involved in the design and delivery of these programs and services.

Major Indigenous programs, such as health and education programs, have been administered by mainstream agencies for a decade or more. However, under the new arrangements, all Indigenous-specific programs will be administered in a whole of government context, the oversight of the Ministerial Taskforce on Indigenous Affairs and advised by the Secretaries' Group on Indigenous Affairs and the National Indigenous Council.

The new approach in Indigenous affairs harnesses the capability and infrastructure of mainstream departments while encouraging a more flexible and streamlined delivery through the principles of shared responsibility, focused at the local level. The new approach also focuses on transparency and improved accountability from mainstream departments.

(a) Labor mainstreamed ATSIC health programs – What was the result?

There has been progress in improving a range of Indigenous health outcomes since the transfer of Indigenous health programs to the Department of Health and Ageing.

- Indigenous deaths from respiratory illness have been halved (down from seven to eight times the non-Indigenous average in the early nineties to four times now).
- Indigenous deaths from infectious and parasitic diseases are down from 15 to 18 times the non-Indigenous average in the early nineties to five times now.
- Indigenous deaths from all causes are now less than three times the non-Indigenous average, down from four times in the early nineties.
- Between 1993-95 and 1999-2001 the Indigenous infant mortality rate decreased by about 25 per cent, while the all Australian rate has remained relatively stable.

Improving the health status of Indigenous Australians cannot be achieved by governments alone. We are therefore working with Indigenous communities to develop long-term partnerships to address both the underlying causes of ill health and the more immediate health needs of Indigenous people.

The new arrangements will build on this progress through the application of a whole-of-government approach, recognising that Indigenous health is the outcome of a wide range of factors aside from the investment in health services alone.

(b) Which other jurisdictions deliver programs from mainstream agencies?

All jurisdictions utilise mainstream agencies to manage the delivery of Indigenous programs. State and Territory mainstream departments manage the delivery of health and education programs and most legal and housing programs for Indigenous people. Mainstream Commonwealth departments manage employment and welfare programs.

Areas specifically responsible for Indigenous affairs within the States and Territories typically provide a broad coordination and policy role, and some provide very limited state-specific grant or program assistance in addition to that offered by mainstream departments.

10. Can you provide examples of where State and Territories have been involved in the development of Shared Responsibility Agreements?

Examples where State and Territory governments have been involved in the development of SRAs in conjunction with the Australian Government include:

- NT Government as a signatory to the agreement with the Thamarrurr Regional Council;
- New South Wales Government as a signatory to agreements with the Murdi Paaki Regional Council, the Bourke Community Working Party and the Ngemba Community Working Party;
- Victorian Government as a signatory to the agreement with the Binjirru Regional Council;
- ACT Government as a signatory to the agreement with the Aboriginal and Torres Strait Islander Community of the ACT;
- Queensland Government as a signatory to agreements with the Lockhart River Aboriginal Community Council and Community Representatives and the Hope Vale Community; and

- WA Government as a signatory to the agreement with the Mulan Aboriginal Corporation.

11. How much do ATSIC elections costs?

The 2002 round of ATSIC Regional Council elections cost a total of \$7.4m. Of this amount, \$5.9m was expended by the Australian Electoral Commission which, pursuant to the *Aboriginal and Torres Strait Islander Commission Act 1989*, is required to conduct all ATSIC elections. The balance (\$1.5m) was expended by the National Media and Marketing Branch of ATSIC.

12. How many votes (all up) did the ATSIC chair receive?

For his election as Regional Councillor for the Tumbukka Ward/Ballarat Region at the 2002 Regional Council elections, Mr Clark received 102 first preference votes (the quota was 81 votes).

For his election to the position of ATSIC Chairperson, Mr Clark received 7 first preference votes and was elected after the distribution of preferences.

13. How much does it cost each week to fund the continuation of the ATSIC Board? Can you provide a breakdown of these costs?

The cost of continuing to operate the Board each week is in excess of \$60,000. This includes \$56,300 per week in remuneration and \$4,000 per week in administrative costs. It does not include the cost of services provided by Aboriginal and Torres Strait Islander Services (ATSIS) as part of its Commission Support role.

14. Will the Commissioners be entitled to the termination payment? How many weeks pay would this be?

In accordance with Remuneration Tribunal Determination 11/1992 Commissioners will be entitled to "loss of office" payment equating to one third of one month's remuneration for every month of service remaining, with a minimum payment of 4 months remuneration and a maximum payment of one year's remuneration.

15. Are they (Commissioners) accumulating recreation leave credits that will have to be paid out on termination?

Yes.

(a) What is the value of recreation leave accrued since the abolition of ATSIC was announced?

For the period 15 April 2004 to 11 February 2005 \$127,247.23 has been accrued.

(b) What is the total of recreation leave that will have to be paid out (as at end January 2005)?

\$570,342.58

(c) How many Commissioners have not taken recreation leave since the Board was elected?

A total of seven Commissioners are recorded as having taken no leave since the Board was elected.

1. Senator CARR—Are we able to get a list of the names of the people on that delegation and of the officials who were in attendance?

The names of the delegates to Sweden in 2004 were:

Peter Francis (Nykina/Mungala, Kimberley, WA)
Ernest Nulgit (Ngarinyin, Kimberley, WA)
Henry Page (Waluwaru, Urandangie, Qld)
Stuart Rusty (Waluwaru, Urandangie, Qld)
Joey Chatfield (Kirrae Whurrong/Gunditjmara, Camperdown, Vic)
Michael Darcy (Djarnganji/Yuin, Bermagui, NSW)
Warren Foster (Djarnganji/Yuin, Bermagui, NSW)
Ken Robinson (KALACC staff)

Two Australian Government officials that went to Stockholm to assist the Australian Embassy with the arrangements were:

Peter Vaughan
Brett Galt-Smith

2. What are the legal costs to date, of the appeal that the Government has launched against the recent court decision concerning Mr Geoff Clarke's dismissal?

The Commonwealth's legal costs to date in the appeal of the decision of Justice Gray of the Federal Court to overturn Mr Geoff Clark's suspension from office is approximately \$12,700. This estimate does not include administrative costs relating to the work of officers in the Office of Indigenous Policy Coordination in relation to the appeal. The estimate also does not include legal costs not yet billed.

3. What is the difference in the rates of separation between the average across the public service as a whole and those following the transition to the new arrangements?

Based on preliminary data collected by the Australian Public Service Commission, the separation rate of ex-ATSIS ongoing staff in the first half of 2004-05 was 2.5 per cent (29 people, of whom 19 were non-Indigenous and 10 were Indigenous). While APS-wide data are not yet available for the same period, the average separation rate for the APS as a whole in 2003-04 was 5.9 per cent.