



COMMONWEALTH OF AUSTRALIA

Proof Committee Hansard

SENATE

FINANCE AND PUBLIC ADMINISTRATION LEGISLATION
COMMITTEE

(Public)

FRIDAY, 18 FEBRUARY 2022

CANBERRA

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FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE

Friday, 18 February 2022

Members in attendance: Senators Ayres, Canavan, Chandler, Dodson, Lines [by video link], McCarthy [by video link], McMahon [by video link], O'Sullivan [by audio link], Roberts and Thorpe

CROSS-PORTFOLIO INDIGENOUS MATTERS

In Attendance

Senator Stoker, Assistant Minister to the Attorney-General, Assistant Minister for Women, Assistant Minister for Industrial Relations

Department of Health

Cross-Portfolio Indigenous Matters

Ms Tania Rishniw, Deputy Secretary, Primary and Community Care Group

Mr Gavin Matthews, First Assistant Secretary, Indigenous Health Division

Mr Benjamin Mudaliar, Assistant Secretary, Indigenous Health Division [by video link]

Ms Melinda Turner, Assistant Secretary, Indigenous Health Division [by video link]

Ms Lara Musgrave, Assistant Secretary, Indigenous Health Division [by video link]

Dr Lucas de Toca, First Assistant Secretary, Program Implementation and Primary Care Response - Operation COVID Shield

Ms Sheryl Hedges, Assistant Secretary, Program Implementation and Primary Care Response - Operation COVID Shield [by video link]

Ms Noja Marcelle, Acting Assistant Secretary, Program Implementation and Primary Care Response - Operation COVID Shield [by video link]

Mr Mark Roddam, First Assistant Secretary, Mental Health Division [by video link]

Ms Rachel Balmanno, First Assistant Secretary, People, Communication and Parliamentary Division

Department of the Prime Minister and Cabinet

National Indigenous Australians Agency

Ms Jody Broun, Chief Executive Officer

Mr Blair Exell, Deputy Chief Executive Officer, Operations and Delivery

Ms Letitia Hope, Deputy Chief Executive Officer, Policy and Programs

Corporate Group

Ms Rachael Jackson, Chief Operating Officer

Mr Brendan Jacomb, Chief Lawyer

Mr Nicholas Creagh, Chief Financial Officer

Mr Sam White, Branch Manager, Program Compliance and Fraud Branch [by video link]

Ms Paula Brewer, Chief People Officer [by video link]

Mr Ameet Jamble, Branch Manager, Governance and Business Services [by video link]

Commonwealth Aboriginal and Torres Strait Islander Workforce Strategy Taskforce

Ms Jennifer Collard, Group Manager [by video link]

Strategic Policy Group

Ms Julie-Ann Guivarra, Group Manager, Strategic Policy Group

Mr Ian Bartholomew, Acting Branch Manager, Closing the Gap Branch

Dr Jessica Hartmann, Branch Manager, Policy, Analysis and Evaluation Branch [by video link]

Mr Robert Ryan, Branch Manager, Recognition and Empowerment Branch

Dr John Walker, Branch Manager, Strategic Policy Branch

Economic Policy and Programs Group

Ms Deborah Fulton, Acting Group Manager, Economic Policy and Programs Group

Ms Rachel Bowman, Acting Branch Manager, Employment Branch [by video link]

Ms Kate Phipps, Branch Manager, Remote Employment Policy Taskforce

Ms Kate Elliott, Branch Manager, Remote Employment Programs and Implementation Branch

Ms Julianne Merriman, Branch Manager, Business and Economic Policy Branch [by video link]

Ms Rachel Kerrigan, Branch Manager, Land Branch

Ms Lauren Gray, Branch Manager, Land Policy and Environment Branch [by video link]

Ms Simone Persson, Branch Manager, Housing and Infrastructure Branch

Social Policy and Programs Group

Ms Andrea Kelly, Acting Group Manager, Social Policy and Programs Group

Ms Ursula Carolyn, Branch Manager, Families and Safety Branch

Ms Yvonne Uren, Branch Manager, Health and Wellbeing Branch [by video link]

Ms Jing-ting Chan, Acting Branch Manager, Culture and Heritage Branch [by video link]

Ms Lauren Alcantara, Branch Manager, Early Years and Education Branch [by video link]

Ms Erin Selmes, Acting Branch Manager, Territories Stolen Generations Redress Scheme [by video link]

Program Performance and Delivery Group

Mr Ben Burdon, Group Manager Program Performance and Delivery Group

Mr Andrew Huey, Branch Manager, Grant Design [by video link]

Mr John Maher, Acting Branch Manager, Select, Support and Report [by video link]

Mr Craig Hendry, Branch Manager, Grants Management Unit [by video link]

Central Group

Mr Sam Jeffries, Group Manager, Central Group

West and South Group

Mr Kevin Brahim, Group Manager West and South Group [by video link]

Eastern Group

Mr Robert Willmet, Group Manager, Eastern Group [by video link]

Strategic Implementation and Standardisation

Ms Justine Fievez, Branch Manager Strategic Implementation and Standardisation

Indigenous Land and Sea Corporation

Mr Joe Morrison, Group Chief Executive Officer [by video link]

Ms Tricia Stroud, Chief Operating Officer [by video link]

Mr David Silcock, Executive Director, Corporate [by video link]

Mr Trevor Edmond, Group General Counsel [by video link]

Outback Stores Pty Ltd

Mr Michael Borg, Chief Executive Officer [by video link]

Mr Jayveer Rathore, Chief Financial Officer [by video link]

Northern Land Council

Mr Samuel Bush-Blanasi, Chairman [by video link]

Mr Joe Martin-Jard, Chief Executive Officer [by video link]

Mr Irfan Bhat, General Manager Corporate Services [by video link]

Dr Wayne Beswick, Senior Manager, Government Relations and Engagement [by video link]

Central Land Council

Mr Lesley Turner, Chief Executive Officer [by video link]

Mr Andrew Knight, General Manager [by video link]

Ms Francine McCarthy, Executive Manager, Policy and Governance [by video link]

Aboriginal Hostels Limited

Mr Dave Chalmers AO CSC, Chief Executive Officer

Mr Dermot Walsh, Chief Financial Officer

Ms Kate Thomann, General Manager, Business Development and Employment

Mr Bob Harvey PSM, General Manager, Operations

Australian Institute of Aboriginal and Torres Strait Islander Studies

Mr Craig Ritchie, Chief Executive Officer

Mr Leonard Hill, Deputy Chief Executive Officer

Dr Lisa Strelein, Executive Director, Research and Education Group

Mr Ben Phelps, Executive Director, Partnerships and Engagement Group

Ms Caroline Hughes, Executive Director, Collections Services

Office of the Registrar of Indigenous Corporations

Mr Gerrit Wanganeen, Acting Registrar

Committee met at 09:05

CHAIR (Senator Chandler): I declare open this meeting of the Senate Finance and Public Administration Legislation Committee. Today the committee will continue its examination of the additional estimates 2021-22 with the cross-portfolio hearing on Indigenous matters. The committee may also examine the annual reports of the departments and agencies appearing before it. Senators, departments and agencies have been provided with advice on the arrangements in place to ensure the supplementary budget estimates 2021-22 hearings are conducted in a COVID-safe environment. This guidance is available from the secretariat. The committee appreciates the cooperation of all attendees in adhering to these arrangements.

Under standing order 26, the committee must take all evidence in public session. This includes answers to question on notice. The committee would appreciate it if senators could provide any written questions on notice to the secretariat by Friday 4 March 2022; however, it reminds all senators as well as departments and agencies that written questions on notice can be provided at any time. The committee has fixed Friday 25 March 2022 as the date for the return of answers to questions taken on notice.

I remind all witnesses that, in giving evidence to the committee, they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to a committee, and such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence to a committee. The Senate, by resolution in 1999, endorsed the following test of relevance for questions at estimates hearings. Any questions going to the operations or financial positions of the departments and agencies which are seeking funds in the estimates are relevant questions for the purpose of estimates hearings.

I remind officers that the Senate has resolved that there are no areas in connection with the expenditure of public funds where any person has a discretion to withhold details or explanations from the parliament or its committees unless the parliament has expressly provided otherwise. I particularly draw the attention of witnesses to an order of the Senate of 13 May 2009, specifying the process by which a claim of public interest immunity should be raised, which will be incorporated in the *Hansard*:

The extract read as follows—

Public interest immunity claims

That the Senate—

(a) notes that ministers and officers have continued to refuse to provide information to Senate committees without properly raising claims of public interest immunity as required by past resolutions of the Senate;

(b) reaffirms the principles of past resolutions of the Senate by this order, to provide ministers and officers with guidance as to the proper process for raising public interest immunity claims and to consolidate those past resolutions of the Senate;

(c) orders that the following operate as an order of continuing effect:

(1) If:

(a) a Senate committee, or a senator in the course of proceedings of a committee, requests information or a document from a Commonwealth department or agency; and

(b) an officer of the department or agency to whom the request is directed believes that it may not be in the public interest to disclose the information or document to the committee, the officer shall state to the committee the ground on which the officer believes that it may not be in the public interest to disclose the information or document to the committee, and specify the harm to the public interest that could result from the disclosure of the information or document.

(2) If, after receiving the officer's statement under paragraph (1), the committee or the senator requests the officer to refer the question of the disclosure of the information or document to a responsible minister, the officer shall refer that question to the minister.

(3) If a minister, on a reference by an officer under paragraph (2), concludes that it would not be in the public interest to disclose the information or document to the committee, the minister shall provide to the committee a statement of the ground for that conclusion, specifying the harm to the public interest that could result from the disclosure of the information or document.

(4) A minister, in a statement under paragraph (3), shall indicate whether the harm to the public interest that could result from the disclosure of the information or document to the committee could result only from the publication of the information or document by the committee, or could result, equally or in part, from the disclosure of the information or document to the committee as in camera evidence.

(5) If, after considering a statement by a minister provided under paragraph (3), the committee concludes that the statement does not sufficiently justify the withholding of the information or document from the committee, the committee shall report the matter to the Senate.

(6) A decision by a committee not to report a matter to the Senate under paragraph (5) does not prevent a senator from raising the matter in the Senate in accordance with other procedures of the Senate.

(7) A statement that information or a document is not published, or is confidential, or consists of advice to, or internal deliberations of, government, in the absence of specification of the harm to the public interest that could result from the disclosure of the information or document, is not a statement that meets the requirements of paragraph (1) or (4).

(8) If a minister concludes that a statement under paragraph (3) should more appropriately be made by the head of an agency, by reason of the independence of that agency from ministerial direction or control, the minister shall inform the committee of that conclusion and the reason for that conclusion, and shall refer the matter to the head of the agency, who shall then be required to provide a statement in accordance with paragraph (3).

(d) requires the Procedure Committee to review the operation of this order and report to the Senate by 20 August 2009.

(13 May 2009 J.1941)

(Extract, Senate Standing Orders)

CHAIR: Witnesses are specifically reminded that a statement that information or a document is confidential or consists of advice to government is not a statement that meets the requirements of the 2009 order. Instead, witnesses are required to provide some specific indication of the harm to the public interest that could result from the disclosure of the information or the document.

The Senate has also resolved that an officer of a department of the Commonwealth should not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister. This resolution prohibits only questions asking for opinions on matters of policy and does not preclude questions asking for explanations of policies or factual questions about when and how policies were adopted. Officers are requested to keep opening statements brief or to seek to incorporate longer statements into the *Hansard*. I note that we have already received some statements from witnesses this morning for that purpose.

Finally, the committee has agreed to allow the media into the hearing room. In doing so, the committee reminds the media that they must follow the directions of the committee and the secretariat and remain within those areas clearly marked for the media. In addition, recording must not occur from behind the committee or between the committee and the witnesses, and computer screens and documents belonging to senators must not be filmed, photographed or recorded. Witnesses are reminded that they can object to being recorded at any time. The committee thanks the media in advance for maintaining a COVID-safe approach while in the hearing room.

Indigenous Land and Sea Corporation

[09:09]

CHAIR: I'd like to welcome Senator the Hon. Amanda Stoker representing the Minister for Indigenous Australians; Ms Jody Broun, chief executive officer of the National Indigenous Australians Agency; via video conference, Mr Joe Morrison, group chief executive officer of the Indigenous Land and Sea Corporation; and other officers. Minister, do you wish to make an opening statement at this time?

Senator Stoker: No, thank you, Chair.

CHAIR: Ms Broun, do you wish to make an opening statement at this time?

Ms Broun: No, thank you.

CHAIR: Mr Morrison, do you wish to make an opening statement at this time?

Mr Morrison: I do.

CHAIR: Thank you, Mr Morrison. Go ahead.

Mr Morrison: Good morning, and thank you, Chair and senators, for the opportunity to appear before you today. Despite the challenging operating environment caused by COVID-19, the ILSC achieved most of its targets for 2020-21 and is on track to deliver on its 2021-22 target. We have acquired three interests in land or waters for Indigenous people of our target of eight, with two more approved and yet to be settled. We have granted seven interests to Indigenous corporations against our target of eight, with a further five approved and yet

to be transferred. We are above our target of 90 active acquisition and management projects, with 139 current active projects, and we are on track to meet our Indigenous employment and training targets.

Our subsidiary Voyages has borne the brunt of COVID-19 related travel restrictions, with revenue down due to low visitor numbers, but it remains operational for the year. Our strategy of exiting agribusiness operations continues, with the exit of ILSC subsidiary Primary Partners from Roebuck Plains Station in the Kimberley region in Western Australia and its handover to Nyamba Buru Yawuru on 1 February. Plans to divest the National Centre of Indigenous Excellence, or NCIE, site in Redfern Sydney continue, with a transition plan. Should a number of milestones be met, the New South Wales Aboriginal Council will be the new owner of the NCIE site by 1 July this year.

We have also had significant changes to our board. Ms Kate Healy and Mr Nigel Browne were appointed as directors in October 2021; Mr Ian Hamm as chair on 1 December 2021; Ms Gail Reynolds-Adamson as director on 4 January 2022; and Ms Kristy Masella as director, effective 16 March 2022. These changes to our board take effect as we embark on a significant period of consultation with Indigenous Australians on our National Indigenous Land and Sea Strategy—our key policy document. Our NILSS engagement will be supported for the first time by a number of Indigenous experts and by the ideas and aspirations of Aboriginal and Torres Strait Islander people around the country. I thank you, Chair.

CHAIR: Thank you very much, Mr Morrison. I understand we have a couple of questions from Senator Ayres.

Senator AYRES: I sent you a note. We're waiting for Senator Lines to jump online. I'm happy for you to go to Senator Thorpe.

CHAIR: Thank you. Senator Thorpe.

Senator THORPE: Thank you, Chair. I'll just jump straight into it, given the time. The Minister for Indigenous Australians announced a further appointment to the Indigenous Land and Sea Corporation Board. Ms Kristy Masella was appointed on a three-year term commencing 16 March 2022. How are appointments to the board made?

Mr Morrison: Board appointments are made by the minister with recommendations from the National Indigenous Australians Agency.

Senator THORPE: So, in terms of accountability and transparency to our people, what was the process? Was it a competitive process or did the minister just hand-pick?

Mr Morrison: Senator, that's probably a question more easily answered by the National Indigenous Australians Agency, as we are not party to that process.

Senator THORPE: Does anyone else want to answer that?

Senator Stoker: I might hand that over to Mr Jacomb.

Mr Jacomb: In relation to the recent appointment to the ILSC Board, we used a process with Carmichael Amrop identifying potential candidates who meet the criteria set out in the legislation for a board member, and then that's put to the minister for his consideration.

Senator THORPE: Would I be able to get the criteria on notice, please?

Mr Jacomb: Yes.

Senator THORPE: Thank you. We've seen issues with the board of the ILSC in the past. How confident should our people be that there are robust processes in place to make sure that only appropriate people are appointed to the board?

Senator Stoker: Was that question directed at me? I beg your pardon, Senator.

Senator THORPE: Whoever wants to answer. We just want some accountability and transparency to the people.

Senator Stoker: Sure.

Senator THORPE: In terms of the government choosing, and choosing their criteria, how do you come up with appropriate people to be putting on these boards?

Senator Stoker: As you've heard from Mr Jacomb, there's been an external process that's been engaged in. That's conducted using transparent criteria, which you have sought to be provided on notice and they will be, and people are assessed against that criteria and recommendations are made. Ultimately, the discretion, at the end, lies with the minister. In many ways, that's appropriate because the minister is subject to principles and ministerial accountability. If, for some reason, an appointment wasn't stacking up it would be the minister who is accountable

for that. But we are very confident that the process is drawing out people who are entirely appropriate for the role, and the use of an independent search agency is part of the way that we make sure that we're getting the good from all of the different parts of our community.

Senator THORPE: In February last year, the Minister for Indigenous Australians wrote to the chair of the ILSC, saying: 'I have decided not to support the appointment of the ILSC's preferred candidate, Joseph Morrison, due to a number of issues surrounding Mr Morrison's previous employment and departure, which remain unresolved.' I have some articles here that I'd like to table. The newspaper article mentions that you were unaware of the minister's lack of support for you, Mr Morrison. Are you aware of that now?

Mr Morrison: In fact, I have had conversations with the minister while at the ILSC, confidential conversations. I think we have to work beyond that, and I have to continue working constructively for the benefit of Indigenous Australians as the chief executive officer of the ILSC.

Senator THORPE: Could you tell us what the issues were that the minister was referring to?

Mr Morrison: I cannot tell you that because I was not told what those issues were that the minister had issue with.

Senator THORPE: It is my understanding that it has been reported you left a five-year post as CEO of the Northern Land Council due to misconduct allegations, that you have denied. If you don't have the confidence of the minister, why do you think you are the best person to lead the ILSC?

Mr Morrison: I went through a recruitment process and put my case forward in the normal course of recruitment. I was obviously not the decision-maker in that process and was awarded the position.

Senator THORPE: On 4 December 2021, a press release announcing your appointment to the ILSC said you had sat on the 'High Level Panel for a Sustainable Ocean Economy with the Prime Minister'. That's a lie, isn't it?

Mr Morrison: I think, at the time, it was a misquote. I was on a panel that was looking at the policy document and the Prime Minister appeared via video conference. Whether I sat on the panel and whether I appeared on a separate panel launching it is where the misunderstanding took place.

Senator THORPE: So your actual role had been to sit on an expert panel webinar on 3 December, the day before your new role was announced. Talk me through in detail how this alleged mistake was made on the press release?

Ms Stroud: If you don't mind, I can probably answer that. I can confirm that the error was actually an ILSC error, in terms of our biography and the information that we had pulled together and contributed to the press release. Once we were alerted that there had been confusion, it was remedied.

Senator THORPE: Since starting work with the corporation, Mr Morrison said that he had not witnessed board dysfunction and that he expected the organisation to continue the high performance of the last two years. Are you saying that there has been nothing but high performance from the ILSC in the last two years?

Mr Morrison: I think the ILSC has views and opinions about the former board continuing to meet the PBS targets as required, and it's been able to continue on working in partnership with Indigenous Australians.

Senator THORPE: Does a high-performance organisation have a Commonwealth Ombudsman public interest disclosure investigation report released with adverse findings on 30 January 2020; a board split over an attempt by the chair to introduce new governance principles on 7 May 2020; a motion of no confidence in the chair and acting CEO put and carried on 17 June 2020; a second motion of no confidence in the chair carried on 19 August 2020; and, Vivienne Thom appointed to conduct a review and find that there's a high risk that the board can't fulfil its functions on 25 August 2020.

Mr Morrison: Those reviews and investigations were not into the operation of the ILSC; they were into the board governance. That was before my time. As I said earlier, the operations of the ILSC continue to perform its functions and to meet its expected targets.

Senator THORPE: I might reiterate my first question: would you say that there's been nothing but high performance from the ILSC in the last two years?

Mr Morrison: I believe that, regardless of those investigations, the ILSC has continued to meet its expectations of parliament.

Senator THORPE: Do you genuinely think that the ILSC is doing a good job?

Mr Morrison: That is a subjective question, but I think that at the end of the day the ILSC is an important feature of the Indigenous institutional framework in Australia, and I think that it's got a very important role in the

future. I do think that it can always strive to be better, and that's something that I'm very keen to continue working on across the other portfolios and within the ILSC.

Senator THORPE: I'm happy for this to go on notice, Chair. How much is the CEO paid and how much is the chair paid? Please provide on notice the salaries of the CEO and the chair, and any remuneration of all board members. Please also provide on notice the salaries of the chief operating officer, the director of programs, the group general counsel and the executive director of corporate, including anyone acting in those positions. I also want to know of any bonuses and allowances paid to them, and how much each one of these people took home every year for the last five years? My final question is: is it the belief of the ILSC that it enjoys the confidence of the minister? Is it the belief of the senior management of the ILSC, particularly the chair and the CEO, that it enjoys the confidence of the minister?

Senator Stoker: I can answer the questions about the confidence of the minister—that is, that each of these people you have identified and the groups you've identified do have the confidence of the minister.

Senator THORPE: Thank you. I have no further questions.

CHAIR: Thank you, Senator Thorpe. Senator Lines.

Senator LINES: I'm sorry for my absence earlier. I acknowledge that I'm calling in from the lands of the Whadjuk people of the Noongar nation, and I pay my respects to elders past, present and future. I also pay my respects to any elders who might be tuning into this broadcast this morning.

I have some questions for the ILSC, particularly around caveats. First of all, I want to check that, generally, the broad aims of the ILSC are to support and ensure that Aboriginal corporations prosper through their associations with the ILSC.

Mr Morrison: That's correct. Our tasks are to acquire best interest in land and water assets and to assist Aboriginal corporations around the country with the management of those assets.

Senator LINES: I want to speak particularly about Dowrene Farm, which is the property that the Bonshores are managing. But, in doing so, I also want to acknowledge that the questions are broadly supported by Yallalie Downs, which also has similar interests and is interested in the responses. Are you aware of the multiple requests to lift caveats from Dowrene Farm Aboriginal Corporation?

Mr Morrison: Yes.

Senator LINES: How many requests would you have received to lift caveats from that property?

Mr Morrison: The exact number escapes me at the moment, but I can take that on notice.

Senator LINES: Thank you. You will also note that on 6 October I coordinated a meeting between your offices and Dowrene management to discuss caveats and loans?

Mr Morrison: Yes.

Senator LINES: In terms of caveats, is there any reason a loan wouldn't be granted and a caveat lifted?

Ms Stroud: I can answer that one for you. Part of our due diligence, when we give consideration to consenting to the lifting of a caveat, is the risk to the property. Part of that would be the financial viability of the business, the capacity of the group to service the loan and whether there are any potential [inaudible] risks that the business forfeiting the loan would [inaudible] be at risk of being lost from Indigenous ownership. Financial due diligence, as well as capability and governance due diligence, are all phases that would determine whether the ILSC believe it would be a reasonable risk to list a caveat for a mortgaging purpose.

Senator LINES: In recent times, when Dowrene Farm Aboriginal Corporation have requested loans, you've agreed to those because you are satisfied that they have the ability to repay and that the risks are the normal risks that you're comfortable with. Is that correct?

Ms Stroud: That's correct. Part of our answer to the question on notice will concern the number of times and the events for which we've consented to caveats to support [inaudible].

Senator LINES: You have divested a lot of land across Australia, and those properties run a range of businesses and so on and so forth. Dowrene is a farm. It predominantly runs sheep. So it needs funds in a timely manner. How do you ensure that, when Dowrene and properties similar to Dowrene apply for a loan, you're able to do your processes in a timely manner to enable them to use that money for the reason that they applied for the loan? Let me give you an example. Each year they want to build the farm and make the business more viable. It is a property I've visited. It is in a very good part of Western Australia; there are good rains and so on and so forth. But, obviously, in buying sheep, you have to have those funds available to get the best sheep that you're able to

afford in a timely manner. How do you make sure that those funds are available and that any potential caveats are lifted?

Ms Stroud: Just to confirm: the lending wasn't an ILSC activity. Dowrene secured the loan from someone else. You're correct; the ILSC's [inaudible] and the manner in which we work with Dowrene and also the lender to marry up the lifting of caveats to enable the approval of the loan is an ILSC responsibility—

Senator LINES: How do you ensure that that money's available in a timely manner, that you lift the caveats and do your due diligence?

Ms Stroud: For Dowrene, I can confirm that the lender was a party that the ILSC was actually able to work with, along with Dowrene, to marry up their due diligence and approval process with our consent. I'll add it to our questions on notice but, from recollection, it was a process that Dowrene, ILSC and the lender had to work through, in terms of [inaudible], their approval being conditional on the ILSC lifting the caveat and what have you. I can provide that detail for you.

Senator LINES: Are you also aware that, as a result of your very slow processes, Dowrene was not able to purchase the sheep that it wanted to. In fact, the loan was many months late, so Dowrene wasn't able to prosper in the way that your operational guidelines say that you do. You're aware of that?

Ms Stroud: I am. I'm aware of the differing view we have with Dowrene about the turn of events in terms of the processing [inaudible] their seeking of our consent to lift the caveat. We're well aware and have been working with Dowrene about paying that out.

Senator LINES: I'm not sure Dowrene would agree with that characterisation. Has an explanation been given to Dowrene on why that request for the lifting of the caveat took so long? Has that been given in writing?

Ms Stroud: Can I take that on notice, Senator? There have certainly been meetings and correspondence, but whether the ILSC's been as [inaudible] with Dowrene that's needed around an explanation, I'd have to take that on notice.

Senator LINES: Could you take that on notice and could you provide that written explanation?

Ms Stroud: Can do, Senator.

Senator LINES: Thank you. In terms of other properties and other requests, have other caveats been lifted successfully and in a timely manner?

Ms Stroud: I can confirm that last financial year ILSC received and approved five requests to lift caveats. Apologies, I don't have the details that took us to approve those applications, but I can get that to you. Of all five that were requested, five were granted.

Senator LINES: Have you discussed the issue of seasonal financing when looking at the need for caveats to be lifted?

Ms Stroud: We have, as part of our due diligence, because for groups like Dowrene, the operating costs are the greatest risks to them.

Senator LINES: The last question is: does ILSC accept that Dowrene and Yallalie Downs remain viable businesses?

Ms Stroud: I'll have to take that on notice, Senator.

Senator LINES: You have to take on notice whether or not they are viable businesses?

Ms Stroud: I'm not aware of any due diligence and financial assessment of Yallalie Downs in Australia.

Senator LINES: Do you accept that Dowrene remains a viable business?

Mr Morrison: The last time we looked at the arrangements and finances for Dowrene it was a viable business, although marginal. It was some time ago, so we can't comment on the current circumstance.

Senator LINES: You'll take that on notice for both Dowrene and Yallalie?

Mr Morrison: Yes.

Senator LINES: Thank you. I have no further questions.

CHAIR: Thank you very much, Senator Lines. Senator McMahon.

Senator McMAHON: Thank you to everyone for appearing today. I wish to go back to the estimates of October last year where I asked questions regarding former CEO Mr Michael Dillon, who had been found by the Fair Work Ombudsman to have deliberately acted dishonestly in the unfair dismissal of Mr Allister McCaffrey. I asked you, in the circumstances of Mr Dillon having deliberately acted dishonestly, whether your view is that the ILSC should consider reimbursing Mr McCaffrey his \$105,000 legal fee, since it was found at law that the ILSC

was 100 per cent at fault? I didn't get an answer to that, except that Mr McCaffrey was paid his statutory entitlements. Can you tell me, please, Ms Stroud, why Mr McCaffrey was not informed of the option to request reimbursement of his legal fees pursuant to the Legal Services Directions 2017 and its predecessor provision, in the same way that it was offered, and granted by the ILSC board, to ILSC CEO John Maher and chair Eddie Fry in relation to the ombudsman's investigation of their alleged bullying and harassment of staff?

Ms Stroud: If you don't mind, we might call on our group general counsel to answer that question.

Mr Edmond: Good morning. I will take that question on notice because I'm not aware of any correspondence that may or may not have been provided to Mr McCaffrey at the time. In terms of the termination package negotiated, I am aware of a termination package as [inaudible] by both the ILC, as we then were, and Mr McCaffrey. The settlement payment was [inaudible] all matters pertaining to his employment, to his termination and to matters relating to the termination. As to whether there was any specific correspondence to Mr McCaffrey, I would presume, as he had legal representation, to his legal [inaudible]. As to the possibility of an entitlement to payment of legal fees, I am not aware of that, but I will undertake that investigation and we will report back on notice.

Senator McMAHON: Yes, please. If you could provide an answer to why he wasn't informed of the option to request reimbursement of those legal fees, that would be good. Chair, I do have other questions, but in the interest of time I'm happy to put them on notice.

CHAIR: Thank you very much, I really appreciate that. If no other senators have questions for the ILSC we will let them go. Thank you very much for appearing this morning.

Outback Stores Pty Ltd

[09:37]

CHAIR: I now welcome, hopefully, via videoconference Mr Michael Borg, Chief Executive Officer, and other officers of Outback Stores Pty Ltd.

Mr Borg: Thank you, Chair. I'm here with Jay Rathore, our CFO. Before we get started I want to acknowledge the traditional owners of the land. We're calling in from Darwin this morning, and we pay our respects to elders past and present of the Larrakia people here in Darwin.

CHAIR: Mr Borg, I'll just interrupt you there. We're having a little difficulty in hearing you in the committee room this morning so I'll ask you to move closer to the microphone and our friends in Broadcasting will ramp the sound up as best they can. Do you wish to make an opening statement?

Mr Borg: We provided an opening statement yesterday, so I hope everyone's got a copy of that. I will just note that we presented four months ago at the last hearing, and since then it has been a challenging period for Outback Stores—more specifically with COVID-19 implications through communities in the Northern Territory as the virus has hit those communities. In addition to that, we've had a challenging time of it post Christmas from a flooding point of view as well. It's certainly made a challenging start to the year. Jay and I are happy to take questions from you and the senators, and I hope we can answer them well enough for you today.

CHAIR: Thank you very much, Mr Borg. Indeed, that opening statement was circulated in paper form to the committee just now. Senator McCarthy, I'm giving you the call.

Senator McCARTHY: Good morning to all from Outback Stores. Thanks for joining us here this morning. Firstly, I'd like to go to rapid antigen tests, if I may, Mr Borg. How many RA tests have been available throughout the Outback Stores network?

Mr Borg: Good morning. Nice to speak to you. We feel that through the COVID pandemic we've been ahead of the game on most fronts across the journey. Yes, it has been a bit testing over the last four months, specifically in relation to testing. We were able to procure a significant number of tests for our business well in advance. I note that, from an Outback Stores point of view, there's a suitable amount of RATs available for all our Outback Stores members, our support officers and for the extended team, as well as in our stores. At times we have heard that, within the communities where we work, supplies have been short from clinics, but as far as Outback Stores goes I believe we've well-managed that scenario over the recent months.

Senator McCARTHY: Mr Borg, are you able to put a number on the RATs for each of your stores?

Mr Borg: I think we procured about 800 RATs in total. We've been sending them out in job lots to the stores for our store managers to use. I think we might have sent out 10 to our largest stores just before Christmas. I know as late as yesterday we had another batch come through in bundles of five and 10, which are going out to stores as well. I'm quite confident that, if the team members at store level need to take a RAT at any time, they're available.

In addition to that, we've got backup supplies in our Darwin support office and our Alice Springs support office, and it's easy enough for us to move that stock out to stores, if required.

Senator McCARTHY: What's your policy for employees with RATs—is there an expectation that they take one each morning before they start work, or only when they're feeling unwell?

Mr Borg: In line with the CHO directions, if someone is showing symptoms, we certainly make sure they have an RA test. Then, behind that, we've got a few policies in place around how we manage certain circumstances if there is a positive test for one of our managers in a community. To date, across the 48 stores, we've had six management couples test positive, and I would say an additional couple yesterday up in the Northern Territory. I believe we've got good mitigation processes in place as we work through these challenging times.

Senator McCARTHY: You said six management couples have tested positive. Where were they?

Mr Borg: Let me just correct that: it's three management couples, six team members in total.

Senator McCARTHY: Where were they located?

Mr Borg: A couple in Papunya, a couple on Bathurst Island and we also had a couple that had come back from the eastern seaboard, who didn't make it back into community. They tested positive en route back to community. I think they were at Tennant Creek at the time.

Senator McCARTHY: So they would have stayed in Tennant. Is that what you mean?

Mr Borg: I think they got transferred to the Todd facility in Alice Springs and were certainly well looked after.

Senator McCARTHY: With Papunya—was Bathurst Island the other one you said? Sorry, I missed the second one.

Mr Borg: Yes, Bathurst Island. We manage the club out there.

Senator McCARTHY: Where do they isolate in Papunya and on Bathurst?

Mr Borg: We've been quite lucky, albeit we've got protocols in place for different scenarios. On Bathurst, the club has been closed due to the outbreak on the island. They were lucky enough to be able to bunker down in their residence on the island, as do many other community members, and work through the issues of having the virus over a seven- to eight-day period.

Senator McCARTHY: So that's your staff arrangements; have you been selling RATs in the Outback Stores?

Mr Borg: We have tried to procure some stock. I believe we may have had some minimal stock, but it has been challenging.

Senator McCARTHY: Is that a 'yes' to selling in the stores, Mr Borg?

Mr Borg: I will probably class it as a no, but at times we have had some stock. Where we've had additional stock and the community needs it, we've also certainly helped out. What we're finding is that, in communities—and I think we've got 18 communities across Northern Territory and South Australia currently where the virus is impacting—we've got a great set of stakeholders outside of Outback Stores who all work together to come up with solutions to help each specific community.

Senator McCARTHY: So is it a policy of Outback Stores not to sell RATs?

Mr Borg: No, it's not. It's certainly a procurement piece that we're still working through. Our priority has been our staff and the team members that we work with. For the most, the government authorities in the districts that we work in have been supplying RAT tests through the health clinics. There may be a couple of examples where supply may have been short in those areas, but, in general, I haven't had too much feedback that there haven't been RAT tests available for community members.

Senator McCARTHY: So, basically, if people come in to ask for RATs thinking you may be selling them, your staff would just say, 'There are no RATs for sale'?

Mr Borg: There are no RATs for sale, but what we're finding is that the communities are well engaged with the clinics. On a couple of occasions where there is no clinic, we've had RATs dropped off at store level for communities. I know at Imanpa down in Central Australia there's no permanent medical clinic, so we were more than happy to look after the RAT tests and give them out to communities when required.

Senator McCARTHY: So then you would just give them freely, would you?

Mr Borg: Absolutely.

Senator McCARTHY: Why is that, Mr Borg? Why is that important to Outback Stores?

Mr Borg: It's all about being a stakeholder in a community working together through these challenging times. Each community is different. Each community has got a different amount from a population point of view. What we're finding is, when an outbreak hits a community, all the stakeholders get together and work out best-case solutions specific to that individual community. If there is no medical clinic, certainly address what's happening from a RAT point of view; if there's no policing, we have worked out what policing is in a town which is close; and, depending on the size of the outbreak, the stakeholders decide on the best actions. Outback Stores, from a store point of view, has a list of mitigation tasks for when there is an outbreak in community to keep our staff and our store team safe, because we know the importance of making sure that store stays open through the outbreak in the community. We are finding a fairly good level of collaboration on the ground in communities.

Senator McCARTHY: You said you had around 800 RATs in total. Where do you procure them from?

Mr Borg: We've been procuring them locally through a pharmacy in Darwin.

Senator McCARTHY: And has the federal government offered any RATs to Outback Stores?

Mr Borg: They haven't, but we haven't asked either. We are quite self-sufficient and we are quite well connected up here in Darwin. If I believed I had a need for assistance in that space, I would certainly go to NIAA and have those discussions and work out a solution, or I would work with the critical goods team in the Northern Territory and try and have the matter addressed.

Senator McCARTHY: Can I just turn to the recent disruptions as a result of the roads and the rail line being cut into the Northern Territory with the rains in South Australia. Has that had an impact on Outback Stores, especially here in the Northern Territory? You've got 27 stores.

Mr Borg: Yes, it has been a challenging period, and I know that your office is reaching out for some information from us, and you guys do a great job at trying to collaborate on some of those issues. You've got to break it down to two scenarios. We had the Stuart Highway broken down below Alice Springs, which is one issue, and then we had excessive rainfall in the Central Desert, which created localised flooding. In relation to the main route out of Adelaide, whilst there was a lot of attention in the media, we actually weren't impacted by that component too much. We drew a lot of stock out of our Alice Springs and Darwin distribution centres, who are well stocked. We had some supply issues with fresh produce. But, like we do when we are challenged, we certainly work on how to mitigate that fairly quickly. Fresh produce was moved through an alternative route up through the Barkly and around, and I feel that we didn't miss a beat from the point of view of the main highway cut down in South Australia.

Where it became really challenging was the unusual amount of rainfall in the Alice Springs district, and we have 17 stores in that district. I think all but four stores were heavily impacted by localised flooding. It was a little bit challenging, and we were stretched in some areas. I think that specifically we had Papunya, Mount Liebig, Canteen Creek, Willowra and Watinga all having to have air freight to support those stores. As the roads started to open up, we did use some alternative transport. As roads open up, you get given the option, where there was a 4½ tonne limit on some roads. So we utilised other forms of transport to get stock into those stores.

In general, I believe we were lucky that the rain dried up fairly quickly. Collaboratively with the NT government and ourselves we probably did okay. We're short on some fresh produce and some perishable items in some stores, but in general we're pretty good. As late as today, I think in the last couple of our major routes—and I refer to the road through Kintore off the Tanami—we've got the last of four trucks getting into those stores. We believe we're back on track, and we look forward to next fortnight with a top-up load at those stores.

Outside of that, we are still challenged up in the north-west of Australia. We have got some stores isolated, but, again, a little bit like ALPA, who worked in this district, the wet season stores do have significant stock builds for the wet season, and we are utilising the Western Australian government at the moment to air freight stock into Yungngora, Mulan and Ringer Soak, who are permanently cut off at the moment.

Senator McCARTHY: Mr Borg, I am conscious of my time in questioning, so I will hand you back to the chair. Thank you.

CHAIR: Thank you, Senator McCarthy. If we have no other senators seeking the call for Outback Stores, we will let you go. Thank you very much for appearing before the committee today.

Northern Land Council

[09:52]

CHAIR: I welcome Mr Joe Martin-Jard, chief executive officer, and other officers of the Northern Land Council, who are appearing via videoconference. Mr Martin-Jard, do you wish to make an opening statement?

Mr Martin-Jard: No, no opening statement. I also want to acknowledge the chairman of the Northern Land Council, Samuel Bush-Blanas, who is in the room with us.

CHAIR: Thank you very much. I will give the call to Senator Canavan.

Senator CANAVAN: Thank you, gentlemen, for appearing today. I have some questions about the Indigenous economic stimulus package. I think that was announced in November 2020. I think you have issued some funding for that. How much funding have you approved from the NLC to how many projects?

Mr Martin-Jard: Senator Canavan, if you don't mind, I would just like to say a few words before we turn to that detail.

Senator CANAVAN: Is that in response to my question or is it an opening statement?

Mr Martin-Jard: I just want to acknowledge the support that we've gotten from Minister Wyatt. It's been extraordinary and most welcome. It's saved quite a few businesses and jobs up here, plus the outstation support we got. Sorry about that indulgence! I'll get our chief financial officer to address your question.

Mr Bhat: Thank you for your question. Yes, we did indeed receive funding from the National Indigenous Australians Agency in November 2020. The Minister for Indigenous Australians, the Hon. Ken Wyatt AM, approved and announced \$100 million in the Northern Territory Indigenous Economic Stimulus Package. All up, the NLC has been allocated \$36.7 million, delivered over two financial years, with \$22 million in 2020-21 and \$14.7 million in 2021-22. All up, for the \$22 million in tranche 1, we have received 75 funding applications, and we have already approved 71 of those 75 applications. Four are still under process. We have already allocated \$20.7 million of that \$22 million received in tranche 1.

In tranche 2 we received 100 applications, asking for almost three times more funding than is available—\$14.7 million. Those 100 applications received requested \$39.4 million compared with the \$14.7 million available, which was oversubscribed: the requested funds were 268 per cent of the available funds.

We are still going through the process of allocating that funding. The decision has been made to approve about \$12.1 million of that \$14.7 million we received. We are working with those recipients and we are working through the process for how these funds will be managed.

Senator CANAVAN: Just returning to tranche 1: if I heard you correctly, you received 75 applications for funding, 71 have been approved and you have four in train. So you won't actually reject any applications from tranche 1? Is that the intention, at least, if those other four get approved?

Mr Bhat: There were a few which were rejected. These 75 funding applications are those ones which have been shortlisted.

Senator CANAVAN: Okay.

Mr Bhat: And 71 of those have already been approved.

Senator CANAVAN: Do you know how many applications you received? You can take that on notice.

Mr Bhat: Yes.

Senator CANAVAN: What were the criteria to determine which projects got shortlisted? Were there some guidelines that you assessed them against?

Mr Bhat: Yes. The Minister for Indigenous Australians, when he wrote to all the land councils back in November 2020, also mentioned some principles which were set out by the ministers. I can read the principles for you—

Senator CANAVAN: As long as they're brief. Obviously, we don't have a lot of time.

Mr Bhat: There are five principles in total. I won't go into the details of those principles.

Senator CANAVAN: I've got your annual report here and there are five points in your annual report—are they the ones that you're referring to?

Mr Bhat: Yes.

Senator CANAVAN: Well, I have them in front of me. I was really asking if there was a broader set of guidelines, though, that established certain probity requirements, dates that submissions had to be in by and those sorts of administrative details? Were those established at all, or was it just these five points?

Mr Bhat: No. There were very detailed guidelines, outlining the requirements for applications. And there was a set date for when applications were open and for when applications were closed.

Senator CANAVAN: I don't have those guidelines—could you take it on notice to provide those to the committee?

Mr Bhat: Yes.

Senator CANAVAN: I want to turn to a particular grant. Actually, before I do that, I want to ask about the process. What was established to assess the applications? Was there a subcommittee of your organisation, or did it go to the board? Who was involved in approving them and how did that happen?

Mr Bhat: There have been two processes. In tranche 1 we assessed the applications through a senior NLC staff member—

Senator CANAVAN: You just broke up there. Was that the CEO and a staff member?

Mr Bhat: A senior staff member in NLC, Northern Land Council, would assess the application first based on the principles, ensuring that the applications meet those principles set by the minister and also the criteria established by the Northern Land Council. So there were set criteria which the applications had to meet before we sent our assessment to the CEO for the final decisions. The final decision-maker was the CEO of the Northern Land Council, but the applications were assessed by senior staff of the Northern Land Council. The criteria that we followed were how well the project aligned with the investment principles set by the minister, the need for the funding request, value for money, capacity to deliver all-of-life costs and major [inaudible]

Senator CANAVAN: I just wanted you to repeat that so I got it, and the line was pretty good but a little scratchy. You had senior staff evaluate the applications. They were shortlisted by them, the shortlist was ultimately provided to the CEO, and the CEO had the final and individual decision. Is that a correct summary?

Mr Bhat: That's correct.

Senator CANAVAN: I just want to turn to a particular grant provided to Sunrise Health. I've got here what I don't believe would be the full list of 71 approved. However, you have provided to the Senate a list of contracts for last year, 2021, and there are roughly 50 going to the Indigenous economic stimulus package. There's one here to Sunrise Health that is a grant of almost \$1.1 million. Am I correct about that grant being provided to Sunrise Health?

Mr Bhat: Yes, \$1 million was provided exclusive of GST.

Senator CANAVAN: It says here in the table that the start was 3 August. Can you tell me when that was approved?

Mr Bhat: I don't have the date in front of me of when that was approved, but we do have the actual amount that was approved, the outcome of the grant and why we approved that funding for Sunrise. It was to maintain the level of care for patients with chronic disease and a wide [inaudible]. That request came from Sunrise, and we assessed that application. It met the criteria and was then approved by the CEO of the Northern Land Council. I can take that on notice and provide you with the general details.

Senator CANAVAN: Just to be clear: Sunrise Health was shortlisted by the staff in the list that went to the CEO?

Mr Bhat: Yes.

Senator CANAVAN: The decision to fund Sunrise Health was made by the CEO as per the normal processes that you outlined?

Mr Bhat: Yes.

Senator CANAVAN: Were any conflicts of interest disclosed associated with the grant to Sunrise Health?

Mr Bhat: I can't recall, Senator. The decision-maker was the CEO of the Northern Land Council, and I don't think that there were any conflicts between the CEO and Sunrise.

Senator CANAVAN: You can take it on notice, if you like, just to confirm that if you can. I know you couldn't confirm the date, but I notice in your annual report that 55 grants had been approved before 30 June last year. Was this one of those 55?

Mr Bhat: I don't think so, but I can take that on notice as well. I don't believe so.

Senator CANAVAN: What I'm really wanting to know, if you could take this on notice, is: was Ms Marion Scrymgour the CEO at the time the grant was approved?

Mr Bhat: I will take that on notice.

Senator CANAVAN: One thing that jumps out at me about this grant was that it's a little different from everything else. As you'd appreciate, those five points you mentioned earlier in your annual report refer to infrastructure and jobs and linking with industry. Most of the other grants look in that category, but of the 50-odd

in this list that you've submitted to the Senate this seems to be the only one going to a health service. What was this grant for exactly?

Mr Bhat: As I [inaudible] the outcome was to maintain the level of care for patients with chronic disease and [inaudible] contracting COVID-19 infection. During this period we also have the principles set-up by the minister. But we also look at other factors when we decide whether we should recommend this grant for approval or not. When we look at [inaudible] the application we believe that it if our [inaudible] is improving the grounds for health [inaudible].

Senator CANAVAN: So it was primarily to provide health services to Indigenous Australians? Is that what I'm hearing?

Mr Bhat: Yes. And also to avoid COVID-19, which was really [inaudible] one stage when they were in the lockdowns and it's still one of the issues there. [inaudible] but given when approving this grant as well.

Senator CANAVAN: Notwithstanding the importance of COVID-19, which one of the five points did that issue meet? I'm struggling to see how that would've fit in to the investment principles set by the minister here?

Mr Bhat: As I explained earlier, for this particular grant we can take it on notice and provide the full [inaudible]. But there are several things. The question relates to the one particular Indigenous organisation and we'd prefer to take it on notice, if it is okay, to respond back.

Senator CANAVAN: Okay. If you could take it on notice that would be great. Thank you very much for that, Chair.

CHAIR: Thank you very much, Senator Canavan. Senator McMahon.

Senator McMAHON: Thank you, Chair. My questions are of a similar nature of Senator Canavan's. They relate to the economic stimulus money out of the Aboriginals Benefit Account. As at Senate estimates last year in October there had been \$54.2 million of that money expended. That information was provided as per questions that I asked and a slight breakdown was given of what that money was spent on. What I am going to ask for is a much more detailed breakdown of what that money was spent on. We've got \$24 million on infrastructure, \$5.9 million on tourism economic stimulus, \$270,000 on training and skills development economic stimulus, \$2.049 million on agricultural economic stimulus, \$8.4 million on homeland communities, \$7.1 million on employment, \$2.5 million on economic development and \$1.03 million on arts and culture. For each of those figures I'd like to know how much of that was through the Northern Land Council; how each of those funding grants were announced; how they were authorised, and by whom, and the process for this authorisation; who or what other entities or persons were receiving that funding, so a breakdown of each entity or person receiving that funding, and how much was given to each entity or person? What is the anticipated outcome of each of the funded entities or persons? How are they being measured? I realise that that's a lot of detailed information that I'm asking for, so if you're not able to table that right this very minute I'm happy for you to take that on notice and get back to me.

Mr Bhat: We believe that we have already responded to those questions. They were forwarded by [inaudible] to the Northern Land Council and we responded back on 1 February 2022. Those questions with those details have already had responses back to the agency.

Senator McMAHON: I don't believe that the responses were detailed and I don't believe that they covered my questions that I've just run through there. I'm happy to put these to you in writing if that helps, because I do realise that I had quite a lot of questions with a lot of detail, but I don't believe that they have been answered, so I ask you to have a look at my questions and come back to me with that level of detail.

Mr Bhat: We would like to take that on notice and come back

Senator McMAHON: Yes, I'm happy for you to do that.

Senator AYRES: I think the person who was answering the question said that information was provided earlier this month, but I assume that that's information provided to the NIAA, not to the committee—that there's some accountability process there. We'll leave that question on notice; I just thought it might have been provided separately. I was a bit confused about that.

CHAIR: We'll get the responses some way or another. Senator Dodson.

Senator DODSON: I've got some questions which probably straddle the NLC and the CLC. I know the CLC are coming a bit later and I might be a bit repetitive with the questions.

CHAIR: It might be worth saying to the CLC, if they can hear us, to pay very close attention to what Senator Dodson is asking, because you might be asked the same thing very shortly.

Senator DODSON: That's right—and I will expect far greater, erudite answers!

Thank you, Mr Chairman and your team from the Northern Land Council. In estimates on Tuesday the Australian Electoral Commission discussed its engagement with the land councils on COVID-safe measures that can be put in place to enable remote voting in the coming elections. How have these discussions been progressed from your perspective?

Mr Martin-Jard: We really haven't had any meaningful engagement with the Australian Electoral Commission, so, there's really not a great deal to say, I'm afraid.

Senator DODSON: From your knowledge of the geographical domain you cover and the complexities of the world you live in today with the Biosecurity Act and questions of movement, will the Australian Electoral Commission be able to enter communities and to conduct mobile voting if these biosecurity zones remain?

Mr Martin-Jard: Yes, they will. We're expecting the biosecurity zones to be lifted in a couple of weeks, but they're still designated as essential activities according to the chief health operator's directions in the Northern Territory.

Senator DODSON: Are you saying that these are likely to be lifted in a few weeks' time and that the activities of the AEC could be resumed on these lands?

Mr Martin-Jard: Yes, in a COVID-safe way. We know that the AEC has pretty good COVID management plans and they're quite detailed. They include things like wearing masks, using hand sanitiser, social distancing and all the other things that you would expect to see. We think it'll be fine after the biosecurity zones are lifted in two weeks.

Senator DODSON: Have you had any undertakings from the AEC about when they might begin any enrolment processes for people in these remote communities?

Mr Martin-Jard: No.

Senator DODSON: Is there any indication of where the mobile polling booths might be?

Mr Martin-Jard: No.

Senator DODSON: So you really don't know whether they're going to be able to get there.

Mr Martin-Jard: Yes, it calls for some speculation, but we really don't know.

Senator DODSON: What efforts is the land council itself making to bring to the attention of the First Nations peoples living in this remote part of Australia that there's a pending election coming and they need to check that they're on the roll and, if not, get on the roll and ensure that they turn up to vote for whomever they wish when the polling booths open?

Mr Martin-Jard: We've been quite active in that space, especially when it comes to a bill at some stage that proposed voter ID, which we thought would be detrimental to the democratic rights of Aboriginal people living in remote areas. We advocated against that bill because of it being unfair. At the same time, we were consulting with people in Arnhem Land and other places—for example, we were raising the prospect of an election this year and the importance of getting on the roll and voting. We've been quite active in doing that.

Senator DODSON: Have you had any discussions with the AEC if there isn't any capacity to access the community? In some places in the eastern states, they have mailed voting ballots out to people who have a postal box, but I know that many there don't have them, so how will this work?

Mr Martin-Jard: I'm not sure. The AEC may already have been in touch with the Northern Land Council, and I may not be aware of whether they've talked to our officers working in the area and so on. But how will it work? It will be like it's worked in past decades. They have the remote polling booths, for example, and they do have a lot of information in languages these days. They're gearing up for an advertising campaign and a promotions campaign.

Senator DODSON: I go to the matter of the COVID pandemic, which I know is devastating many of your communities as well as those in Central Australia. What support is the NLC providing to the communities in your region in the face of this pandemic?

Mr Martin-Jard: The chairman, who is here with us today, moved quickly to suspend permits for recreation purposes. We were really trying to prevent people from overseas who may have been infected with COVID going to communities, so we moved quickly. We also lobbied to have a re-introduction of the biosecurity zones up here. We were reacting to calls from senior community leaders, traditional owners who were asking for lockout. We were using all of the resources that we had available to us to fight the pandemic. In fact, it's been all consuming, I've got to say.

Senator DODSON: In your region, are there enough RAT tests and PPE equipment being provided by the Commonwealth to those communities?

Mr Martin-Jard: We are aware that, as recently as only a week ago, the answer to that question was, no, there wasn't enough equipment. What we've been hearing in the last couple of days, though, is that RAT kits have been sent out to the independent Aboriginal medical services that you're familiar with, and those kits are now hitting the ground. But it's been a long time coming. The absence of that equipment and PPE and even our surge workforce really played havoc. We kept COVID out of remote areas for two years, but now, sadly, it's with us. Really tragically, there have been over ten deaths and most of those deaths, as you know, were senior Aboriginal people, who have died from COVID.

Senator DODSON: Thank you, Northern Land Council.

Senator CANAVAN: Just returning back to the grant to Sunrise Health, as I mentioned earlier, there doesn't seem to be any other grants to health services. Are you aware of any other Aboriginal health services receiving a grant under the Indigenous economic stimulus package from the Northern Land Council?

Mr Bhat: The question was: have we supported any other health organisations through the NLC?

Senator CANAVAN: Yes.

Mr Bhat: The only one which we received an application from was Sunrise; I don't believe we received any other applications.

Senator CANAVAN: Perhaps you could take that on notice just to confirm, if you can, whether you received any applications from other health services, and/or whether you, of course, approved any other funding to health services. Finally, did the NLC put out a call for applications at any point in time for this program?

Mr Bhat: Yes, we did, and I can provide those to you as well. We opened up tranche 2 applications on 20 September 2021, and then we closed it on 20 October. After that, our process commenced on 1 November, and assessment finished, from the panel, on 2 December, and then we provided those recommendations to the Northern Land Council CEO.

Senator CANAVAN: Did you send the information about the package to all Aboriginal health services in the Northern Land Council areas?

Mr Bhat: The process was that it was open, so it was published on our website that the round was open. Also we sent [inaudible] information in our regions. We haven't sent information to any particular health centre or any Indigenous centre. It was online.

Senator CANAVAN: When did Ms Marion Scrymgour resign as CEO?

Mr Martin-Jard: I think it was April.

Senator CANAVAN: April 2021.

Mr Bhat: I can answer that one question that you asked earlier, Senator, if it's okay, about whether this was approved by Marion or not. This particular application was not approved by Marion when she was CEO. It was after her time.

Senator CANAVAN: Okay, but could you still take on notice when it was approved? Just so we're clear, I still want to know when the Sunrise Health decision was approved. Also, when was the short list of applications sent to the CEO for that tranche 1?

Mr Bhat: Yes.

Senator CANAVAN: Thank you very much.

CHAIR: Thank you to the Northern Land Council for appearing today.

Central Land Council

[10:24]

CHAIR: I welcome via videoconference Mr Lesley Turner, the Chief Executive Officer, and other officers of the Central Land Council. Mr Turner, in the interest of time, if you have an opening statement, I might ask that it be tabled for the committee. We are running a little behind.

Mr Turner: No, we don't have an opening statement.

CHAIR: Very good, thank you. I will give the call to Senator Dodson.

Senator DODSON: G'day, Les. I'm not sure whether you heard the questions I put to the NLC, but I'll go back to them.

Mr Turner: I did.

Senator DODSON: In estimates on Tuesday, the AEC, the Electoral Commission, discussed its engagement with the land councils on COVID-safe measures that will be put into place to enable remote voting in the coming election. How have these discussions been progressed, from your perspective?

Mr Turner: Thank you, Senator Dodson, for the question. We've been liaising with the Australian Electoral Commission's Northern Territory engagement officer in Darwin. We're having a meeting here in Alice Springs with him and our executive. Electoral officers out in communities. They're considered essential workers under the Chief Health Officer's directions. In terms of us promoting the elections, in our *Land Rights News*, over the last two editions and in the edition which comes out next week, the chairman's letter is encouraging Aboriginal people to get enrolled and to vote. Most of the information on our elections for the Central Land Council was happening. Information was going out. Our meeting is scheduled for April at Lake Nash.

Senator DODSON: Do you have any concerns about the biosecurity zones remaining and the Electoral Commission being able to perform or not perform their role in enrolling people and, secondly, conducting the polling booths?

Mr Turner: The biosecurity measures lifted last night for Central Australia and the Tiwi Islands. Under the Chief Health Officer's directions, any government workers are considered essential workers, so we don't see a problem with that.

Senator DODSON: I heard what you said about alerting people to a pending election, but is there encouragement to get people on the rolls and to turn up at these polling booths?

Mr Turner: That's what we're promoting, yes.

Senator DODSON: My other questions go to the COVID matters. There are a couple. How is the CLC supporting your communities in the COVID pandemic?

Mr Turner: The Central Land Council has been working with the Central Australian Aboriginal Congress and also the Northern Territory Department of Health for the central region in terms of vaccination clinics, support, barbecues and community events. We've also recently been supplying tents and blankets for communities, which will actually go out today, subject to some clearance under the Chief Health Officer's orders. We'll be supplying tents and blankets and isolation equipment to a number of communities in Central Australia. There are about nine or 10 main communities where we'll be providing support for isolation facilities in communities.

Senator DODSON: What about the supply of RAT testing packs and PPE equipment?

Mr Turner: That's part of it. The Northern Territory and Commonwealth governments advised us that 100,000 were available last week coming to the Northern Territory, and another 100,000 this week. Also, the oral treatment tablets were here last Monday, which is good in terms of addressing the immediate positive cases. The Central Land Council has been able to acquire RATs through pharmacies, online and also through one of our corporate partners, Newmont, who supplied 2,100 test kits to the Central Australian Aboriginal Congress.

Senator DODSON: Thank you, Mr Turner, and thank you, Central Land Council.

Mr Turner: Thank you.

CHAIR: I understand Senator McMahon has some questions for the Central Land Council. Is she still on the line?

Senator McMAHON: Yes, I do. I'm not sure if you heard my question to the NLC. This is basically the exact same question for the CLC. Did you hear that question or would you like me to repeat it?

Mr Turner: Thank you, Senator, if you could repeat it for us please.

Senator McMAHON: Yes, certainly. As of 31 October last year there had been approximately \$54.2 million spent on the economic stimulus from the Aboriginals Benefit Account. I have a breakdown of figures that came out of last estimates. There was \$5.9 million on tourism, \$24.3 million on infrastructure, \$2 million on agriculture, \$8.4 million on homeland communities, \$7.1 million on employment, \$1.03 million on arts and culture, \$2.5 million on economic development and \$270,000 on training and skills development. I would like for each of those areas a breakdown of how each funding grant or amount under those areas was authorised and to know by whom it was authorised, the process for the authorisation, who or what the entities or people receiving each of the funding amounts were, how much was given to each of those people or entities, what the anticipated outcome of each of the funded entities or activities is and how this is being measured. I realise that's quite a lot to be asking. It is asking for a lot of great detail so, if you're not able to table that here today, I'm happy for you to take it on notice.

Mr Turner: I thank you for your question. We do have all the information available. We're happy to take it on notice and send all the information to the committee.

Senator McMAHON: Thank you.

Mr Turner: In terms of the money, the Central Land Council received \$36.7 million. We started processing them in March. As of 31 December, \$17.1 million of stimulus funding had been approved, \$1.9 million of stimulus funding had been expended, we had proposals worth \$14 million in development with us and we had \$5.6 million of stimulus funding remaining that is unattributed at this stage. This is the process we go through. We promoted the program through our regions through our economic development unit. The criteria for assessments were developed in consultation with NIAA. In terms of the assessment criteria, the EPU receives applications and does an assessment against criteria. In terms of the assessment, it's through the EPU then our chief finance officer, general manager and then the CEO. That's the delegation. Anything over \$1 million we send down to the minister, but, with recent changes to the act, now approvals up to \$5 million are at the local level.

Senator McMAHON: Okay, so up to \$5 million would be approved by the CEO; is that correct?

Mr Turner: Yes, under the new changes to the Northern Territory Aboriginal Investment Corporation amendment that went through.

Senator McMAHON: If you are able to provide that very detailed breakdown—and I will put that question to you through the committee in writing so that you can respond to it—thank you.

Mr Turner: Thank you.

CHAIR: Thank you very much, Senator McMahan. I don't believe any other senators have questions for the Central Land Council, so we will send you off with our thanks for appearing today. I am now going to call on Aboriginal Hostels Ltd.

Aboriginal Hostels Limited

[10:35]

CHAIR: Welcome. Mr Chalmers, I note you have tabled an opening statement and I think, in the interests of time, we will take that as written. I understand Senator McCarthy has some questions for you.

Senator McCARTHY: Let's go to the Aboriginal Hostels total revenue from the Commonwealth government, Mr Chalmers. In the period ending June 2021 it was nearly \$36 million. Is that right?

Mr Chalmers: That's approximately correct, yes.

Senator McCARTHY: How much funding has been allocated for this financial year?

Mr Chalmers: I don't have the figure in front of me. My chief financial officer might. It's approximately the same amount.

Senator McCARTHY: I understand that as part of its COVID management plan Aboriginal Hostels has reduced bed availability. How many beds have been reduced as of today?

Mr Chalmers: There have been 148 beds taken offline. Usually that's one or two beds in each hostel. In some hostels it's as many as 10 or 12. It depends on how many beds the hostel has in total and the layout of beds.

Senator McCARTHY: Can you tell me which hostels have had 10 removed?

Mr Chalmers: Wangkana Kari in Tennant Creek has had 10, Apmere Mwerre Visitors Park in Alice Springs has had 15, Yumba in Brisbane has had 12, Mackay has had 10, William T Onus in Melbourne has had 19 and Kabayji Booroo in Derby has had 14.

Senator McCARTHY: Why have there been larger numbers in those six hostels?

Mr Chalmers: It very much depends on the layout of the hostel and where we're trying to ensure that we don't have situations where we can't manage a COVID outbreak in the hostel.

Senator McCARTHY: If I can go to Tennant Creek, you've had 10 beds removed from there. When were they removed?

Mr Chalmers: It would have been 12 months ago, but I might ask Mr Bob Harvey, our general manager of operations, to answer that question.

Mr Harvey: We respond to the COVID demands in each location across Australia. Initially, when COVID started two years ago, we looked, in particular, at implementing COVID management plans. In regard to Tennant Creek, that would have been an earlier decision. As Dave Chalmers said, in response to our capacity to handle it within a room we took beds offline to ensure social distancing, and we've kept them offline. We adjust them as required, in terms of lifting of requirements in different states, in directions from public health authorities.

Senator McCARTHY: Is that the case with Alice Springs? When was Alice Springs taken offline?

Mr Harvey: That's the same: in response to directions and in response to our own COVID management plans. We made an assessment of all of our hostels, in terms of our capacity to deal with COVID. We do also adjust on the basis of the surrounding issues associated with COVID.

Senator McCARTHY: Was the Alice Springs one taken off 12 months ahead like Tennant Creek?

Mr Harvey: That's right. We did it across the board.

Senator McCARTHY: How many beds are in Tennant Creek now?

Mr Harvey: At the moment?

Senator McCARTHY: Yes.

Mr Harvey: If we look at Tennant Creek, and it depends which one you're looking at in Tennant Creek, Ayiparinya has four offline, the visitor centre has 12 offline and we have one offline in Alyerre. As you'd see, it depends a lot on the issues that are associated with the different hostels.

Senator McCARTHY: That's more than 10, though. That's more than 10 beds from Tennant Creek.

Mr Harvey: If I'm looking at Wangkana Kari—

Senator McCARTHY: Ayiparinya is in Alice Springs and so is the visitor centre, so I think you've probably combined the two—is that right?

Mr Harvey: I missed that question, sorry.

Senator McCARTHY: You've named two hostels which are actually in Alice Springs. Can I ask you to tell us about Tennant Creek.

Mr Harvey: Yes. Apologies, Senator.

Mr Chalmers: Wangkana Kari at Tennant Creek has 10 beds taken offline.

Senator McCARTHY: How many beds are there in Tennant Creek that are now available?

Mr Chalmers: Mr Harvey will know for certain, but I think Wangkana Kari is a 42-bed hostels, so 32 beds at Wangkana Kari.

Mr Harvey: Recently that number has changed. As of this week there are four offline, so we have 38 beds available. Apologies.

Senator McCARTHY: Can we go through how many beds are available in Alice Springs?

Mr Harvey: I'm having difficulty locating this quickly. Apologies for that.

Mr Chalmers: We don't necessarily have the numbers by region. There are five hostels in Alice Springs, and Mr Harvey would have to add up those numbers. Perhaps if we take that on notice and provide you with the answer?

Senator McCARTHY: Could you also do the same for Katherine and Darwin?

Mr Harvey: Yes, I'll do that.

Mr Chalmers: So you're seeking the number of beds that are available in those locations?

Senator McCARTHY: Yes. And the number of beds that have been taken offline, if any. Has Aboriginal Hostels taken new residents, if I talk specifically in the Northern Territory, in the last six months?

Mr Chalmers: Yes, we have.

Senator McCARTHY: In all your hostels across the territory, Mr Chalmers?

Mr Chalmers: Yes. There will be times when we've had a COVID outbreak in a hostel where we may stop taking residents whilst we're needing to quarantine, but they're very temporary arrangements and we don't have any blanket policy of not taking new residents.

Senator McCARTHY: So if a resident has COVID in, say, Daisy Yarmirr Hostel in Darwin, what happens? What's your process?

Mr Chalmers: We work with the Public Health Unit in the Northern Territory to determine what the best approach is. Initially where we had COVID cases in our hostels, because our hostels are very much communal facilities, it's very difficult for someone to be quarantined in them. We have shared bathrooms and shared facilities. We would work with the Public Health Unit and the person would be quarantined. I think, in the Northern Territory, that was in Batchelor. Those facilities in more recent times came under a lot of pressure, and so in some of our hostels we were able to quarantine people in the hostel. It really depended on us having enough

staff to make sure that we could deliver meals to rooms and make sure the person was looked after. Generally speaking, when a resident came down with COVID they were moved by the Public Health Unit to a Territory facility.

Senator McCARTHY: You mentioned Batchelor there. Have you got an isolation unit in Batchelor or are you meaning the Alice Springs facility?

Mr Chalmers: No, the facility I'm referring to was a Northern Territory government facility.

Senator McCARTHY: So that would be at Howard Springs?

Mr Chalmers: I'm looking at Mr Harvey now.

Mr Harvey: Yes. In the case of Alice Springs and in the case of the Northern Territory, they went to the Darwin quarantine centre. In the case of Alice Springs, they had a particular hotel that they'd converted to a quarantine centre and were able to send residents to those quarantine centres. We work very closely with public health authorities and we're consulting with them. In some cases where quarantine centres cannot cope with the load we'll make an assessment in consultation with the public health authorities on whether that resident can remain with us. Generally we've worked very closely with the public health authorities in the territory in Darwin, Alice Springs, Tennant Creek and Katherine, who've been able to transfer COVID-positive residents to quarantine centres.

Senator McCARTHY: How many of your clients in the hostels in Alice Springs have been in quarantine facilities?

Mr Harvey: I think I heard your question. You asked how many had been impacted. As of Monday last week across all of our hostels across Australia we've had 108 residents test positive to COVID and 36 of our staff test positive to COVID, and that's across 31 hostels. When I look at Alice Springs, five of our hostels have been impacted by COVID. In the case of Alice Springs visitor park, 11; Topsy, 11; Sid Ross, seven; Ayiparinya, five; and Alyerre 11. If we look in particular at the impact across Australia, we've been mostly impacted, unfortunately, in the NT in terms of our residents that have had COVID, and not dissimilar numbers have occurred in Darwin as well, but not as high as we've been impacted in Alice Springs.

Senator McCARTHY: Does Alice Springs have the most residents infected with COVID out of—

Mr Harvey: Yes, it does. But it's also a reflection of the number of hostels that we have in the NT. We have 17 of our 45 hostels. You would probably be aware that hostels such as the visitor park and others are quite large hostels. That's part of the reason it has been impacted. Most of those impacts are this calendar year. We and our residents have been particularly impacted this calendar year.

CHAIR: Senator McCarthy, you've had the call for close to 15 minutes now. If you could wrap up as economically as possible with your questions, that would be appreciated.

Senator McCARTHY: Alright. Thank you, Chair. [inaudible] facilities in the Northern Territory taking crisis accommodation referrals for victims of domestic violence?

Mr Harvey: Are our hostels dealing with those issues? We provide services to a whole range of client groups. We have been approached in terms of—if you're talking in the context of COVID outcomes—whether we can take additional residents. We can in the sense of our capacity. If there are lockout or lockdown arrangements we are obviously dealing with those issues. The other thing we do, if we have a COVID outbreak in a hostel, is stop any intake. But we will always take on any residents we can and deal with any residents. We have had approaches and we work with the local authorities and the local Aboriginal community organisations to manage those requirements. Yes, we are. We talked through, particularly in the COVID environment, the issues that were associated with social distancing, shared bathrooms and those sorts of things. Generally we will open our doors and assist our territory and state government colleagues to deal with the pressure points in terms of the impact that COVID is having on our communities.

Mr Chalmers: To go specifically to your question: we don't provide wraparound services for our clients. We try and connect them to other services. Particularly for domestic violence referrals, whilst we would not turn away someone, we're not able to provide for the specific needs that someone in that situation would have.

Senator McCARTHY: Thank you, Mr Chalmers. Thank you, Chair.

CHAIR: Thank you very much, Senator McCarthy. Thank you to Aboriginal Hostels Limited for appearing here today. We send you off with our thanks for your testimony.

Proceedings suspended from 10:51 to 11:05

Australian Institute of Aboriginal and Torres Strait Islander Studies

CHAIR: Welcome, Mr Ritchie. Do you wish to make an opening statement?

Mr Ritchie: Only to acknowledge, as a Dhunghutti man, that we're on Ngunnawal country today. Thank you for the opportunity to speak.

CHAIR: Thank you. Senator McCarthy.

Senator AYRES: I misled you a moment ago, Chair—so this is not your fault! I don't think Senator McCarthy has questions for AIATSIS. If there are no questions from other senators, it might just be an opportunity for Mr Ritchie to give us a few minutes on where the organisation is up to at this stage and what the key issues are.

CHAIR: I think that would be helpful—if you ask that as a question!

Senator AYRES: Take it as a question, Mr Ritchie! Welcome to you and your colleagues. I thought this would be an opportunity for the committee to hear from you at this juncture.

Mr Ritchie: By way of introduction, AIATSIS is our national Aboriginal and Torres Strait Islander cultural institution. We're fast approaching our 60th anniversary; we were established in 1964 by act of parliament. For all those almost six decades, we've been very active in the research space but also in building a national collection that is the largest collection of its kind related to Aboriginal and Torres Strait Islander culture and heritage. We continue to do that work. Our mission, in the context of our act, is to do four things: to tell the story of Aboriginal and Torres Strait Islander Australia, which we do in close partnership with our First Nations groups around the country; to create opportunities for all Australians to engage with our cultures as First Nations people; to support the cultural revitalisation and resurgence that's happening in our communities around this country; and to speak to our national story.

The most significant development for us in that space was the announcement in January of \$316.5 million to support the construction of a designated national Aboriginal and Torres Strait Islander cultural precinct in the Parliamentary Zone, which we're very excited about. It's been a point of advocacy for the institute in its strategic plan since 2018. That precinct will house a new home for the institute that's purpose built and fit for purpose for the institute in the 21st century. It will also house a national resting place that will respectfully care for Indigenous ancestral remains that have returned from overseas as part of the Commonwealth's repatriation program but, for a variety of reasons—largely poor provenance—can't go back to their own country. That work is currently carried out by the National Museum of Australia. Once the resting place is built we'll transfer there. So it's care of those ancestral remains, and, importantly, it's ongoing research to identify which specific First Nations those ancestors come from so that they can be returned home as respectfully as possible. So that's very exciting. We're very busy, as you might imagine, with all the logistics associated with that.

CHAIR: Can I interrupt you there, because I have a couple of questions about this. What sort of consultation process are you implementing to consult with local communities about the co-design process for the cultural precinct?

Mr Ritchie: During the course of the initial business case development and the detailed business case development that ultimately led to the government decision to fund the project, we undertook close consultation—particularly with traditional owner groups here in Canberra. There were several detailed consultations, particularly intensely over the last year, to develop the final business case that went to government. We're in the process at the moment of finalising the design of an ongoing consultation process, particularly in the context of design of the facilities but also in terms of scope of practice and operating model—particularly around the national resting place. The idea of the national resting place was the subject of a major national consultation and a report that was produced in 2014. We've relied on that in terms of shaping the broad parameters of the project. Given both the institute's longstanding commitment to working with Indigenous people and First Nations around the country and the government's policy commitment around co-design, we're finalising the design of a consultation process that will be ongoing throughout the project.

CHAIR: Thank you very much. Senator Thorpe is here, and I suspect she has some questions for you.

Senator THORPE: Love black Friday! Of course I have questions. They follow on from what you've just been talking about in terms of the consultation process around this significant place that has been a topic of conversation amongst traditional owners here. In terms of consultation, and given the fact we do an acknowledgement of country every time we sit in this place, have you spoken to Ngambri and Ngunnawal people about what's about to happen on their country?

Mr Ritchie: Yes, we have. We've spoken to the Ngunnawal people via the United Ngunnawal Elders Council and to the Ngambri land council and the Ngambri people about the development of the proposals that went to

government, extensively. We also talked to traditional owners here about the proposal and we also engaged with the tent embassy—although they're not traditional owners from here, the embassy is a very important stakeholder in the Parliamentary Zone—to make sure that people were aware and had input and had an opportunity to shape. That will be ongoing.

Senator THORPE: Did you receive free, prior and informed consent? Or was it just a conversation?

Mr Ritchie: They were conversations.

Senator THORPE: So no consent?

Mr Ritchie: I believe that we have consent from the traditional owners, yes.

Senator THORPE: Your department has free, prior and informed consent from the traditional owners here, both Ngambri and Ngunnawal, to continue with the project; is that right?

Mr Ritchie: We have consent and approval and engagement from the United Ngunnawal Elders Council. We have an ongoing conversation around that with the Ngambri—that will happen over the next few months.

Senator THORPE: Are you aware there are Ngambri and Ngunnawal elders who don't give consent? If you're not aware of that, would you be open to addressing that? If you're aware of that, what are you doing about it?

Mr Ritchie: I'm not aware that there are elders that haven't given consent, no.

Senator THORPE: These elders are claiming you've been speaking to the wrong people. Are you aware of that?

Mr Ritchie: No.

Senator THORPE: So they haven't come up as part of the consultation process at all?

Mr Ritchie: Not to my knowledge, and certainly not directly with me. The most recent conversations I had with both Ngunnawal and Ngambri were the day before the Prime Minister's announcement on 5 January. In those conversations, there was no suggestion and certainly no expression to me that consent was being withheld or not given.

Senator THORPE: Would you see this questioning as an action item for your department to take up and clarify, if there are any traditional owners who do not consent?

Mr Ritchie: Absolutely, yes.

Senator THORPE: As part of that project, will there be truth-telling and acknowledging of the frontier wars in the work of Ngurra?

Mr Ritchie: Ngurra is a precinct. The two institutions that will occupy that precinct are AIATSIS and the National Resting Place. To the extent that those issues come up in the work that AIATSIS does, either via our research or in the process of management of our collection, I don't think it is envisaged that Ngurra will have any form of monument in relation to the frontier wars. But that's part of the national story, and our job, as we see it at AIATSIS, is to tell our story as First Nations people in its fullness, which includes, obviously, the frontier wars. It includes the experience of Indigenous people in terms of colonisation but also our experience as people in our own right, not just being seen in relation to the experience of colonisation. I don't need to tell you this, but it's worth stating for the record that the approach of AIATSIS to the story of Australia is that it doesn't begin in 1788 and it doesn't begin in 1770; it stretches back 65,000 years. And that part of our story is as important to be told as the experience of colonisation.

Senator THORPE: The reason the bones of our people are in these museums is racism. How will this be acknowledged as part of this project?

Mr Ritchie: The National Resting Place will be a new facility in Canberra. The work that the Resting Place will do is currently being done by the National Museum—that is, the provenance, research and respectful care of our ancestors' remains before they can go home to country. It is proposed—although this will be the subject of ongoing consultations with Indigenous people—that the National Resting Place will have a storytelling function, which will tell the story that sits around repatriation, so the reasons why our ancestors are in foreign institutions and their journey home. As I say, the scope of that and what that looks like is going to be the subject of consultation, so it's a bit hard for me to pre-empt what that might look like. But I would imagine that, broadly speaking, the National Resting Place will tell that full story.

Senator THORPE: In Victoria we're always fighting the museum to get our people out of there. We have museums around the world that have stolen our bones and our skulls, and we're fighting them to get our remains back. What kind of ownership do the National Museum have? Do we have to fight them to have our own self-

determining principles of looking after our own people's remains or do we have to beg the National Museum to ensure that there is a self-determination element to what's going on here?

Mr Ritchie: It's not for me to speak on behalf of the National Museum—and I should say AIATSIS doesn't have any responsibility for the Commonwealth repatriation program; that's the Office for the Arts—but I am aware that the ancestral remains that the National Museum cares for as part of the repatriation program are not accessioned into the Museum's collection, so they don't become part of the collection. The work that the Museum does is in care of those ancestors and ongoing provenance research in an effort to identify the specific location that those ancestors come from. I don't imagine that there will be a fight at all around the return of those. I should say that the National Resting Place and the work that the Museum do are related to ancestors that are returned to Australia under the Commonwealth program. There is no intention that state based institutions—museums, universities and so forth—will transfer the ancestral Indigenous remains that they currently care for to the National Resting Place. That's not part of the plan. That would be both culturally inappropriate and a pretty blatant effort at cost-shifting on the part of the states and territories. But in answer to your question, I don't foresee any difficulty in negotiating the return of these remains from the National Museum at all.

Senator THORPE: Our resting place in Victoria is behind the Shrine of Remembrance. It's a little rock with a little plaque, and it has 38 nations represented. Every Australia Invasion Day that is damaged, with broken beer bottles smashed over that rock, and we have to clean it up every year. What protections will be in place for our ancestors who are being put to rest in this place? Will they have protections and be honoured and respected in the same way as, say, the Shrine of Remembrance?

Mr Ritchie: In terms of that last part of your question, absolutely. It's our intention as an institute, in leading this capital project, to make sure that, in the design of the precinct and the facilities that are housed in it, those issues around security, safety and protection are incorporated into the design—that's the security side of things—and to work as closely as we can with specific First Nations in relation to their own ancestors, but, more broadly, with traditional owners here, to ensure that cultural safety is maintained and those elders are protected by appropriate cultural practice and ceremony.

I should say there is also no intention to bury ancestral remains in the ground here. There will be appropriate facilities built that will care for the remains, because the key part of the name is 'resting'. It's a rest stop on the journey home of those ancestors. We don't intend to bury anybody in the ground; that's not our vision here. It is purely a respectful and culturally appropriate house for them to rest in until they can go home.

Senator THORPE: Thank you.

CHAIR: Thank you, Senator Thorpe.

Senator DODSON: On what seems to be a very exciting development for the AIATSIS institution, can you tell us a bit about what the digitisation centre in Alice Springs is anticipated to achieve and how it's going to operate? It sounds like a very exciting thing. I'm interested in it.

Mr Ritchie: We're very excited about that, Senator. It's part of the AIATSIS Council's vision to ensure that, as a national institution, we're not national just because we've got a headquarters in the national capital but that we do, in fact, extend our reach across the country.

As you'd be aware, Alice Springs is a hub for the Central Australian region, so the decision to locate a digitisation and access hub there is a critical and exciting one. Work's currently underway to refurbish the facilities that we've taken a lease out on. It will do a number of things. We will partner with First Nations Media Australia to make sure that digitisation is happening so that, in particular, those recordings and such that are on volatile material, particularly ferromagnetic tape, are digitised and preserved so that communities in that region can have access to their material. There will be storage facilities there, so we envisage that some of our collection that's currently looked after here in Canberra from that region will be able to go home, and we hope to be able to provide some support to the Strehlow Research Centre around their storage needs.

In addition to that, it will include some public engagement space, space for exhibitions and space for community and public education in relation to Aboriginal and Torres Strait Islander issues and cultures, particularly focusing on the Central Australia region. We also envisage that there will be some capacity to include training of community members in cultural heritage management so that that capacity is being built in communities to look after their own material in a way that's right for them.

Senator DODSON: Thank you.

CHAIR: Thank you very much, Senator Dodson, and thank you to AIATSIS for appearing today. We send you off with our thanks for your testimony and bring on ORIC.

Office of the Registrar of Indigenous Corporations

[11:25]

CHAIR: I welcome Mr Gerrit Wanganeen, the acting registrar of the Office of the Registrar of Indigenous Corporations. I note that you tabled your opening statement.

Mr Wanganeen: Yes. If I may, I'd like to speak to that. As a Narungga man, I too would like to acknowledge the Ngunawal and Ngambri people as well the Aboriginal and Torres Strait Islander people in the room and online with us today. I'd also like to recognise the contribution of the former registrar, Selwyn Button, who left the position on 3 December. I've been acting in the role since then. During his tenure, Mr Button worked to strengthen relationships with stakeholders and raise issues of transparency and accountability, particularly around native title benefits, and set a new strategic vision for ORIC. He also started to position strongly to work in emerging and future environments. One of those is the Indigeneity issues that are around at the moment. I know that's something that we touched on during the last Senate estimates. To that end, ORIC has issued a revised policy statement on how we'll handle Indigeneity within our corporations. We did that last month, and that's available on our website. Our expectation is that the policy will help to further strengthen stakeholder and public confidence in the corporations that they're dealing with that are registered under the C(ATSI) Act.

In terms of our regulated population, it continues to grow. I understand that we've provided a snapshot to the committee. As of Wednesday, there were 3,463 corporations, including 240 registered native title bodies corporate. We're also buoyed by growing interest in better practice around as well. Last November, we hosted our inaugural governance day. We did that online. That was a free forum designed to elevate and inspire board capability, and it focused on that. Speakers from a range of different groups took part. It was six hours, and we were pleased that 125 people attended. The majority stayed online for the six hours.

We do have a slightly slower rate in annual reports this year, but we are pursuing that. So we are continuing on with those. The C(ATSI) Act emphasises the importance of compliance and accountability, and making sure that the members have the opportunity to see the information about their corporation but also ours. Given the pandemic, we are aware that there are some issues around some aspects of that reporting, and corporations do like to let their members know before they lodge them with ORIC. We expect that those general reports and financial reports will continue to come in.

The final thing I'd like to make the point of is the successful prosecution that occurred on Monday. ORIC, with the help of the Commonwealth Director of Public Prosecutions, successfully prosecuted a former CEO of an arts centre on Mornington Island. That individual was charged with 35 counts of using his position dishonestly and taking advantage of a number of vulnerable people in the arts industry. I'm very pleased to say that he was given a custodial sentence, and also, importantly, reparations to both the corporation and the artists were involved there. Thank you very much.

CHAIR: Thank you very much. Senator Thorpe, you have the call.

Senator THORPE: Thank you, Chair. My first question is around the recruitment of the registrar. Obviously, you're still acting, but what is the plan to install a new permanent registrar?

Mr Wanganeen: I might refer that one to the NIAA.

Mr Exell: There is a process that's been underway since late last year. We are working through the approval process for that right now.

Senator THORPE: Is there a time frame?

Mr Exell: I can't set an exact time frame, but it is towards the end of the process, if I can say that.

Senator THORPE: In my question on notice no. 175 from last year's supplementary estimates I asked about how ORIC assists—in this case, the Waanyi PBC—to correct and reodge previous years financial statements, given that they were all incorrect. You answered that although:

... directors of the corporation are responsible for the preparation of the financial report in accordance with the CATSI Regulations ... it is not expected—

that they would lodge previous years financial reports. Does this basically mean that corporations can get away with lodging incorrect reports?

Mr Wanganeen: Thank you for the question. Particularly with the Waanyi ones, quite often the audited financial statements and the auditor's reports will note where there have been corrections to previous years audits or financials. So, quite often, in subsequent years, within the notes section of a general purpose financial report, there will be notes of corrections to previous years. We would expect that if a corporation chose to update

previous years financial reports they would be available. Otherwise, we would expect that there would be corrections noted in the audited financial reports of corporations going forward.

Senator THORPE: So no consequence? People can just put in incorrect financial reports over and over again? Is there any consequence for doing that?

Mr Wanganeen: If we were made aware that the corporations' financial reports were willingly wrong, there are consequences within the CATSI Act. We can prosecute for failure to report or for providing false documents to the registrar. Obviously, there are things that need to be met. It would be a criminal prosecution, so we would have to undertake work to satisfy a criminal court that reports that are consistently wrong were being done willingly, knowingly and probably deliberately. I'm conscious, again, that the registrar is not necessarily going to go to criminal prosecutions of Aboriginal and Torres Strait Islander corporations or Aboriginal and Torres Strait Islander people as our first step, but, certainly, if we were made aware that there was a deliberate attempt to provide wrong information in the reporting then we could go forward with that.

Senator THORPE: Has Waanyi PBC lodged a financial report for 2021?

Mr Wanganeen: It hasn't as yet, no.

Senator THORPE: The community has raised concerns with me that the Bularnu Waluwarra Wangkayujuru, or BWW, registered native title body corporate has not been meeting since 2017-18. Can you confirm if the corporation has held any AGM since 2017 and, if so, provide the dates and locations of where they were held?

Mr Wanganeen: Corporations aren't ordinarily required to report to the registrar the dates that they've held their AGMs. We normally find those through complaints. I am aware that previously we have had complaints about BWW not holding annual general meetings, but I would have to check as to how recent any of those complaints would be. So I don't have any information on that, but I'm happy to take that on notice.

Senator THORPE: Do you receive annual returns from them?

Mr Wanganeen: We do receive annual returns from them. Again, I don't have the information with me on BWW specifically but I'm happy to take that on notice and provide an answer. As I said, they are required to provide annual reports. A lot of corporations do show good governance and take their annual reports and annual financial statements to their annual general meetings. But it is not currently a requirement of the CATSI Act for them to table those audited financials at an AGM; it is just a requirement of the CATSI Act to make those audited financial statements available to members.

Senator THORPE: I have some questions about properties purchased by the South West Aboriginal Land and Sea Council in El Caballo, Midland and South Guildford in WA. Has ORIC investigated the purchase of those properties?

Mr Wanganeen: No, ORIC hasn't investigated the purchase of those properties. I understand there has been some assistance provided from NIAA to the corporation, but ORIC hasn't investigated the purchase of those properties, no.

Senator THORPE: I understand the ORIC regulations are being updated. Will this follow a process of co-design that is firmly grounded in self-determination?

Mr Wanganeen: The ORIC regulations would be a question for NIAA, who are the policy holders for this, but certainly we would assist.

Senator THORPE: I'm happy to take that to NIAA, but if you want to answer—

Mr Burdon: The process for updating the regulations for the CATSI Act is in train. As you are aware, where there's a process of updating the main act, there's a series of consequential amendments to the regulations that follow.

Senator THORPE: I just want to know if the principles of self-determination are in there?

Mr Burdon: We've consulted on those regulations, and I can provide you with the details. I think they were open for a short period of consultation before Christmas.

Senator THORPE: Does it include the principles of self-determination?

Mr Burdon: I'm not quite clear on the question.

Senator THORPE: Do you understand what self-determination is, from a black person's perspective?

Mr Burdon: I wouldn't propose to. I'm trying to respond to your question in terms of the consultation process for the regulations being taken forward as part of the parliamentary process.

Senator Stoker: I guess Mr Burdon is trying to say 'this is what we've done'. If he sets that out then the assessment from the shoes you are in of whether or not that meets your definition is a more subjective matter. It is probably more appropriate that he says what's been done, and others can make the assessment of whether or not it—

Senator THORPE: I don't want to hear what's been done; I want to know whether there are self-determination principles in the updated version, because if we talk about co-design then, if you have blackfellas at the table, they will make sure self-determination is there. I just want to know if it is there or not?

Senator Stoker: The process that has been put in place endeavours to do that. It is certainly the intention at every stage to honour and respect the importance of that. We just wouldn't want to speak for somebody else in making that assessment. But it is certainly something that is tried to be delivered upon at every stage.

Senator THORPE: Excellent. I love it when the government tries to instil self-determination principles in its work. I will go to the next question. Are you aware of any claims of breaches of duty at the South West Aboriginal Land and Sea Council?

Mr Wanganeen: I am aware that there have been complaints made around the South West Land and Sea Council and against previous executives. Based on our assessment of those claims to this stage, I would have to say, we haven't been provided with any evidence that would substantially support that. But it is, obviously, something that, if ORIC was provided with further documentary evidence, we'd be happy to look into.

Senator THORPE: Will you take me through in detail what ORIC has done to be fully satisfied that the South West Aboriginal Land and Sea Council is operating without corruption or mismanagement, because there are issues and not enough seems to be being done?

Mr Wanganeen: I don't have any notes specifically on the South West Land and Sea Council with me but I'm happy to take your question on notice and give you information around ORIC's actions in regards to that corporation.

Senator THORPE: Thank you very much. No further questions.

Senator AYRES: Mr Wanganeen, welcome. I want to get a sense of how many First Nations businesses are registered with ORIC?

Mr Wanganeen: As of Wednesday, we have 3,463 corporations registered with us.

Senator AYRES: Is registration with ORIC entirely a matter for the organisation itself—in that it could be registered with ORIC or it could be registered with corporate regulators?

Mr Wanganeen: For the most part that's true. There are some cases that we are aware that a registered native title body corporate has native title responsibilities under the Native Title Act and has been determined by the Federal Court must be registered under the CATSI Act. I am also aware that a registered Aboriginal party in Victoria is required to be registered under the CATSI Act, but otherwise—

Senator AYRES: So there are a small number that are compulsorily registered and then there is voluntary. Do you have any visibility from ORIC over organisations that win contracts with the Commonwealth?

Mr Wanganeen: No.

Senator AYRES: So apart from the information that they are compulsorily required to provide in the normal regulatory oversight, you don't get much visibility of the business conditions and their trading; it's the normal corporate regulatory oversight?

Mr Wanganeen: Yes, it is normal corporate regulatory oversight. General reports are required from all of our corporations. We do ask corporations for both total income and also grant income, but that grant income isn't separated into any level of government, so that grant reported could be Commonwealth or state and territory or even local council. Potentially, even philanthropic grants would be covered in those as well.

Senator AYRES: Does NIAA have visibility through either Supply Nation or any of these initiatives over Commonwealth contracts that have been won by Indigenous organisations?

Mr Exell: The officer that looks after the Indigenous Procurement Policy is probably the best person to answer that. They're next door. If you're going to be at the next session—

Senator AYRES: Thank you. Chair, I just wanted to check with Mr Wanganeen while he was here. I can ask the next bracket of questions when we come to the agency. Thanks, Mr Wanganeen.

CHAIR: Thank you to ORIC for appearing here today.

National Indigenous Australians Agency

[11:45]

CHAIR: I will flag with senators that we're running about 10 minutes behind schedule. I would like us to endeavour to deal with NIAA before the lunch break, which is due at 12.30, so if senators could keep that in consideration when asking their questions that would be appreciated. I welcome Ms Jody Broun and other officers of the National Indigenous Australians Agency. Ms Broun, do you wish to make any other additional comments at this time?

Ms Broun: Yes, thank you. Good morning, Chair and Senators. Wanthiwa. I firstly wish to acknowledge we are on Ngunawal and Ngambri country, and I pay my respects to the elders and ancestors of this country. I would also like to acknowledge the record level of representation we see in the parliament and across senior levels of the public service, and I extend my respect to all of you and other Aboriginal and Torres Strait Islander witnesses appearing today.

Thank you for the opportunity to make a brief statement. I might shorten it and table the rest of it, if that's okay with you, in the interests of your time. As the committee knows, I have commenced as chief executive officer of the National Indigenous Australians Agency this week, on Monday, and I look forward to leading a passionate, committed and highly productive agency.

I think, when you look at the record of the agency over the last couple of years, an incredible amount of work has been delivered and progress has been made to improve the lives of Aboriginal and Torres Strait Islander peoples. In this forum, I would like to publicly acknowledge the invaluable work of my predecessor, Mr Ray Griggs, in establishing the agency and cementing its place in the public service landscape. I would also like to acknowledge the excellent stewardship of Mr Blair Exell, who has been acting in the chief executive role for the last seven months, and Ms Letitia Hope, as deputy CEO, who have been instrumental in steering the agency through an important period.

For those that I have not yet had the pleasure to meet, I am a Yindjibarndi woman from the Pilbara and am deeply committed to community decision-making and empowerment through strong community governance and employment. Working with communities, Indigenous organisations and governments to build trust and capacity to work in genuine partnership will be a focus of mine going forward. I also bring a deep commitment to accountability and transparency, and, with that lens, I look forward to supporting the committee in this work. In the interests of the committee's time, I'll leave it there for the statement, but I'll table the rest of the statement.

CHAIR: If there is no objection, I will incorporate the rest of the agency's statement.

The statement read as follows—

COVID-19 and its health and non-health impacts are, of course, dominating the Agency's work.

We continue to work extremely closely with state and territory counterparts and local partners, most recently with our attention on the Northern Territory, to complement their efforts to respond to the current outbreaks and prepare for future responses.

Whether working from the office, or from our homes in line with public health orders, we are connected with community and are committed to supporting them.

Through our Local Investment Fund, as well as other programs that operate in remote Australia, we have re-allocated significant resources to support jurisdictions' health departments and the Indigenous health sector to support efforts to boost vaccine take-up and ongoing pandemic planning.

The NIAA is an active participant in many forums that include Aboriginal and Torres Strait Islander groups and health services, NACCHO, Land Councils, community groups and other community controlled organisations, to assist where we can with coordination and the mobilising of resources. To help illustrate that effort, I'd like to share a few examples of the work we've been doing.

In South Queensland, the NIAA is funding Mindle Bygul Aboriginal Corporation to deliver a series of pop-up vaccination events across the Moreton Bay region which target the 18-35 year old cohort.

In Yuendumu and Maningrida in the Northern Territory, the NIAA has provided assistance with transport to and from vaccination clinics.

We are addressing local vaccine misinformation and hesitancy, including engaging Ernie Dingo to roll out the "Vax the Outback" campaign across the Pilbara in Western Australia; supporting Iwiri Aboriginal Corporation to deliver a series of education workshops in Adelaide late last year; and providing funding to Melbourne's 3KND "Kool N Deadly" radio station to develop and broadcast culturally appropriate and targeted COVID-19 messaging.

In Dubbo, NIAA established the COVID-19 Central West Koori Community Circle, which gathers to share information and resources, problem solve and provide solutions for organisations and community with regard to COVID-19 and vaccination acceleration in Western and Far Western New South Wales.

Of note, NIAA supported the rapid establishment and stocking of a pop-up store in Goodooga to address food security issues during last year's outbreak in Western NSW. The NIAA has also supported the development of local pandemic plans in Galiwin'ku and the Gove Peninsula and participated in desktop exercises to test the response to a potential outbreak.

You can see that our support is varied as we take a place-based approach with what we do, to engage the community and address individual community needs.

We will cover COVID in more detail later in today's proceedings when we are joined by our Department of Health colleagues, but at this point I did want to share the latest vaccination figures, which were received this morning. 82.8 per cent of Aboriginal and Torres Strait Islander peoples aged 12 years and older have received at least one dose of the vaccine and 77.7 per cent have received two.

This is a testament the work of many and I thank everyone who is contributing to protecting remote Indigenous communities.

Since October, and as you would be aware, four of the five bills related to our portfolio that had been introduced have now passed and the Agency is hard at work implementing the reforms that follow.

The Territories Stolen Generations Redress Scheme is on track to commence on 1 March and eligible applicants can access free, independent legal advice and financial counselling as they consider and plan for applying to the Scheme. On Monday, in marking the anniversary of the National Apology to Australia's Indigenous Peoples, we heard a number of the harrowing stories for which we hope this Scheme will be able to provide some measure of healing.

In support of the development of the new Remote Engagement Program, our Regional Managers responsible for the five trial locations have been consulting locally to identify organisations and community members to be part of local co-design groups.

We expect to have these groups established in the near future and a national co-design group will be set up with the first meeting anticipated in the coming months.

We invited anyone interested to respond to a public discussion paper and public consultations will be ongoing until the new program is introduced in 2023.

Interviews with Community Development Program providers have already commenced and planning for virtual community consultation sessions and roundtables is progressing well. Where possible and where safe, we will plan for face-to-face community sessions later in the year.

For the key initiative of the Aboriginal Land Rights Act amendment, the Northern Territory Aboriginal Investment Corporation, the co-design process through a steering committee of Land Council representatives and the Chair of the Aboriginals Benefit Account Advisory Committee is continuing, with the Corporation due to commence in the second half of this year.

And we look forward to implementing the reforms proposed in the Corporations (Aboriginal and Torres Strait Islander) amendment bill should it pass the Parliament.

Also since our last appearance before this Committee, the Final Report for the Indigenous Voice Co-design Process was delivered to Government.

The Government has agreed to progress the establishment of Local & Regional Voices, in line with the Final Report's position that this is the next step. The NIAA is engaging with senior officials from state and territory governments, as well as the Australian Local Government Association, about their participation in Local & Regional Voice arrangements ahead of Ministerial discussions.

And work is currently in train to stand up a Local & Regional Voice Establishment Group.

In January, and as discussed this morning with AIATSIS, we were excited to be able to support to the announcement regarding the Government's decision to proceed with Ngurra: The Aboriginal and Torres Strait Islander Cultural Precinct, which will become an important institution to recognise and celebrate Indigenous history and cultures.

And of course, on 25 January the Government announced the conclusion of the negotiations with Mr Harold Thomas and the licensees to secure the copyright in the Aboriginal Flag.

We understand the Committee's interest in this matter and we have the relevant officials here today ready to answer your questions. On behalf of the Agency, I would like to thank the Committee for your patience while we worked to achieve this outcome.

When you consider over the last three to four months we have also delivered the National Roadmap to Boost Indigenous Skills, Jobs and Wealth creation, the Aboriginal and Torres Strait Islander Early Childhood Strategy, the first two sector strengthening plans under Closing the Gap, the team at NIAA have done a remarkable job and I look forward to continuing this great work as I lead the Agency.

I thank the Committee and welcome your questions.

Ms Broun: If you'll forgive me, I will be deferring a lot to my deputies and the appropriate senior staff of the agency to answer detailed questions, given this is my fifth day in the job.

CHAIR: Thank you, Ms Broun. I must apologise also. I got a little overexcited with the schedule for today, as we were trying to keep everything to time, and I didn't realise that the NIAA is due to continue after lunch until two o'clock. I don't want to say there's no rush to my colleagues, because I know they'll take me at my word. But we do have a little bit of time after lunch, so we won't be dismissing you once we get to the break. Senator Ayres you have the call.

Senator Stoker: Before we go to Senator Ayres, I take this opportunity to welcome the new chief executive officer to the agency and to estimates. Thank you for taking on such an important role.

Senator AYRES: Obviously, from Labor's perspective I also would like to welcome you to the role and place on record my appreciation for the evidence and cooperation that this committee got from Mr Griggs in various estimates hearings and to all of the staff of the agency. I think a few moments ago Mr Wanganeen said that there were 3,463 organisations registered with ORIC. There might be some more companies and business organisations that might be characterised as Indigenous companies. Is there a number that you would apply to the number of Indigenous businesses operating in the Australian private sector?

Ms Hope: I too acknowledge the traditional owners of all the lands, including those senators who are online, as a Bundjalung Torres Strait Islander woman and pay my respects to elders past, present and emerging for their continuing custodianship of country, knowledge and culture and extend that respect to everybody providing testimony and also lines of inquiry today. Ms Deb Fulton will take your question. Thanks, Senator.

Ms Fulton: We would probably mostly rely on the Supply Nation website to have a sense of the Indigenous businesses there, so I don't actually have a number with me, but I can look it up while we're speaking.

Senator AYRES: Thank you. Does the agency have any oversight of the number of contracts that—I know, for example, that in 2020-21 on AusTender the Commonwealth let just slightly over 84,000 contracts to businesses—some of them would've been Australian businesses, some of them would've been overseas companies, some of them would've been non-government organisations. They'd fall into all sorts of categories. Do you have any oversight? Does the Commonwealth report to you when it lets a contract to an Indigenous business?

Ms Hope: The Commonwealth doesn't report to us, but what I can say and what I think you are referring to is the IPP, which of course is the Commonwealth approach at being a savvy purchaser with its money to help increase the economic status of Aboriginal and Torres Strait Islander people and build businesses. Since 2015 we've had over 36,000 contracts to the tune of above \$5.5 billion awarded to over 2,600 Indigenous businesses. In terms of your question around reporting, what I do know is that in 2020-21 financial year all portfolios met their targets by number and by dollar amount. I don't have the details of that with me, but I'd be happy to take that on notice for you and provide it to committee.

Senator AYRES: You would be able to provide the 2015-16, 2016-17 and so on financial years, the number of—

Ms Hope: We can certainly take that on notice.

Ms Fulton: I can give you that now.

Senator AYRES: Terrific. Thanks.

Ms Fulton: It's a really good story because it's really increased year on year. In 2015-16 there were 1,601 contracts which increased to 3,400 in 2016-17. In 2017-18 it was 4,633. In 2018-19 it was 6,589. In 2019-20 it was 7,963. Then in the last financial year it exceeded 10,000 for the first time with 10,953. It's probably best to wait until the end of the financial year for reporting because there is often a lag on contracts for where we're up to in the current financial year.

Senator AYRES: I might come back to this issue. Thanks very much. My train of thought has been slightly derailed. I think Senator McCarthy is next.

CHAIR: Senator McCarthy, I will give you the call.

Senator McCARTHY: I'd like to go to the Aboriginal flag, if the appropriate officers are at the table. Can you inform the committee what the total cost to government was to secure the copyright of the Aboriginal flag?

Mr Exell: Thank you for the question. Before I answer that question, I do want to make one point. Can I just thank the committee and acknowledge their patience and forbearance. At times over the last couple of years there have been a number of occasions where the committee sought details, and can I say thanks for the fact that the committee have held off some of those questions and haven't explored into it. They were complex and sensitive discussions and negotiations, and that forbearance from the committee helped us greatly through that process, so I did want to say right up front: thank you very much for your support through that process.

Senator, to answer your direct question, the agreed financial settlement for the purchase of the copyright across three parties was \$20.05 million.

Senator McCARTHY: What was the total package to secure the copyright of the flag from Mr Thomas?

Mr Exell: As I said, that was the total package for Mr Thomas and the other parties that were involved in that settlement. There were two other parties, namely WAM and Wooster Holdings. There were some other components—for example, a cost for the agency around legal costs for our internal aspects—but I'm not sure if you're after those details as well.

Senator McCARTHY: Yes, But I'm asking you to break it down, Mr Exell.

Mr Exell: To break down the \$20.05 million?

Senator McCARTHY: Yes.

Mr Exell: I can do that. As I've mentioned there were three main components: payment to Mr Harold Thomas, and payment to WAM Clothing and to Wooster Holdings. The payment to Mr Harold Thomas was \$13.75 million to assign the copyright in full to the Commonwealth government of Australia, and the payment to WAM Clothing was \$5.2 million and the payment to Wooster Holdings was \$1.1 million.

Senator McCARTHY: The government's press release on 25 January said:

To do this, we also had to discharge the three existing licence arrangements, which included estimating the potential revenue over the life of the contracts and reaching agreement with the licensees on appropriate compensation for them giving up their exclusive rights.

You've said that the three parties who were paid were WAM, Wooster Holdings and Mr Thomas. Was there also extra paid in terms of the government's own legal costs?

Mr Exell: Yes, Senator. As I mentioned, there was a cost for legal advice that assisted NIAA in the process. From memory, and Mr Jacomb can confirm this, it was approximately half a million dollars for the total cost, in terms of our legal advice. That included not just that advice but also aspects that supported the negotiations around valuations, for example, as well.

Mr Jacomb: That's correct.

Senator McCARTHY: I just want to be very clear, Mr Exell, that that half a million dollars was in addition to the \$20.05 million.

Mr Exell: That is correct, yes.

Senator McCARTHY: The press release also talked about the Aboriginal flag:

The Aboriginal Flag is now freely available to be used, reproduced, communicated and shared by all Australians.

I note that Carroll & Richardson Flagworld released a press release on 27 January refuting the government's announcement. Are you aware of that press release?

Mr Exell: I am, Senator.

Senator McCARTHY: So what do you say about Flagworld's release? Is it fair to say that the government's position on reproducing the flag was misleading?

Mr Exell: The media release put out by the government was quite clear in what it covered. It included, specifically, the licence arrangements for Flagworld. I note that, in the release that was put out by Carroll & Richardson, they noted that the media, in part, did not represent the full media release. That is something that I think probably did contribute to some lack of understanding of the components. But I think the government

release was quite clear in terms of articulating the various components of the flag, what could be used, and gave examples.

Senator McCARTHY: Mr Exell, how is the cost of the settlement being paid for? Is it being paid out of the IAS?

Mr Exell: No. There were additional funds provided to NIAA to settle the licences. For completeness, the one component that will come out of future allocations for the IAS was the \$100,000 per annum scholarship that is yet to be finally arranged, but that is something that will come out of the IAS in the future. But I can assure you that that did not impact on any existing programs going forward.

Senator McCARTHY: Mr Exell, you said that additional funds were provided to NIAA. How much of those additional funds were provided to you?

Mr Exell: The exact sum of the \$20.05 million, yes.

Senator McCARTHY: So it was actually \$20.5 million. Where were you provided it from?

Mr Exell: Through government transfer systems, the Department of Finance, unless I'm incorrect. I'm happy to take on notice the specific timings because there is sequence and payments and things like that.

Senator McCARTHY: Sure, if you can. It's not a trick question, Mr Exell. We just want to know when you received the money. Also, just with the report, we've had a Senate inquiry into the Aboriginal flag and made numerous recommendations. I'd like to read one particular recommendation that we came to as part of the Senate inquiry. It reads:

The committee considers that the creation of an independent Aboriginal body with custodianship of the Aboriginal flag could be informed by a parliamentary inquiry to ensure its independence and transparency regarding its membership. An independent body with custodianship of the Aboriginal flag could also assist, if the Torres Strait Island Regional Council (TSIRC) requests it, the TSIRC with applications for the use of the Torres Strait Islander flag given the resourcing and administrative burdens associated with processing those applications.

We obviously looked at how the Torres Strait Islander flag was cared for in its custodianship. I'm just wondering whether the recommendations in relation to the Aboriginal flag about custodianship and the care of the flag, other than the Australian government, have been considered?

Mr Exell: Yes, Senator. I can advise you that it was considered. But as was consistent with the government's tabled response, the direction of the arrangements for the management of the flag will largely come down to the preferences of the creator, Mr Harold Thomas. I can assure you that that was the very strong desire and intent and preference for Mr Thomas that it was to be managed going forward in the way that it has been set up now.

Senator McCARTHY: So it's as a result of the contractual arrangement with Mr Thomas that it goes directly to the Australian government, not—

Mr Exell: I'm sorry; I'm not quite sure what you mean by 'contractual arrangements'? I'm referring to: as part of the conversations throughout the process, Mr Thomas was very clear—and he was comfortable with me using his words—he expressed to the minister a few weeks ago that he saw this as a partnership between the creator of the flag and the Commonwealth government; indeed, he saw this as a partnership between the older civilisation and the Commonwealth government.

Senator McCARTHY: Did NIAA give any advice about an Aboriginal body or authority that could be the custodian of the Aboriginal flag to the Prime Minister?

Mr Exell: I'm sorry, advice to who, Senator?

Senator McCARTHY: To the Prime Minister.

Mr Exell: I can advise you that the government did consider this issue, and, as I've articulated, the intent of the creator of the flag was the primary consideration in this issue.

Senator McCARTHY: Mr Exell, just to be clear, did the NIAA give any advice, other than Mr Thomas's requests, in relation to the Senate committee recommendation?

Mr Exell: The advice incorporated and noted the recommendations of the parliamentary committee.

Senator McCARTHY: Okay. Thank you.

CHAIR: I give the call to Senator Thorpe.

Senator THORPE: Just while we're on the flag, you said that all the work that we did, getting mob here to talk about the importance of the flag and what they wanted to do with it, was 'noted'. So, thank you to the government for noting that, but not implementing that, which goes against self-determination.

Senator Stoker: Respectfully, Senator Thorpe, the work of the committee has been well and truly taken into account in the negotiation process. But, ultimately, when we're dealing with the property of an Indigenous man, it's also really important to respect his wishes and his desires as the owner and designer and artist responsible for the flag.

Senator THORPE: That's not what I'm saying, Minister.

Senator Stoker: I'm responding—

Senator THORPE: With all due respect, this is not about me disrespecting another Indigenous man.

Senator Stoker: Senator Thorpe, please don't speak over me. Once you've finished hearing my answer, you—

Senator THORPE: Well, you're wrong in what you're saying.

Senator Stoker: Correct me after I've finished.

Senator THORPE: Don't put words into my mouth—

Senator Stoker: By all means, correct me after I've finished—

Senator THORPE: Don't put words into my mouth—

Senator Stoker: Senator Thorpe!

Senator THORPE: telling me that I'm disrespecting an Indigenous man.

Senator Stoker: Oh, come on, Senator Thorpe! You're better than this.

Senator THORPE: Don't fly the flag in a—

CHAIR: Order! This committee had a couple of conversations earlier in the week—and I recognise that neither of you were here for that—about not speaking over one another. If we could try and keep the call and response manner of things intact, that makes it a lot easier for me to hear what's going on. Senator Thorpe, you asked a question; I believe the minister was responding to it.

Senator Stoker: I was trying to. The process that was undertaken in negotiating to deliver the outcomes that were desired and articulated well by that committee were implemented through the negotiation process and done in a way that was designed to respect the proprietary rights of the Indigenous man who designed the flag, Mr Thomas. In doing so, and in accordance with his wishes, there is, to his credit, a lot of giving back to the community associated with it. So, I wouldn't accept the characterisation of the NIAA's really valuable work in this space as anything other than sincerely reflecting the work of the committee in trying to resolve what had, until that point of concluding a negotiation, been quite vexed.

Senator THORPE: Thank you. We're running out of time; are you done?

Senator Stoker: Thank you, Senator Thorpe.

Senator THORPE: In terms of the Aboriginal flag now being colonised by the Australian government, is it worth a conversation around sovereignty, from the NIAA perspective, given we are sovereign? The Aussie flag is the base of their sovereignty. So now that the Aboriginal flag has been colonised, is that now a question of sovereignty that we need to have a conversation about? Because now you've got two national flags, right? That's actually acknowledging the sovereignty of our people, is it not?

Mr Exell: I would probably respond to that question in the way that I articulated previously, which was through the words of Mr Thomas, that he saw this as a partnership between Aboriginal Australia—his words—and the Commonwealth government of Australia.

Senator THORPE: That's not my question, with all due respect. It's a question about sovereignty. The colonising Australian government have now recognised and now own our flag, the Aboriginal flag, which, to us, is a sign of resistance and a sign of sovereignty. Is it now a conversation about having two national flags, and who are the sovereign people of these lands?

Mr Exell: I would probably also note that the Aboriginal flag has been a national flag since 1995. That hasn't changed.

Senator THORPE: Yes, I understand that. It's not my question, though. Is it a question of sovereignty now that we have, officially, the Australian government assimilating and owning our flag along with the Australian colonisers' flag. Does that mean that we can now go down a path of a debate around sovereignty, given we've got the two flags?

Senator Stoker: Mr Exell, perhaps I could jump in there. We simply cannot, Senator Thorpe, accept the premise of your question. The flag has not been colonised. It has been made available for all Australians and all Indigenous Australians so that they can fly it and use it for the purposes they would like. That is something that

wasn't possible under the previous arrangements. This is about making the Aboriginal flag have the status and respect and buy-in that it deserves for the future. The Aboriginal and Torres Strait Islander flags are equal in precedence. Their status has not changed in the community. It is simply the case that it is more accessible than ever before for those who do want to use it.

Senator THORPE: Thank you, Senator. But the people that I am bringing voice to in if this place are very concerned that our flag has been colonised, given this is the colonisers' headquarters and they've just purchased our flag. That means our flag's been colonised. I understand you don't get that.

CHAIR: Senator Thorpe, is there a question here?

Senator THORPE: I understand that you don't get that, because you can't. I'll go to the next question.

Senator Stoker: I really need to respond to that.

CHAIR: Yes, Minister, you may.

Senator Stoker: I hear what you're saying, but I want to reassure those people who you are attempting to share the views of here that we have taken the flag from a situation where it was, effectively, privately owned to a situation where—in accordance with the wishes of the Indigenous designer of the flag—it has been put in a position where it is safe, where it is available to all Indigenous Australians and, indeed, all Australians full stop, because we want this to be a flag that gets the respect and buy-in and enthusiasm it deserves. This is only about making things better. It is not about taking things away. And, quite frankly, the designer of the flag made it very clear that's what he wanted for all Australians—so that the flag could be the symbol of unity he wanted it to be.

Senator THORPE: Excellent. I'm going to go on to my next question because I don't want to run out of time, with all due respect.

Mr Exell: Could I add something to that? I would also note—it hasn't come up yet, so hopefully it's useful for you—Mr Thomas retains the moral rights of the flag. So in terms of someone at [inaudible], he is still the creator. What we're talking about here is the purchase of the copyright for how it can be used. So that ownership is still there, in a sense, or that moral right.

Senator Stoker: That's a very good point.

Senator THORPE: Thank you. I'm getting away from the flag—which is now 'Australian'. My next question is—

Senator Stoker: Just like all Indigenous people: Australian.

Senator THORPE: Sorry?

Senator Stoker: Just like all Indigenous people. They are Australian. It's wonderful.

Senator THORPE: Really?

Senator Stoker: Yes. I think it's an uncontroversial proposition that Indigenous Australians are Australians and that inviting all Australians—

Senator THORPE: Point of order!

Senator Stoker: to be—

CHAIR: Order, Minister.

Senator THORPE: No, I'm being whitesplained here.

CHAIR: I don't think that's a point of order, Senator.

Senator THORPE: I'm being whitesplained.

CHAIR: That is not a point of order.

Senator THORPE: I'm not going to be told by a white senator that I'm an Indigenous Australian. That is insulting. Isn't it? Absolutely!

CHAIR: Senator Thorpe, that is not a point of order. It might be best if you move on to your next question.

Senator THORPE: I'm Gunnai Djabwurrung [inaudible] Gunditjmara woman, and I'm well aware that running elections is not what we need to be talking about here. I do, however, need to be questioning how our people, who are in lockdown, are going to be able to vote in the next election. I'd like to know if the NIAA are working with the AEC to facilitate our people to vote.

Mr Exell: I can, possibly, answer in the broad but I think we might have to take—unless my colleagues have more specific information? We have pretty regular conversations with the AEC ahead of elections. I'm not aware of any specific conversations around the upcoming election, but my colleagues may be.

Ms Hope: I actually don't have much more to add, except for the fact that I do understand that the AEC has extensive reach and is reaching out to communities extensively. I also understand that there is some recent data—and I'd be happy to take the facts on notice for you, Senator—in terms of enrolments for the AEC. Indigenous enrolments are actually at a faster rate than non-Indigenous enrolments at the moment. In relation to COVID, I can't answer that question for you. We are happy to take that question on notice for you and get you some information.

Senator THORPE: Yes, please. It's great to hear that it is on the rise, but, because of the biosecurity orders in place in a number of our communities, communities are saying to us that the AEC may not be able to get to these communities, so people will not be able to vote. I would like you to take on notice what is happening. Are there any concerns that we're going to have hundreds of our people not being able to vote because the AEC can't get out there?

Ms Hope: Of course it is a matter for the AEC, but we are happy to work with them and take that on notice. The only other thing I would add is that, as you know, we have an extensive presence across the regions. We have 70 officers who pre-COVID visited face-to-face over 400 communities. They still have contact with those communities through multiple different mediums. This is one of the things the NIAA does facilitate in terms of these kinds of social process messages—voting, vaccinations et cetera. That is one of the social processes that the NIAA assists.

Senator THORPE: Excellent. Just on that, would the NIAA make representation then to the relevant ministers to make sure that our people can vote even if biosecurity measures are in place?

Ms Hope: It's a matter for the AEC, but we will take that on notice to see what we can do to assist your inquiry.

Senator THORPE: Great. Thank you.

Mr Ryan: Just to add to that, we have been meeting with the AEC. It is their role, but we have offered to provide any support we can to ensure Indigenous enrolment and voting are as high as they can possibly be.

Senator THORPE: Great. Thank you.

Senator AYRES: I asked a series of questions about contracts for Indigenous businesses, and thank you for your answers. They are right. If you look at what has been provided on the Supply Nation website, 943 Indigenous businesses secured, as you said, Ms Hope, 10,920 new contracts during the 2020-21 financial year with a value of a little over \$1 billion. I am interested in it because we're in a campaign context and what the Labor leader called the 'precaretaker period' where we are approaching an election campaign and people are making claims about all sorts of issues. The Prime Minister, the Labor leader, a number of people from this house and people who want to be in the House and the Senate are in Darwin at the moment. It is the 80th anniversary of the first bombing of Darwin when 250 or so Australians were killed during the Second World War. The Prime Minister said on ABC radio that, since he had become Prime Minister, 23,000 Commonwealth contracts had gone to Indigenous businesses. If you add up the figures you gave me over that period, I think you can rapidly get them to the 23,000 figure. It sounds like a big number, doesn't it? Twenty-three thousand. Can you confirm that that \$1.09 billion is right as of September 2021 assessment of the 2020-21 financial year, essentially?

Ms Fulton: Yes: \$1,101 million for the 2020-21 financial year.

Senator AYRES: Some of those contracts would be substantial contracts worth some millions of dollars and some of them would be very small contracts, wouldn't they?

Ms Fulton: That would be correct.

Senator AYRES: That \$1.09 billion sounds like a lot of money to each of us. Are you aware of the size of Commonwealth expenditure in the 2020-21 financial year?

Ms Fulton: Overall Commonwealth expenditure?

Senator AYRES: Yes.

Ms Fulton: I'm not, I'm sorry. But we could check—

Senator AYRES: I can report to you that it's just over \$654 billion. I think it was you, Ms Fulton, who said that \$10,000 figure is a substantial advance on the year before and an advance on the year before that and the year before that, starting from a very small base. It is just 0.17 per cent of Commonwealth expenditure, isn't it?—if my Glen Innes High School maths are correct!

Ms Hope: I will take your word for that. I could work that out, but I will take your word on face value for that!

Senator AYRES: A lot of great things have come out of Glen Innes. Tiny's Finito is a fantastic racehorse, and there are many other great products. With 0.17 per cent there's still plenty of room for improvement, isn't there?

Ms Fulton: I would agree with that. I think, though, overall, the fact that we're seeing growth year on year we're heading in the right direction, and we would hope to see that growth continue.

Senator AYRES: Minister, why did the Prime Minister say, '23,000 contracts under the period since I've become Prime Minister,' as if he had something to do with it, and not honestly say to the people of the Northern Territory when he was on the radio, '0.17 per cent of Commonwealth expenditure'?

Senator Stoker: I would suggest to you that neither formulation is false.

Senator AYRES: But why did he use one and not the other?

Senator Stoker: One can describe the same information usually using a bunch of different ways, and it's just a matter of personal preference.

Senator AYRES: Is it personal preference or what suits a self-serving partisan story?

Senator Stoker: I think that's a little bit disingenuous. The fact is that the supply and demand sides are both growing here, if I understand the information that's before me. This is a good news story. The Prime Minister is entitled to share that good news with Australians, and that's exactly what he did. There is nothing but proper communication involved in that.

Senator AYRES: Just 0.17 per cent—he's just full of it, isn't he?

Senator Stoker: It's the same information.

Senator AYRES: He's just full of it.

Senator Stoker: No, it's a fact. Facts are facts.

Senator AYRES: That's all I have, Chair. I think Senator Dodson has a long—it won't feel like it's long!—block of questions.

CHAIR: But you're saying it will take more than seven minutes.

Senator AYRES: Yes. I just wonder whether the right thing to do, unless coalition senators have questions—

CHAIR: We do have a couple, but we're probably, given that they're on the teleconference, better placed to do it after lunch. Do we want to go to lunch now?

Senator AYRES: I'm always late but never late for lunch!

Senator DODSON: Chair, could I get one clarification on these percentages?

CHAIR: You can.

Senator DODSON: What portion of all of those figures pertain to the Northern Territory?

Ms Fulton: I don't have the breakdown, I'm afraid.

Senator DODSON: So it could be quite miserable?

Senator Stoker: Why don't we take it on notice?

Senator DODSON: We don't know. But you're in the Northern Territory and you're making a big announcement. What portion has gone to the Northern Territory?

Senator Stoker: Senator Dodson, we'll take it on notice.

Senator DODSON: Good on you. I'm glad you will, Minister.

Ms Fulton: If I could add, going to that point of the proportion of overall spending, there is now a spending target, which is to reach 1.5 per cent of the value of contracts, increasing to three per cent by 2027. So that's another incentive to increase the value growth.

Senator AYRES: That's several orders of magnitude away from where we are, starting from a very low base. Is there a report done by the agency or Supply Nation that provides those figures, against that baseline, as a proportion of overall spending for the years that you gave me before?

Ms Fulton: We will track that. We rely on agencies reporting to us, so there's often a lag, but the reporting is improving again, year on year, so that remains a work in progress. But we will be tracking the spend.

Senator AYRES: And there's an issue, I suppose, of working through how it is that you engage with the quality over the quantity in the reporting. That is, what are the size of the contracts? Are they multiple contracts for, essentially, the same thing? There's a series of metrics that are probably pretty difficult to grapple with, I suppose.

Ms Fulton: And we will learn, over time, more around that—the industries, the breakdown and the geographic as well.

Senator Stoker: Before we break, Chair, it might be helpful to also point out that we've spent an average of \$850 million in this space over the last six years. That was \$6.2 million in the year prior to us coming to government. So, for all of the talk about the need for orders of magnitude of improvement for us to reach the goal that's been set for the medium term, it's important to acknowledge how much improvement there has been in recent times and how all of that improvement has happened under this government.

Senator AYRES: I think the important thing here is there is so much work to do across corporate Australia, and across governments at the Commonwealth and state levels. I don't think anybody who's serious about these issues would claim anything else. What is a problem is when people misrepresent what is going on out there—when people try and claim improvements that have been made when, actually, the improvements are much smaller. And that diminishes the task for all of us and actually makes it harder to make progress. If people want to participate seriously in these debates, they need to be a bit fair dinkum about what they say to the Australian people about what's been achieved.

Senator Stoker: I'd suggest that's not a question. But, in any event—

Senator AYRES: It wasn't a question; I freely concede that. It was an observation.

CHAIR: There's another place for you to give speeches, Senator Ayres!

Senator Stoker: An acknowledgement of the progress that has been made is real. The numbers have been accurately represented and the progress that has been made is a reflection of the fact that the minister has developed the *National roadmap for Indigenous skills, jobs and wealth creation*. It brings industry and governments together in a way that has never happened before, and it is transforming lives. I will not step away from that.

CHAIR: Very good. I'll now suspend the committee for lunch. We'll reconvene after lunch with the NIAA.

Proceedings suspended from 12:28 to 13:31

CHAIR: The committee will now reconvene. I was hoping to give the call to a couple of coalition senators. We've got them via videoconference today. Do we have Senator O'Sullivan on the call?

Senator O'SULLIVAN: Sorry, I've just returned to Western Australia. I'm in quarantine, and the wi-fi is not great where I am, so I will have to keep my video off. Do you want me to just jump into it, Chair?

CHAIR: That would be wonderful, thank you, Senator O'Sullivan.

Senator O'SULLIVAN: I would really love to get an update from the NIAA on the employment programs and the reforms that are occurring in this whole space. Lots of program have been wrapped up under a new model. Can I just get a general overview and update on that? Then I will get into more specific questions.

Ms Fulton: Could I just clarify: are you particularly interested in the Indigenous specific employment programs, like the Employment Parity Initiative and Tailored Assistance Employment Grants?

Senator O'SULLIVAN: Correct.

Ms Fulton: As you know, those are winding down over the course of this year to be replaced in July with the new Indigenous Skills and Employment Program. We have in fact forecast on GrantConnect to give interested providers a chance to look at getting ready to be able to apply for that when it opens in coming months. We had a really good consultation phase around that program, with some COVID restrictions. We had a lot of virtual roundtables, as well as some face-to-face, and we had a public discussion and public submission process as well. We were fortunate to also have an independent evaluation of the existing program, so we felt like we had a really solid evidence base through that, which was really helpful.

We have come up with a structure which consolidates the programs into one, and it will be much more flexible and place based. We are looking at having regional funding allocations based on relative need. We are going through a process to determine the priorities that each region wants to address through that grant round with the intention that it can be a partnership and collaboration oriented program, working along mainstream programs and state and territory investment. The grants would be co-designed with communities once we open up that process.

Senator O'SULLIVAN: I'll come to the co-design aspect of it in a moment. One of the things that I really thought was quite innovative and effective with the previous program was the support and consolidation in bringing things together to make it clearer for community and for providers. One of the things I thought was really good was the focus on outcomes rather than activities, particularly in the employment space—commencement into a job and, importantly, retention in the job. We know that with a lot of these programs there

can be focus on just getting people engaged, going to training courses and doing all these things, but the outcome that matters is someone getting a job and then staying in the job. Does it still have that focus, particularly around outcome payments and that sort of thing? Can you tell me a little about the design that you're looking at?

Ms Fulton: What we are expecting to see in the new program is a bit of a balance. We heard a lot through the consultations and also the evaluation that we needed to create a bit more flexibility to meet individual jobseekers where they were and accept that sometimes that might need quite a long period of support, pre-placement and potentially quite a lot of support after a 26-week period. As you know, we relied very heavily on a 26-week employment outcome as a strong measure of success. We would expect to continue to be interested in that but more interested in longer term outcomes and tracking transition pathways better. We would also probably build in more around qualitative assessments and try to get a sense of what collaboration there's been, the quality of mentoring services and the like. So we should have a more comprehensive set of performance metrics in the new program.

Senator O'SULLIVAN: So that change is reflecting the fact that many jobseekers are on a bit of a journey. Some might be job-ready, suitable to take up a job; others might have significant and multiple barriers to employment so they might need a little more work to prepare. Is it reflecting that so that the program's more flexible to help address the needs that individual jobseekers have rather than just looking at them as an entire cohort?

Ms Fulton: That's right, and we would hope to have the new program work very collaboratively with existing mainstream services. Rather than working in a complementary but side-by-side way, they could potentially work in a more collaborative way—for example, the New Employment Services Model might be providing a range of specialist support but there are still gaps that that model has some constraints around. Our program would be able to be more flexible to provide the kind of support that an individual needs, still with an eye to employment but taking recognition, as you say, that people might have quite different paths to get there. We would also want to look at career advancement and not just focus on being placed in a job, staying there for a while but keeping a longer term outlook on their journey.

Senator O'SULLIVAN: I imagine these programs are still complementary to the mainstream programs. Are there any extra steps being taken to make sure that those mainstream providers—if I can be crude about it—are not let off the hook and are going to get their outcome payments whether they do any work and have actually contributed to the outcome? Is it complementary, and are they being drawn in here so they are actually part of that process, particularly if the Commonwealth is paying for them to support jobseekers?

Ms Fulton: We would anticipate that that is the case. Obviously, we are still awaiting the commencement of the new main stream in rural and remote from July, so there will be a range of things to work in progress through. However, we're in close discussions with the Department of Education, Skills and Employment and we're looking at how we can have, at a regional level, a kind of a steering committee of key stakeholders to look at how progress is going through our program and how that's collaborating with others. So, we do expect that everybody's that's achieving an outcome has worked for that outcome.

Senator O'SULLIVAN: Just finally on this topic, what are the time frames that you are working to see it fully rolled out?

Ms Fulton: We are going through the process at the moment of finalising grant opportunity guidelines, and they will need to go through an approval process. In the meantime we've forecast a forthcoming opportunity on GrantConnect so that interested providers can start to keep an eye out, and we are hoping to be able to open that opportunity in coming months and start with an expression-of-interest phase for organisations to give us an initial indication of their expertise and experience and what they're interested in doing, and then we would plan to shortlist from there and invite those shortlisted organisations to prepare a full proposal and be ready to implement from the second half of the year.

Senator O'SULLIVAN: Excellent. I'm wondering if you can give us an update on where we are at with the CDP, with the trials in the four or five regions that have been earmarked for co-design and development of a different model?

Ms Fulton: Yes, Senator. I think you would be aware that the trial sites were announced by the minister last year in about October. Since then we have, through our regional presence, been working with stakeholders in each region to identify Indigenous organisations and communities and other stakeholders who could participate in a local co-design group. We're still receiving RSVPs for participating in those local groups—in fact, I think the closing date for that is today—and then we'll be looking to hold the first meeting of each local co-design group in coming weeks and work the process through from there. The trial regions are all at quite different stages. So, for

example, Palm Island in Far North Queensland are really managing a range of challenges around COVID at the moment, so they have asked us to just wait a bit. So we're working at the paces that the different regions are asking for, but will be progressing in coming weeks. The first meeting of those local co-design groups will really set their ground rules, for want of a better term, around how they will work, what pace, what decisions they're expecting to take through the co-design process.

Senator O'SULLIVAN: Has there been commencement of any co-design, or are you still co-designing the co-design? Where are we actually at in terms of sitting down and working out the way forward?

Ms Fulton: In terms of working out the way forward at the trial site regions, that is still working through the preparatory arrangements. We have had a public submission process to get feedback from any interested stakeholder, and those submissions are, I believe, now on the NIAA website, where authors have agreed that they can be made public. We have also had a range of discussions with different providers to get views as well. So we are starting to get feedback, but at the trial level we're still at the early preparatory stages.

Senator O'SULLIVAN: Okay. Thank you for that. Chair, back to you.

CHAIR: Thank you very much, Senator O'Sullivan. I give the call to Senator Dodson.

Senator DODSON: I might pick up where Senator O'Sullivan left off, on the CDP, and then I will come back to the voice. You said you have sought submissions. How many submissions have come in?

Ms Fulton: I believe it was 33.

Senator DODSON: And the allocation for this over five years was \$111 million?

Ms Fulton: There was \$111 million provided, but it was to address the increase in CDP case load. The costs of the pilot trials are absorbed within the IES, but that additional \$111 million was to cover the increased case load. Ms Phipps might be able to elaborate on the components of that. I believe some of it was for other agencies.

Ms Phipps: That is correct. As Ms Fulton has said, there were a number of different components to that amount. I'd have to take the details on notice.

Senator DODSON: Okay. I didn't quite catch that. I'm hard of hearing at this end of the village! Can you give me the diversity of where the funds have been split across? Take it on notice and give it to me when you've got it.

Ms Fulton: I can actually do that for you. My folder fell open and I couldn't find it, but my colleague's just brought it to me. That was \$111 million. The Department of Social Services was receiving a proportion of that. There was a small amount going to Education, Skills and Employment. The bulk of it is coming to NIAA for the CDP case load costs, and there is an amount to Services Australia. So there is a range of processing.

Senator DODSON: There are six trial sites that have been nominated?

Ms Fulton: Yes. I think it's five sites but six regions.

Senator DODSON: Six regions?

Ms Fulton: Yes, that's right.

Senator DODSON: How many providers within the six regions were you looking at?

Ms Phipps: Within those six regions, we have a total of seven providers.

Senator DODSON: For the ones in Western Australia, is that in the north-west? Is that the region?

Ms Phipps: In Western Australia it's Midwest and Ngaanyatjarra.

Senator DODSON: Okay. These trials are meant to start at the end of this year—is that right?

Ms Phipps: Our trials will start following a period of co-design with the local co-design groups, so we expect it will vary across the different regions.

Senator DODSON: Is there a nominal starting time of July? Didn't the minister say they were going to start in July?

Ms Phipps: We are expecting that that will start very soon and that it could take approximately six months. I think that's what the minister was referring to.

Senator DODSON: For the total startup—to complete the co-design, get the advisory body into place and do all those things—when was this supposed to start? When's the new actual process or program meant to start? Is that in 2003?

Ms Phipps: Yes, 2023 is the start.

Senator DODSON: 2023. So it's a long time away for such a promise. Wasn't there a change to the circumstances in these trial sites so the mutual obligation component was no longer obligatory? Is that right?

Ms Fulton: That doesn't apply only to the trial sites; that was a change to CDP.

Senator DODSON: Across the board?

Ms Fulton: Across the board in May last year.

Senator DODSON: Okay. What's been the consequence of that for attendance?

Ms Fulton: We have seen that attendance at activities has dropped as a result of that change, but it had also dropped as a result of mutual obligation suspension as a result of COVID-19. So there are a range of factors at play. We have seen a drop in attendance; that's certainly true.

Senator DODSON: Have there been any financial adjustments to the providers on the basis of the drops?

Ms Fulton: The providers are continuing to provide a range of support and continuing to arrange activities for jobseekers as well. Their payments are remaining broadly steady. They are receiving fee-for-service outcome based payments as well, and they're broadly steady.

Senator DODSON: Are they likely to be getting a windfall out of this, with the drop-off in numbers, the maintenance of their contracted entitlements and no change to their financial base? Is what I am to understand?

Ms Fulton: I don't believe that would be correct. The case load is still high, so CDP providers are still providing support to every jobseeker in that case load. They're still required to engage with them, to support them with job plans and to support them in mentoring, support services and job placement, and they will arrange activities that jobseekers will indicate that they plan to attend. So they're still providing that suite of services.

Senator DODSON: Didn't you say there's been a drop-off because of COVID and other factors?

Ms Fulton: Maybe I wasn't very clear. There's been a drop-off in attendance at activities, but that's just one component.

Senator DODSON: So there's no adjustment to the providers?

Ms Fulton: Well, the providers will arrange activities on the expectation that people will attend, so they're still putting—

Senator DODSON: If they're not attending, how can you arrange something?

Ms Elliott: Deb, I'm happy to answer. Senator, as Ms Fulton was saying, CDP payments are demand driven and outcomes based, so the CDP provider is being paid based on the case load, in terms of the number of jobseekers they're servicing, so they have that servicing payment. They have activity attendance payments, which respond to when a jobseeker agrees to attend an activity, and then they also have the outcome payments for 13-week and 26-week outcomes, where those providers provide post-placement support to support that jobseeker on their pathway into employment.

Senator DODSON: So the cash flow operates like a float in a trough. If it goes up, it cuts off and you get your maximum; if it drops down, nothing's happening.

Ms Elliott: At the moment, of course, we have a 30 per cent higher case load due to COVID-19, and so our service providers are working very proactively with jobseekers to adapt service delivery based on those jurisdictional requirements. They're looking at alternative service delivery models and also that outreach to jobseekers. So they're working very hard in those communities to continue that contact through the program.

Senator DODSON: How much community development activity is happening?

Ms Elliott: There are a range of different activities that are happening throughout the program. We're hearing, through our providers, that they're still engaging very closely with jobseekers. There are some jobseekers still participating in income support activities—doing art and looking at business enterprise development. There are a broad range of different activities that are happening on the ground. I do have some examples here.

Senator DODSON: But you're not paying them for no activities.

Ms Elliott: No. There are definitely activities going—

Senator DODSON: I want to be clear about that. They're not getting a windfall of the public sector dough.

Ms Elliott: The service providers are still delivering activities for jobseekers to participate in. Obviously that participation is being impacted at the moment, with the various jurisdictional requirements due to COVID-19.

Senator DODSON: Has there been any variation in the contracts or the deeds that engage these providers?

Ms Elliott: Not at the moment. As I said, it is a demand based and outcomes payment model. The payment model is still appropriate for the program at the moment.

Senator DODSON: How is the new employment model supposed to enable the participation of people who have a choice here? They are going to either participate or not participate, so what happens? This is about not turning up for the activity; there's no penalty for it.

Ms Fulton: There are still a range of things that jobseekers need to do. They still need to engage with the provider. They need to develop a jobs plan and attend jobs appointments. The activities are one component, but they still need to participate in the range of support that the CDP provider can put forward.

Senator DODSON: I think you said you have seven providers within the trial area.

Ms Fulton: Yes.

Senator DODSON: What's the conversation going on with the providers outside of this experiment?

Ms Fulton: Just to be clear, these changes that Ms Elliot's been talking through apply to all of CDP, including CDP in those trial areas. Once the co-design for the trials is developed, then we would expect there to be a change for the jobseekers in those trials, but that will depend on the outcome of the co-design process.

Senator DODSON: I just want to be clear that the experimentation is restricted to that area and there are seven providers within it. Outside of that area, I don't know how many providers you've got, and I'm getting the impression that you're saying that whatever happens in this trial area is also happening in the mainstream. Is that correct, or is that not correct?

Ms Fulton: No. I might have been a bit confusing in how I put it forward. The changes to mutual obligation requirements to make activities voluntary is happening right across CDP—all 60 regions, which includes those trial regions. What we would expect to see after a period of co-design in those trial regions is that they might have some slightly different arrangements in place which will continue to involve vocational and non-vocational support and jobseeker placement support, but they will work through different ways that they would like to see a new remote engagement program work. We'll learn from that. In the meantime, until they're ready to start implementing a trial, they're treated to same as all of the CDP regions.

Senator DODSON: And you haven't yet nominated the people to guide the trial process, the co-design process?

Ms Fulton: We have written to three of the trial sites to seek nominations for people to participate. Those are still coming in at the moment.

Senator DODSON: When is the close-off date for that?

Ms Fulton: Today.

Senator DODSON: What did you say? Was it that you had 34 applications?

Ms Phipps: The 34 was 34 submissions to the first phase of our national consultation process.

Senator DODSON: And they will advise you on all of the regions. There's not an advisory entity for each of the locations.

Ms Phipps: That's right, Senator. We are planning to have three layers to make sure that everyone who wants to participate across the country can. The consultation process is open to anyone who would like to put in a submission. The co-design, as we've discussed, is across six regions, and we also are intending, once the local co-design groups are established, to then establish a national co-design group that can look across both the learnings from the co-design groups and also the national consultation process to look at what the best settings are for the new program.

Senator DODSON: Have all of those providing a service now got a contract period with a terminus on it? When do their contracts expire?

Ms Phipps: Their contracts expire on 30 June 2023.

Senator DODSON: And subject to the outcomes from these experiments, you'll draw up new contracts, I presume.

Ms Phipps: Following the outcomes from co-design, yes, we will determine a new process.

Senator DODSON: Thank you for that. Can I just move on to the First Nations Voice?

CHAIR: Yes, you may, Senator Dodson, quickly.

Senator DODSON: I note, Ms Broun, that you made some passing comments on the voice in your tabled statement. I'm not coming to you; I'm just acknowledging that you did make some passing comment here. If I haven't quite understood it by these questions, then I'm seeking some enlightenment. Has the government

commenced the discussions with the states and the territories on the local and regional voice arrangements? I understand from your comments that you have. Is that right?

Ms Broun: Yes.

Senator DODSON: When did those discussions start and when are they likely to terminate so that some action might happen here?

Ms Guivarra: I can perhaps start with that. As you know, the final report was released on 17 December. That report followed quite an extensive consultation across Australia, with over 9,400 people participating. The report is forming the basis for all the discussions that we are having with state and territory governments. At the time of releasing the report, the government indicated that it would now begin with those first steps on Local and Regional Voice. We have now had three separate discussions with senior officials: one in December, one earlier this month and, in fact, one just two days ago. The minister, too, of course, had an opportunity to speak to his state and territory counterparts at the Indigenous Affairs Taskforce earlier this week.

Senator DODSON: You've been meeting with the local government authorities as well?

Ms Guivarra: Indeed. When the minister had his meetings earlier this week, ALGA was represented there.

Mr Ryan: They're also on the senior officials group as well.

Senator DODSON: So things are moving along mostly, are they?

Ms Guivarra: As you no doubt appreciate, it is a very complex exercise that we're about to embark on in terms of the next steps for the establishment of Local and Regional Voices. The government, of course, has committed to a co-design process, not only with state and territory governments and local government there but also with local Indigenous communities as well. We anticipate that it will be a lengthy process, but it will be quite a detailed range of discussions that we'll have with them going forward.

Senator DODSON: You're confident you'll meet the time frame of 1 July 2022 for the rollout of the Local and Regional Voices?

Ms Guivarra: I think what the government has committed to is working in partnership. Certainly, the minister has indicated to his state and territory counterparts that the government is very committed to the co-design effort. That may take some time, as we've only just embarked on the commencement of this exercise. As the minister said, the main focus is trying to ensure that we get the design process right.

Senator DODSON: We wouldn't want to hurry this, would we! It's been three years since the minister said we will have a voice and it will be legislated. And it's been three years since he said we'd have a referendum. I'd hate to see some speed going on in here!

Senator Stoker: In fairness to the witnesses, there's a real tension between the desire to—

Senator DODSON: There's a real tension alright, Minister!

Senator Stoker: Can I finish, please! There's a tension between the desire to achieve outcomes and the desire to ensure buy-in and make sure everybody feels heard and everybody has the feeling of ownership that's necessary for it to succeed. You of all people know that that consensus based model for decision-making—

Senator DODSON: I know it so well!

Senator Stoker: is really important. We are adopting that out of respect for the communities; we want them to own and participate in and get the most out of this so that it can achieve its purpose of kicking all of those Closing the Gap targets.

Senator DODSON: Yes. You shouldn't tell the public you're going to meet something by a certain date, because we tend to take that literally and we will hold you to the promise. You know that, Minister. If the rollout of these Local and Regional Voices is meant to take place on 1 July 2022—I understand that there are complexities and challenges, but that's the date that was set by the minister and we'd expect that to be when this will happen, not for it to drift on to the never-never land. In the last estimates you confirmed, I think, that there's \$7.5 million allocated to the co-design process. I'm not sure whether you're the right person to deal with this, but whoever is—

Ms Guivarra: My colleague Robert Ryan, Branch Manager, will respond to that part of the question.

Senator DODSON: Good on you, Robert! There was \$7.5 million allocated to the co-design process—is that right?

Mr Ryan: It was \$7.3 million.

Senator DODSON: \$7.3 million? You knocked off a bit of dough!

Mr Ryan: No, it's always been \$7.3 million.

Senator DODSON: Cut it back when we weren't looking!

Mr Ryan: It's always been \$7.3 million.

Senator DODSON: Well, tell me this: over \$3.5 million has been spent. Is that right, or is it more?

Mr Ryan: No, the funding of \$7.3 million has been fully expended on the co-design process.

Senator DODSON: It's fully expended. What's going to fund the co-design process now?

Mr Ryan: That will be part of the budget process to get further funding.

Senator DODSON: So there's no money to fund it now?

Mr Ryan: I'm not saying that; I'm saying the \$7.3 million that was made available for the co-design of a voice—that exercise is completed. Now we're into implementation, which will also involve co-design, and we'll need to resource that as well. That's separate from the \$7.3 million.

Senator DODSON: So how much is the supply of funds and impost on getting things done?

Mr Ryan: In terms of this work?

Senator DODSON: Yes.

Mr Ryan: That's something that we're looking at currently.

Senator DODSON: Looking at?

Mr Ryan: In terms of—

Senator DODSON: From what distance!

Mr Ryan: We're looking at it closely, but it's part of the budget process.

Senator DODSON: That's in a few weeks' time. I'll want to know what that is. I suppose it's a bit harder to tell me what this is going to cost going forward, because you've got it in a budget process, and I presume that only the minister knows that and that you guys have no privilege to tell me. I look forward to that, because this is becoming a fairly expensive exercise. I accept what the minister says about getting things right and getting it proper. I understand all of that, but this goes back to John Howard, when he was the Prime Minister in this place, and a few years before that.

Senator Stoker: But, in fairness, Prime Minister Howard put it to a referendum. It didn't succeed. We really do want to make sure that the lessons of that period are understood and built upon, and to make sure that things are done properly. That consultation is really vital, and we absolutely continue to intend to work closely with local councils, with local groups and with other governments to make sure that this is something sustainable and effective.

Senator DODSON: Good. I'm glad to hear that, Minister. I think that I had a black beard when this started, but I'm happy to see it.

Senator Stoker: You look beautiful in white!

Senator DODSON: I'm happy to sit hear and listen to you say how long it's taking.

Senator Stoker: It's a very nice beard just as it is, Senator Dodson.

Senator DODSON: So what's the process for the national voice? Are we going to wait until the regional and local voices are all signed off, ticked off and put into legislation? What's the game with the national voice?

Senator Stoker: The short answer is yes. We are focused on delivering local and regional voices, because that's the level at which the most important metrics of improving the lives of Indigenous Australians will come through. That's where we have the opportunity to have the biggest impact on the Closing the Gap targets. It's where we have the biggest opportunity for genuine and consistent input from people and communities. We will deal with the question of a national voice once the local and regional voices are bedded down and achieving their goals. Only then will we take the next step, because it is very important that this is done right and that it is done sustainably, so that it can have the effect that I know that you and I both want it to achieve.

Senator DODSON: But it's not what the report told you. The report told you to progress the national voice simultaneously or concurrently with the progress of the local and regional voices.

Senator Stoker: Respectfully, it is progress to make sure that things aren't being slapped together, to make sure that things aren't in conflict or at cross-purposes—

Senator DODSON: With all due respect, it's asking you to walk and chew gum, to do two things at once—a regional voice and a national voice.

Senator Stoker: If you want an answer from me, let me give it.

Senator DODSON: Well give me an answer to the question.

Senator Stoker: I'm trying to. If you could stop speaking over me, I'd be able to.

Senator DODSON: Oh, please!

Senator Stoker: Have a little bit of courtesy.

Senator DODSON: You know what the question is.

Senator Stoker: And I'm trying to answer it. We can go around and around like this all day, or I can just answer the question.

Senator DODSON: I don't mind going all day. I'm not going anywhere. I can't get home to Western Australia for another week.

Senator Stoker: It's your time. When you're ready, I'll answer the question. Are you ready now?

Senator DODSON: Ask the chair; don't ask me.

Senator Stoker: I'm asking you.

CHAIR: I think that the minister was in the process of answering your question before you start speaking over each other.

Senator Stoker: Before you started playing games. Our intention is to progress the national voice, but we will do it in the sequential path that was set out by the co-design committee. The co-design committee made it very clear that the first step for effectiveness, the first step for long-term improvement was in the local and the regional space, so we are fulfilling to the letter that which was designed by the co-design group over an 18-month period. We will follow that report and we will build the national voice from there.

Senator DODSON: Can I speak now? Okay. Thank you.

Senator Stoker: I've finished my answer, Senator Dodson. If you wish.

Senator DODSON: I wasn't sure. There was a pregnant pause there, so I wasn't sure whether you'd finished. You obviously are committed to the national voice. You may be taking time to get there, but you are committed to it—is that the position?

Senator Stoker: We've committed to option 2 of the co-design process, and that entails everything it entails.

Senator DODSON: The process to get the regional and local voices into existence doesn't look like it's happening until after 1 July 2022, this year, because of all of the other things that have been said here. When is it expected you might start the work on the national voice?

Senator Stoker: The estimates of timing in the report, the ones to which you have just referred, are always on the basis of negotiations going according to their estimated time. The process is under way, and Ms Guivarra can speak more to that, but it would be contrary to principles that we've heard about already today, about self-determination and consent and all of that, if we want to genuinely and sincerely see that consultation phase through to completion. I'll hand over to you, Ms Guivarra.

Ms Guivarra: Just in terms of details, obviously, as I said at the outset, the negotiations with states and territories will be quite a complex exercise. There are a number of things that you would appreciate, Senator, that we have to go through, including how this would interact with existing mechanisms that some states and territories may actually have, those things around potentially looking at funding related arrangements. The report obviously speaks to some of the elements around how you go about designing regions et cetera. All of that we have to walk through very carefully with state and territory governments over the course of the next few months. As I said, we've already had three meetings at that senior officials level. We've committed to having more intensive meetings, in fact, over the next month with a number of them on a bilateral basis. So we do have a plan of action going forward, which will walk through of the very complex issues identified in that final report.

Senator DODSON: When all of the ducks are lined up and achieved in terms of the regional and local voices, is it the intention then to legislate those regional entities into existence or wait until the process to deal with the national voice is completed, whenever that might be completed?

Ms Guivarra: I'll let my colleague Robert Ryan respond to that.

Mr Ryan: At this stage, we really are just taking the first step around negotiation with the states and territories and the Australian Local Government Association. The local and regional voices will be voices to all levels of government. So, to date, while we've had a senior officials group, it's been the Commonwealth that has supported and enabled this process through the co-design members, but we now have to pivot to where we're working with

the states and territories and with the Australian Local Government Association. We need to get through that process to get that full sign-up from all of the levels of government to actually support local and regional voices before we probably get to making decisions about whether you require legislation around local and regional voices and those other issues. But certainly the report does provide some direction for us on that.

Senator DODSON: Alright. I'm sure there are 1,001 other questions I could ask, but I can see that this is such a long process in gestation and we're going to be here on many occasions having similar discussions. So, thank you.

Senator Stoker: Chair, before we go to the next block, can I take this opportunity to correct some figures that I put on the record a little earlier?

CHAIR: Of course.

Senator Stoker: I wouldn't want to leave the committee without accurate data.

CHAIR: Indeed.

Senator Stoker: When we were talking about the Indigenous procurement program, some numbers were being shared about the number of contracts and the spend involved. In the 2020-21 AusTender process there was \$69.8 billion in Commonwealth procurement, which was 84,054 contracts. That indicates a figure of about 1.5 per cent of spend, and that reflects the fact that we are now 50 per cent of the way to meeting the 2027 target. I just wanted to make sure that that was very clear, because it differs slightly from the numbers the committee was supplied with earlier.

CHAIR: Very good. Thank you, Minister.

Senator AYRES: I have just two things. Which of the two options for the National Voice is the government going to adopt from the report?

Senator Stoker: Option 2.

Senator AYRES: And I don't want to go around in circles about this issue forever, but I think the government agrees that AusTender doesn't capture the entirety of Commonwealth expenditure on contracting for goods and services. It's a tool for businesses to use. In fact, in this committee we've spent a little bit of time on AusTender. If it was to be used as a basis for data collection and measuring what's happened in government contracting—I think everybody who's spent any time with it agrees that it's not really for that purpose; it's really—I think even the Department of Finance concedes this—an imperfect tool for allowing businesses to access Commonwealth tenders—

Senator Stoker: I don't cavil with that proposition.

Senator AYRES: and only some Commonwealth tenders go through that process.

Senator Stoker: I think that's something I'm happy to accept, given people who have been on this committee over the course of the examination of that matter this week. What I would suggest, though, is that if your proposition is correct then the number can actually only be higher, not lower.

Senator AYRES: No, because the denominator will expand as more contracts are included in it. Now, the numerator may expand a little bit, but that is indeed unknown at this point in time, and I think the discussion we had earlier means that the total number of contracts may be much larger than the number that's covered by AusTender. Anyway, I—

Senator Stoker: To close the loop on that—

Senator AYRES: It's very unlikely to close it.

Senator Stoker: I might just hand over to Ms Fulton—

Senator AYRES: Yes.

Senator Stoker: just to make sure we've got the best possible information, and then we might leave it.

Ms Fulton: I think really what we wanted to do was just clarify with the figures that you proposed earlier, which actually captured a much wider range of Commonwealth expenditure, including things like Commonwealth to state and territory transfers and social security.

Senator AYRES: Sure.

Ms Fulton: So, it was just to kind of try to have a closer approximation of like for like around the value of Commonwealth contracts through AusTender and the value of contracts supported through IPP.

Senator AYRES: And I would be interested, over time, in hearing more about that 2027 target—how that will be derived. I think it's an important issue and we ought to have a clear public understanding of what that is about.

Going back to option 2, I'm told by a colleague that option 2 says: the establishment of a voice by 2024, with a body to support the establishment of a voice by 2023. Minister, is the government still committed to that time frame?

Senator Stoker: That is still our anticipated time frame.

Senator AYRES: I was in and out a bit, but I listened carefully when I was here. It seemed improbable. Anyway, thanks, Chair.

CHAIR: I don't think any other senators have questions for the NIAA, so thank you very much for coming along today and for staying with us for an extra 20 minutes to get through those questions. We will now bring on the Department of Health.

Department of Health

[14:21]

CHAIR: I'd like to welcome Ms Tania Rishniw and other officers, along with officers of the National Indigenous Australians Agency, for this session on Indigenous health issues. Ms Rishniw, did you wish to make an opening statement?

Ms Rishniw: No, I'd just like to acknowledge that we meet on Ngunnawal and Ngambri country and pay my respects to elders past, present and emerging.

CHAIR: Very good. Senator Dodson.

Senator DODSON: Thank you for the work that you're doing, despite the questions I might ask of you.

Ms Rishniw: Thank you, Senator.

Senator DODSON: You're doing a marvellous job in the space, up against many things. How many First Nations people have died from COVID across the country? Have you got figures on that?

Ms Rishniw: I'll ask Dr de Toca to go through the figures.

Senator DODSON: How many of them have occurred from omicron, the latest version of the virus?

Dr de Toca: Thank you, Senator and Ms Rishniw. Sadly, to date, over the course of the COVID-19 pandemic, there have been 68 First Nations people identified in the registers as dying from COVID-19, or with a COVID-19 associated death. That is 68 since the beginning of the pandemic. Sadly, 43 of those have been this calendar year, and that's associated with the omicron outbreak. The rate of death among the overall number of cases remains lower than in the general population.

Senator DODSON: I'm not sure where I've seen this, so you can correct me if I'm wrong. It may come from the NIAA. The proportion of Aboriginal people who got the first dose, they say, is about 82 per cent. If these figures are wrong, just correct them and tell me what they are. Those who got the second dose, nationally, are 77 per cent, but they didn't say how many have got the third dose. Are any of those figures correct? If they're not, can you correct them? If you know what the third dosage percentage is, I'd appreciate knowing that.

Dr de Toca: They're broadly correct, but the rounding could have gone one up. It's 82.8 per cent for the first dose and 77.7 per cent for the second dose—this is nationally. Out of the people who are eligible for a booster—because, as you know, you become eligible for a booster three months after your primary course—45.6 per cent have had it.

Senator DODSON: Have you got the breakdown on the jurisdictions for that?

Dr de Toca: Yes.

Senator DODSON: Can you table that for us?

Dr de Toca: We can table it.

Senator DODSON: Particularly I'm interested in Western Australia and the north.

Dr de Toca: Western Australia has improved quite a lot in the last couple of months. It is still behind the national average, but, on first dose, it is at 79.9 per cent and, on second dose—because of course the first dose increases are relatively recent—WA is on 68.7 per cent.

Senator DODSON: I understand there was a surge workforce that was detailed to go round and encourage people to get the vaccines and to inject people. Is that workforce still in existence or has it gone?

Dr de Toca: Absolutely. There have been a number of rounds and mechanisms of health workforce to support ACCHOs. Mr Matthews can talk about the broader workforce support that the Australian government has provided to ACCHOs, but specifically in the vaccine space we have been providing additional support to health services through a number of avenues. The most common one is through the vaccine administration service

program, which now is called the Vaccine Administration Partners Program, the VAPP. The VAPP has been providing support for workforce either embedded within ACCHOs or working in conjunction with, in parallel to, ACCHOs for a number of months, with a focus on the 30 LGAs of priority that General Frewen's acceleration plan included in September. That activity has continued throughout the past few months, and currently we have VAPP teams embedded within Aboriginal community controlled health services and other services in quite a number of locations, including in WA, with work orders in place well into the next few months, including deployments planned for—

Senator DODSON: So they are being ramped up, are they? In the Pilbara, the Kimberley and the Gascoyne regions, are these forces being ramped up? You know what's happening in the Territory. You've got some prediction plan somewhere for what's going to happen to us in the West?

Dr de Toca: Absolutely. We have those workforces augmenting services in WA. We currently have Tjuntjuntjara health care Australia, which is one of our providers allocated, and they have a request for four weeks. Halls Creek will have a VAPP team from 1 March. Broome has also put in a request that we're working with. And we're expanding the number of available providers to provide that ongoing support. There is a clear commitment from all partners in WA—the ACCHOs, AHCWA, WACHS, WA Health and us—to make sure that we make the most of the time we have until the inevitable omicron wave that will happen in WA to keep the rates up. There was significant effort last year, but we are continuing and expanding, including with additional VAPP deployments in those areas. VAPP is only one of the mechanisms. We also have the Royal Flying Doctor Service providing augmentation of capacity, both in the response, swab transfer, respiratory clinic space and in the vaccination space. In other areas, as you know—Western Sydney and parts of the Northern Territory—there has been Australian Defence Force supplementation of the vaccination workforce as well.

Ms Rishniw: As Dr de Toca has mentioned, particularly over the last two months we have seen a significant uptake in WA, in particular, which is really pleasing.

Senator DODSON: From zero to anything would be good there.

Ms Rishniw: We're working hard on it.

Senator DODSON: I appreciate that, but these are all relative things. When did the Commonwealth start providing the RAT packages to the ACCHOs in Western Australia? Have they started providing those?

Dr de Toca: Yes. The Australian government announced the commitment to providing RATs, rapid antigen tests, for Aboriginal community controlled health services for staff screening on 25 January. On the Tuesday and the Thursday of that week, the dispatches commenced for all Aboriginal community controlled health services in the country. Deliveries have been ongoing throughout the last couple of weeks, including delay in some of the deliveries in WA and NT because of the floods and the interruption of road transport, particularly from South Australia. But we have been working really closely with any affected ACCHO to make sure that there were alternative supplies, if required, and now the immense majority of ACCHOs have received all their Commonwealth initial allocation, and, as to the ones that remain outstanding, we've worked with them and the jurisdictional authorities to make sure they have the supply they need. Now the Commonwealth is committed to also providing additional supplies to facilitate community testing—particularly in remote communities, but across all their client population within the ACCHOs. We are now providing direct supply from the National Medical Stockpile and we are going to do it in pre-positioned deployments, four weeks at a time, so the ACCHOs have more than enough to cover their operations, ongoing, and we don't rely on weekly deliveries.

Senator DODSON: You understand better than most the slim personnel or staffing bases in these places. What support is being given to the frontline workers in these remote places on how to navigate the use of a rapid antigen test, for instance? Someone's going to have to explain how to use it to someone. Even I had to have someone explain it to me, but if you're in the bush and you've got no idea—this is an additional task and a burden on people who are already flat strap.

Dr de Toca: We acknowledge the importance of maintaining the ACCHO and remote workforce, as much as possible, away from furloughs et cetera. That's why there was that initial commitment, from the beginning, to provide RATs to ACCHOs, as part of the highest priority, as with residential aged-care facilities. The initial deployment was a mix of point-of-care tests and self-tests. Point-of-care tests need to be administered by health professionals. Self-tests are the ones that people can purchase commercially and use themselves. Both modalities come with instructions and support for training. We also work with NACCHO, the National Aboriginal Community Controlled Health Organisation, which we provide funding for, as part of the COVID response, to develop resources to support those ACCHOs and their workforces in their use of this technology. We had feedback from services that they had a preference for self-tests as opposed to point-of-care tests because they can

also be given to non-clinical staff to use and don't rely on having a clinician providing the test. So, besides that initial supply, all ongoing supply of tests to ACCHOs is of self-tests only. We are working with the services very directly on using them. We were holding fortnightly webinars with all the ACCHOs—co-hosted with NACCHO—to troubleshoot these issues. We've been holding them weekly, in recent weeks, to make sure that we provide support for the RAT deployment and the oral treatment deployment.

Senator DODSON: Have the ACCHOs made a request for additional financial support, for the range of activities that they undertake?

Ms Rishniw: The government has provided nearly \$35 million specifically to support the vaccination. Some of that money has gone directly to NACCHO and to ACCHOs as well; so there has been financial support provided. I was also going to add—

Senator DODSON: Did you say 'some of that' went to them?

Ms Rishniw: Yes.

Senator DODSON: Out of the \$35 million, what went to them?

Mr Matthews: \$34.3 million.

Ms Rishniw: That's right.

Dr de Toca: \$34.3 million—

Senator DODSON: So that's more than 'some'—that's a fair whack of it.

Dr de Toca: Well, we don't want to oversell—

Senator DODSON: That's alright! I just wanted to make sure I'd heard properly, that's all.

Ms Rishniw: Indeed, and I was also going to add to Dr de Toca's answer before: we've also done a lot of work around communication and translation of instructions and different communication products. I'm happy to go through that with Ms Balmanno, if you would like.

Senator DODSON: I suppose my other big question is on the quarantine issue with the overcrowding of houses. How is that being managed? It obviously sets back the good work of those frontline health providers. If someone goes back into a house with 20 or 30 people, it's just going to make the next wave of people coming knocking on your door, isn't it?

Ms Rishniw: Right from the start, back in 2020, we had made provisions for remote preparedness and retrieval. We had worked with all of the ACCHOs and NACCHO, at that point in time, to put in preparedness plans across all of the ACCHOs in the communities. There are a number of measures in place that go to whether we need to isolate or retrieve or put in place additional isolation facilities and clinics in communities. Dr de Toca, did you want to add anything?

Dr de Toca: Yes. Ms Rishniw is absolutely right as to recognising that isolation could be a challenge in many remote communities, with their larger number of people per house in general. That was one of the first focuses on the original plan from back in March 2020 and—

Senator DODSON: Sorry, Doctor, I know that. But that's even true of Halls Creek and Fitzroy Crossing; little towns have little clinics that are battling to meet the day-to-days, let alone additional people. And yet there's no evidence that, if they're going to be evacuated out of Balgo, Billiluna or Mulan or wherever, they'll end up in Broome or Derby, where there are also limited facilities. What's the collaboration with the Commonwealth and the state in trying to ensure that there are proper facilities to go to for people who are at the tough end of it, rather than: 'We don't know where to put them. We'll put them in a quarantine place and hope they stay alive.'

Dr de Toca: That's absolutely key, Senator. As you identified, the direct management of the outbreak situation and the particular response in a particular community is led by the relevant state or territory—in this case by WA—but we are working very closely on this, as we have with all the other jurisdictions.

In WA's case there is a particular advantage with the eventual outbreak, when or if it happens, happening after what's happened in other jurisdictions. So through the national Aboriginal and Torres Strait Islander Advisory Group on COVID-19, and the other mechanisms that we have for Commonwealth and state collaboration, a lot of the discussions in the recent weeks have been focused on how we translate the lessons learnt from Aboriginal communities, state and territory governments and the Commonwealth government from the outbreaks in western NSW, from the current outbreaks across the eastern states, from the management of remote outbreaks in the Northern Territory—including some of the shifts in approaches that we are seeing with omicron responses versus delta responses.

A lot of our planning throughout the last year, our joint planning with the states and territories and their community controlled health sectors, was based on containing absolutely every delta case in a setting in which vaccination or two doses of vaccine provided a stronger barrier in preventing transmission. We know that with omicron the infectivity is higher and the effectiveness of the vaccines to prevent infection remain really effective in preventing severe disease, but two doses are less effective against omicron in order to prevent infection. The plans to absolutely isolate and take every single case out of the community to prevent an outbreak are not necessarily fit for the current pandemic, so we have been working, through the advisory group, with all the jurisdictions to make sure that their approaches have the right fit to our current context in which outbreaks are inevitable across the country, but their severity for people who are vaccinated is much lower so that they can be contained.

Mr Matthews: I will just add one thing. Late last year all of the jurisdictions did update their Aboriginal and Torres Strait Islander COVID response plans for outbreaks as well, so there was a process they all went through to update those—as I think Dr de Toca has said. That then feeds into the advisory group, which is regularly updating and ensuring the discussion between the Commonwealth and the states is ongoing so as to refine it for how the outbreak progresses.

Senator DODSON: Sure. I live in Broome. I don't have those discussions—I need to know what they're saying and what the plans are going to be—and the people beyond me are even worse off. My last question goes back a bit; it's outside the virus space. We used to have some discussions in here about blood-borne diseases—do you remember that? I'm just wondering what's happened to the medical attention required for those sorts of ongoing chronic challenges in this field as well? Is everything put on hold because we're all stuck on the virus response, or are you still dealing with STDs and other blood-borne types of problems? Because that was rampant across northern Australia, if you recall.

Mr Matthews: All the normal programs are still continuing. Obviously COVID has an impact on everything in life, including programs. I'm sure for many services that face an outbreak and a sudden influx of work across that, that may impact on those things from time to time. But our work on BBVs and STIs and syphilis has not stopped or slowed down. Those programs continue. We've extended the funding, for example, for the syphilis response for another three years. There was about another \$23 million committed to that last year, to extend that for a further three years, to ensure these things keep going, that point-of-care testing is still in place. In fact—I was looking at some data—the testing is still occurring. We've been watching some of the data for that and we're not seeing significant drops in some of those things. In particular, some of the STI testing has been maintained over the period, which has been very good.

Senator DODSON: Thanks for your responses.

Senator ROBERTS: Thank you all for attending today. I'd like to ask some questions about Mornington Island, following my questions last year, and then perhaps some general questions. How did the federal government allow the Mornington Islanders' situation—their health and wellbeing—to slip into one of a Third World country's?

Ms Rishniw: Mornington Island—I think we provided some answers to questions on notice that we took last time. As you are aware, we work closely with ACCHOs and with the communities. With Mornington Island in particular we worked very closely with the Queensland health and hospital services there, and we are working closely with them to make sure that the services on the island are improved over time.

Senator ROBERTS: Can you tell me how you are working with the government?

Ms Rishniw: Mr Matthews?

Mr Matthews: There are a number of arrangements. It's a very broad question when you get to health because you can't differentiate the health and wellbeing from the broader people, social and environmental aspects around that.

Senator ROBERTS: I agree.

Mr Matthews: Probably the headline way I would respond to what is happening is through Closing the Gap, which is the framework for the government and states to work in partnership with Aboriginal and Torres Strait Islander people around improving outcomes generally. That agreement was signed and struck around the middle of 2020. It's been in place about 12 months. Its aim is to reset the relationship. It is looking at a broad range of factors to work with. Rather than doing things to people, it's the concept of doing things with people and bringing them to the table and then looking at how the overall investment across the range of things, from education, employment and housing through to health and health outcomes, come together around that situation. That is

probably the nutshell, the main context of the answer to your question about how that's going to progress into the future from here. Health is a part, but it isn't the only part in relation to that question.

Also, when you start to get into the provision of hospital services on Mornington Island, they are delivered by the Queensland government, as are a range of education services and those sorts of things, so it's not a simple Commonwealth Department of Health question; it's a very broad question. In that context, it's about understanding the landscape through the lens of where Closing the Gap is resetting that and also some of the other mechanisms—for example, when Senator Dodson was asking about the development of the voice, that is geared towards empowering and encouraging Aboriginal and Torres Strait Islander people to be more in charge of their future, which will hopefully lead to improved outcomes over time.

Senator ROBERTS: There were some wonderful points there that I'd like to continue with. First of all I endorse and value your comments about needing an holistic approach. Health is just one part of it. Health is an outcome of the whole way of life, so I understand that. That was a very broad statement, but what are the current initiatives for working with the Queensland government and doing things directly? The Premier of Queensland and the Queensland health minister promised to visit the island last year or early this year. Have they done so?

Mr Matthews: I couldn't comment on anything about the Queensland government or their ministers and their intentions around that. We don't have visibility or necessarily monitor or track that, because that's obviously a matter for the Queensland government.

Senator ROBERTS: More specifically, how do you work with the Queensland government?

Mr Matthews: From a health point of view—and my colleagues from the National Indigenous Australian Agency may be able to talk more broadly from a broader Aboriginal and Torres Strait Islander affairs perspective—from the Health perspective, there are two mechanisms. We have what are called partnership forums in each jurisdiction, including Queensland. They are regular meetings that usually happen a couple of times a year between Queensland health officials, Commonwealth health officials and officials from the Aboriginal and Torres Strait Islander health sector in Queensland. They're largely geared towards trying to increase the alignment between the Commonwealth, the state and the Aboriginal and Torres Strait Islander stakeholders, many of whom are delivering services there, to ensure that we are aligning our policy and delivery as far as possible. I'm not talking about Mornington Island specifically, but there are a range of things that will happen through that. Many of the programs we talked about, including things like our syphilis program, will deliver services into Queensland. Over the last two years we have also been looking to increase investment in our Aboriginal and Torres Strait Islander health services, where we've increased investment in the Aboriginal community controlled health system by a bit over \$160-odd million.

Senator ROBERTS: Specifically doing what?

Mr Matthews: The investment we've lifted into the Aboriginal and Torres Strait Islander health service is really around increasing the primary resourcing that goes to primary health care delivered by Aboriginal and community controlled health services in communities. That is different from Mornington Island, which doesn't have one; it does have some servicing through the Mount Isa service into the community, but a lot of services are delivered by the Queensland government there. What we're looking to do is increase the resourcing for primary healthcare services delivered by Aboriginal and Torres Strait Islander organisations because they know their clients well and will put in place a stronger framework around comprehensive primary health care. That is something we've been doing across the country, not just in Queensland, and will continue to do over—

Senator ROBERTS: Is that funding for nurses or doctors or—

Mr Matthews: It's for both really. It funds the resourcing of the Aboriginal and Torres Strait Islander health clinic and the health clinic will use that for a range of things—it could be used for an Aboriginal health worker, for a doctor, a nurse or other things it may do from a comprehensive healthcare point of view. It is really about the patient coming in and having their needs understood and looking at their broader circumstance and spending an increased amount of time. It's a little different from a normal visit to a GP. We will bring them in, spend more time with them, look at their other issues and try and provide some of those wraparound supports. That's how comprehensive primary healthcare works within an Aboriginal community controlled health setting. One of the things we're doing is increasing our investment in that over time and working with the sector in particular to expand that and look to improve how they service over time as well, which is their intention.

Senator ROBERTS: How would you characterise not just the quality of the relationship but the actions and behaviours that come from the relationship? Are you a money provider? Are you a resource provider? Are you someone looking over their shoulder in a helpful way that identifies shortfalls in the Queensland government's approach? Are you advisers to them? How would you describe it?

Mr Matthews: Are you referring to the Queensland government, or to the Aboriginal health services?

Senator ROBERTS: The Aboriginal health services, with the Queensland government—not just Mornington.

Mr Matthews: I hope the Aboriginal health services wouldn't characterise us as looking over their shoulder.

Senator ROBERTS: I mean in the sense that you are working with them.

Mr Matthews: Our intention is very clearly to ensure that we have a partnership approach with Aboriginal health services, which is one of the priority reform areas in the Closing the Gap agreement as well.

Ms Rishniw: Senator, we take the Closing the Gap agreement very seriously. It talks about a partnership with Aboriginal people and Aboriginal services. The money that Mr Matthews outlined goes directly to service delivery by community controlled health organisations. We provide funding—

Senator ROBERTS: It doesn't go through the state government?

Ms Rishniw: No, it doesn't. It goes directly to the sector. It's deliberately flexible to allow them to address the particular issues around health and providing holistic health services to their community. We work very closely with the National Aboriginal Community Controlled Health Organisation, and all of the services, to make sure that what we are achieving is a collective set of outcomes that everyone has agreed to around improving health and wellbeing for Aboriginal and Torres Strait Islander people.

Senator ROBERTS: It was wonderful to hear Mr Matthews talking about a holistic approach—not just health but health as an outcome of lifestyle. What about personal accountability? Two or three people in my office and I visited all the Cape York communities. Although the communities are quite different in their needs and their backgrounds, they have some commonalities. Mr Matthews mentioned Closing the Gap. I put it to all the communities that Closing the Gap perpetuates the gap, and they resoundingly said yes. First of all, the underlying intent is to focus on the gap which perpetuates the gap. But putting that aside, there is also what some people call the 'Aboriginal industry' and it consist of whites as well as Aboriginals, who are consultants and lawyers et cetera that feed off this and they perpetuate the gap, because without the gap there is no Aboriginal industry. Any comments on that?

Ms Rishniw: I don't want to speak for Mr Matthews, but our job is to make sure that we can provide comprehensive health care for all Australians. The government invests significantly in the health and wellbeing of Aboriginal and Torres Strait Islander people as First Nations peoples because of the disparity in health outcomes to date, and that is what the closing the gap agreement is about. We have worked tirelessly. The community-controlled health sector has been a major part of the infrastructure of delivering health outcomes for Aboriginal and Torres Strait Islander people for over 50 years now and to suggest in any way that that is not a necessary and evidence based investment—

Senator ROBERTS: I wasn't suggesting that—

Ms Rishniw: I just wanted to clarify—because asking Mr Matthews for a comment on that. It is evidence based. It is clear. It is a government commitment.

Senator ROBERTS: You would agree, I would hope, that personal accountability has a lot to do with managing people's health?

Ms Rishniw: Everyone, I think, across the country wants the best health care and the best for their family and themselves. Personal accountability is one element. We recognise social determinants of health and a range of historical factors as well.

Senator ROBERTS: So you're agreeing with me that personal accountability is important?

Ms Rishniw: I think I said it was one of the factors.

Senator ROBERTS: It is one of the factors so it has a part to play. What we've done in this country, under both Labor and Liberal since 1972—people in the communities have told me we have created a sense of victimhood, not beggars but of victimhood, and that's the opposite of accountability. What I'm trying to do is to get an understanding of the environment in which you work, because if that accountability is not there—these people in the communities are wonderful. There are a diverse range of them, as you know. But they seem to be held back by the 'Aboriginal industry,' maybe not deliberately, maybe subconsciously, but that is what's happening, and lot of it has been caused by state and federal governments, particularly since 1972.

Mr Matthews: We are probably limited to speak from the health perspective. It is where our responsibility is. Just to repeat Ms Rishniw, it would not right be to characterise the community controlled health sector, that is delivered and run by Aboriginal people for Aboriginal people, in a negative connotation around an 'Aboriginal industry.' We fund them because of your point around getting good services delivered by Aboriginal and Torres

Strait Islander people to Aboriginal and Torres Strait Islander people. We are talking about the provision of health services. There is clear evidence that it is effective in delivering it because it comes from an empowering place of empowering people to do it—

Senator ROBERTS: That is what I was after.

Mr Matthews: That is why we are growing the sector strongly, investing in it and trying to work very closely with the sector on the way through. I think if you were listening to Dr de Toca's evidence around our response to COVID we've also centred that 100 per cent with Aboriginal and Torres Strait Islander people and experts for that very reason.

Senator ROBERTS: What I'm interpreting—it is very welcome if I am interpreting it correctly—is that you're giving more responsibility to the communities for their health and managing that health?

Mr Matthews: This is always very difficult to verbal, but I would imagine from our colleagues in the community controlled health sector that they would say they are services that are—that their membership is the community and their boards are elected from their community, so they would say they are in and of the community. They would express their view very strongly around that in terms of providing services to their own people.

Senator ROBERTS: That is welcome news. Is there a plan within your organisation that is part of an overall plan within the government's—I don't know what's Ken Wyatt's department name title is. The department of Aboriginal and Torres Strait Islander or the—

Mr Matthews: The National Indigenous Australians Agency.

Senator ROBERTS: Is there a coordinated plan with the National Indigenous Australians Agency?

Mr Matthews: This is something that's easily googled. If you google 'national Aboriginal and Torres Strait Islander health plan', you'll find the National Aboriginal and Torres Strait Islander Health Plan that was released on 15 December last year, which is now a new 10-year national plan around Aboriginal and Torres Strait Islander health, worked up very extensively by, and predominantly led by, Aboriginal and Torres Strait Islander health experts in the sector around the development of that plan and refreshed to be consistent with Closing the Gap and many of the things we've learnt over the last few years. As I said, it was released in the middle of December.

It has at its very heart the concept of how the broader social determinants, linked with health, bring in a dimension around the cultural determinants of health, of how culture plays out for Aboriginal and Torres Strait Islander people and impacts on their health and how health needs to respond to that landscape. So that's been recently refreshed. If you are looking at where the national plan is, that is probably the prime and most important one to have a look at. I'd encourage you to do that. We can provide the link on notice, if you like, just to refresh. If not, that's okay. That would be well worth having a look at. I also note that it's endorsed by the majority of the states and territories. It forms a plan now that is developed in and of through the Aboriginal and Torres Strait Islander sector, agreed by the Commonwealth government and endorsed by the majority of the states and territories.

Senator ROBERTS: Thank you. That's welcome news, too, because there are a lot of outstanding people with a lot of potential in those communities who are somehow stymied by an invisible hand. It's varying from, say, the Lockhart River, where they are really going ahead, to other parts of the country.

CHAIR: Senator Roberts, just quickly, we are very close to time, and I have one question that I would like to ask the officers before we finish up.

Senator ROBERTS: Last question, then, Chair. Thank you for that notice. Has there been a drop in the death rate from suicides in the last year? What's the overall trend in suicide, because it's quite alarming?

Ms Rishniw: I might go to my colleague online, Mr Roddam, who can talk about speak suicide data and prevention activities.

Mr Roddam: Overall, in 2020, there was a 5.4 per cent reduction in suicide for the whole population. Unfortunately, for Aboriginal and Torres Strait Islander people, suicide remained the fifth leading cause of death that year, and Aboriginal and Torres Strait Islander people continue to die by suicide at more than twice the rate of non-Indigenous people—27.9 per 100,000 population compared with 11.8 per 1,000 population.

Senator ROBERTS: Can you tell me the overall trend? Relative to the rest of Australia, it's high. Thank you for that. What's the overall trend? Is it increasing, decreasing, flat—

Mr Roddam: It did increase slightly in 2020. I'm just trying to get the figures for 2020 compared with 2019. I know that it was a little higher, while the whole-of-population rate fell.

Ms Rishniw: Senator, given the time, we can take that on notice and give you the data around the trends. But it also goes to why we are investing heavily in suicide prevention and mental activities across Aboriginal and Torres Strait Islander people. We have a 24/7 crisis line that's about to be launched—and we'll start services from 24 February—and a range of other activities that Senator Dodson well knows we've been undertaking around suicide prevention.

Senator ROBERTS: And just like physical health, mental health is an outcome of cultural and social factors. I think those were Mr Matthews' words.

Ms Rishniw: There are a range of social determinants that impact on an individual's health across the board.

Senator ROBERTS: Thank you all for attending.

CHAIR: Thank you very much, Senator Roberts. I have one final question about misinformation regarding vaccination programs and quarantine programs in remote communities. Have we seen any misinformation circulating in those areas? If so, what has the department been doing to counter act that?

Dr de Toca: Misinformation around COVID and the vaccine program is present in all aspects of our society. Unfortunately a number of elements of misinformation have been targeted towards remote communities and First Nations communities, which has been quite unhelpful in the rollout of the program. Like any aspect of the COVID response, as Mr Matthews outlined, everything that the government is doing is in close partnership with their communities, through the Closing the Gap framework and the advisory group arrangement. We're working really closely with Aboriginal organisations and with communities to support work that NACCHO is leading, in partnership with NIAA and Minister Wyatt, to specifically target identified pockets of potential sources of misinformation.

We're also providing as much fact based and clear material as we can to community organisations, community radios, First Nations media and local health services so that those materials can be tailored, adapted and provided in a way that is appropriate for that community. In some areas where there might be mistrust of governments, or where something coming directly from a government source might not have the same impact, we essentially want to have—and have had over the last few years—an approach of not trying just one avenue. So we have our official campaigns and our official messaging with specific First Nations developed materials while also providing support through other non-traditional means like providing customisable materials so that communities can adapt and translating information into more than 15 First Nations languages, and we are changing it quite constantly as the needs evolve, as the message evolves and as the feedback from the communities evolves. We've filmed videos, or facilitated the filming of videos by community members, when a community is impacted via an outbreak so that those messages can be tailored directly to that community, but also so other communities can learn from the lived experience of people who are experiencing an outbreak in their own community. So there's a whole range of different approaches that ultimately provide empowerment for the community to message to itself, because that's way more effective than a single government source repeating the same message.

CHAIR: Thank you very much, Dr de Toca, and thank you to all of the officials for attending today. That concludes the committee's cross-portfolio hearing on Indigenous matters. I would like to thank the minister and all of the officers who've given evidence to the committee today, and thank Hansard and broadcasting for their assistance.

Committee adjourned at 15:02