



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

## SENATE

FINANCE AND PUBLIC ADMINISTRATION LEGISLATION  
COMMITTEE

**Estimates**

Public

FRIDAY, 8 APRIL 2022

CANBERRA

BY AUTHORITY OF THE SENATE

## FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE

**Friday, 8 April 2022**

**Members in attendance:** Senators Ayres, Chandler, McCarthy [by video link], O'Sullivan [by video link], Paterson [by video link] and Thorpe [by audio link]

**CROSS-PORTFOLIO INDIGENOUS MATTERS****In Attendance**

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

**Department of the Prime Minister and Cabinet****National Indigenous Australians Agency**

Ms Jody Broun, Chief Executive Officer

Mr Sam Jeffries, Acting Deputy Chief Executive Officer Operations and Delivery

Mr Ben Burdon, Acting Deputy Chief Executive Officer Policy and Programs

**Corporate Group**

Mr Sam White, Acting Chief Operating Officer

Mr Brendan Jacomb, Chief Lawyer

Mr Nicholas Creagh, Chief Financial Officer

Ms Paula Brewer, Chief People Officer

Mr Ameet Jamble, Branch Manager, Governance and Business Services

**Commonwealth Aboriginal and Torres Strait Islander Workforce Strategy Taskforce**

Ms Jennifer Collard, Group Manager

**Strategic Policy Group**

Ms Julie-Ann Guivarra, Group Manager

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

Dr Jessica Hartmann, Branch Manager, Policy, Analysis and Evaluation Branch

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

Ms Rachel Bowman, Acting Branch Manager, Employment Branch

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

Ms Rachel Kerrigan, Branch Manager, Land Branch

Ms Lauren Gray, Branch Manager, Land Policy and Environment Branch

Ms Simone Persson, Branch Manager, Housing and Infrastructure Branch

**Social Policy and Programs Group**

Ms Andrea Kelly, Acting Group Manager

Ms Ursula Carolyn, Branch Manager, Families and Safety Branch

Ms Yvonne Uren, Branch Manager, Health and Wellbeing Branch

Ms Jing-ting Chan, Acting Branch Manager, Culture and Heritage Branch

Ms Lauren Alcantara, Branch Manager, Early Years and Education Branch

Ms Erin Selmes, Acting Branch Manager, Territories Stolen Generations Redress Scheme

**Program Performance and Delivery Group**

Mr Vance Khan, Group Manager

Mr Andrew Huey, Branch Manager, Grant Design

Mr Sam Volker, Branch Manager, Select, Support and Report

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

**Central Group**

Mr Byron Matthews, Acting Group Manager [by video link]

#### **West and South Group**

Mr Kevin Brahim, Group Manager [by video link]

#### **Eastern Group**

Mr Robert Willmet, Group Manager [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

Ms Melissa Connors, Director, Business Strategy

#### **Central Land Council**

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

#### **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]

#### **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]

#### **Outback Stores Pty Ltd**

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

Mr Troy Criddle, Commercial Manger [by video link]

#### **Office of the Registrar of Indigenous Corporations**

Mr Gerrit Wanganeen, Acting Registrar

#### **Department of Health**

Mr Gavin Matthews, First Assistant Secretary, Indigenous Health Division

Ms Lara Musgrave, Assistant Secretary, Indigenous Health Division

Ms Melinda Turner, Assistant Secretary, Indigenous Health Division

Mr Ben Mudaliar, Assistant Secretary, Indigenous Health Division

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

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

Ms Marcelle Noja, Acting Assistant Secretary, Program Implementation and Primary Care Response—Operation COVID Shield

Mr Mark Roddam, First Assistant Secretary, Mental Health Division

#### **Committee met at 09:13**

**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 budget estimates for 2022-23 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 budget estimates 2022-23 hearings are conducted in a COVID-safe environment. This guidance is also 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 questions on notice. The committee would appreciate it if senators could please provide any written questions on notice to the secretariat by Friday 22 April 2022. However, it reminds all senators, as well as departments and agencies, that written questions on notice can be provided at any time up until the tabling of the estimates report. The committee has fixed Friday 20 May 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 of 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 purposes 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 shall 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 very brief or to seek to incorporate longer statements into the *Hansard*.

Finally, the committee has agreed to allow 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.

### **National Indigenous Australians Agency**

#### **Indigenous Land and Sea Corporation**

[09:17]

**CHAIR:** It being after nine o'clock, I welcome Senator the Hon. Amanda Stoker, representing the Minister for Indigenous Australians, Ms Jody Broun, Chief Executive Officer of the National Indigenous Australians Agency and, via videoconference, Mr Joe Morrison, Group Chief Executive Officer of the Indigenous Land and Sea Corporation, and other officers of the ILSC. Minister, do you wish to make an opening statement at this time?

**Senator Stoker:** No, thank you.

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

**Ms Broun:** Not at this point, thank you.

**CHAIR:** Mr Morrison, do you wish to make an opening statement?

**Mr Morrison:** No, thank you.

**CHAIR:** Thank you. Senator Ayres?

**Senator AYRES:** Just procedurally, on behalf of Labor senators, it is only five weeks, I think, since the last estimates, perhaps six. We had a pretty thorough discussion with the agency and the other witnesses last time. I know it will be a source of great disappointment for Mr Morrison and Ms Stroud, but we don't have questions for ILSC, and, in fact, we don't have questions for Aboriginal Hostels Limited, the CLC, the Northern Land Council, Outback Stores, the Office of the Registrar of Indigenous Corporations or for cross-portfolio Indigenous matters. The only questions that we will have will be a sequence of questions for the agency. I'm just trying to be helpful by saying that. If we don't have questions for some of the other witnesses coming up this morning, my view is we should let them get about their important work and proceed as quickly as we can to the agency. I know that Senator McCarthy has questions. I'm in your hands, Chair, but my view is we ought to dismiss as many witnesses as we can, because it will be good for them and good for us.

**CHAIR:** Indeed. Thank you very much for foreshadowing the time requirement for your questions today. Senator Ayres. Given that we have the ILSC on the line, I will ask if any senators have questions for the ILSC. If not, we may let you go.

**Senator Stoker:** Thank you for that courtesy and respect for the officers' time, Senator Ayres, it's appreciated.

**Senator AYRES:** Thanks, Mr Morrison and Ms Stroud, for all of your work and all of your previous appearances. I sense we are reaching the end of the 46th Parliament, so we might see you on the other side of this election.

**CHAIR:** There being no questions for the ILSC, I will move to Aboriginal Hostels Ltd.

#### **Aboriginal Hostels Limited**

[09:21]

**CHAIR:** I welcome Mr Dave Chalmers, the chief executive officer, and other officers of Aboriginal Hostels Ltd. Mr Chalmers, do you wish to make an opening statement?

**Mr Chalmers:** No, thank you.

**CHAIR:** Do any senators have questions for Aboriginal Hostels Ltd?

**Senator AYRES:** Mr Chalmers, you might have heard us indicate that, given the very short amount of time between now and the last estimates, we don't have questions for you today. Thank you very much for all of your work.

**CHAIR:** You are dismissed, Mr Chalmers. Thank you so much for coming and sitting down!

**Mr Chalmers:** Thanks, Senator.

#### **Central Land Council**

[09:21]

**CHAIR:** I welcome via videoconference Mr Lesley Turner, the chief executive officer of the Central Land Council. Do you wish to make an opening statement?

**Mr Turner:** No, thank you, Madam Chair.

**CHAIR:** Are there any questions for the Central Land Council?

**Senator AYRES:** Mr Turner, it's Senator Tim Ayres here. I think you probably heard me indicate that I don't have questions for you today, and I don't think other senators do either. Thanks for all of your work, and I'll leave you in the Chair's hands.

**Mr Turner:** Thank you.

**CHAIR:** Thank you very much for getting up and getting on the line, Mr Turner, but I don't think any of the senators present have questions for you. We will dismiss the Central Land Council.

#### **Northern Land Council**

[09:23]

**CHAIR:** I welcome via videoconference Mr Samuel Bush-Blanas, Mr Joe Martin-Jard and other officers of the Northern Land Council. Do we have any opening statements from the Northern Land Council?

**Mr Bhat:** Good morning. This is Irfan, the Chief Financial Officer. I can see the CEO online, but I think he is having some technical issues. I will just text him and pass the message on to you, Chair, if that's okay.

**CHAIR:** Thank you, I appreciate that. Mr Bhat, do we know if Mr Martin-Jard has an opening statement to make? If not, I might just put out the call to see if senators have questions, given how quickly we are moving through the program.

**Senator O'SULLIVAN:** Chair, I don't have any questions. My understanding is that only the Greens had questions, but they don't seem to be on the call.

**CHAIR:** Yes, that was my understanding too. Mr Martin-Jard, do you wish to make your opening statement?

**Mr Martin-Jard:** Yes, thank you. I hope you're pleased with it after—

**CHAIR:** I'm sure we will be!

**Mr Martin-Jard:** Thank you, Chair. The Northern Land Council has a proud history of fighting for land rights and justice for Aboriginal people. Just a few weeks ago we celebrated three ceremonies with Minister Wyatt, handing back the Aboriginal lands of Urapunga, the Old Elsey Homestead site and the remaining half of the iconic Kakadu National Park to traditional owners. This was the culmination—there are other voices on the line; do you want me to keep going?

**CHAIR:** Yes, I'm happy for you to keep going or you can table the statement if you'd like—I don't think senators have any questions for the Northern Land Council.

**Mr Martin-Jard:** I'd like to keep going, just to get it onto the record.

**CHAIR:** Of course.

**Mr Martin-Jard:** So we were with Minister Wyatt a couple of weeks ago to get three land claims settled, the big one being the Kakadu National Park. This was the culmination of decades of work by the land council,

fighting against governments, mining companies, politicians and others, and we're still fighting today—fighting for the rights of traditional owners to choose what they want to do with their lands.

It has been said that the Northern Land Council is helping mining companies destroy Aboriginal land and water resources. Nothing could be further from the truth. It has also been said that the Northern Land Council refuses to hear the word no from traditional owners. This is untrue; the opposite is the case. The right to refuse consent to mining on Aboriginal land is one of the strongest protections under the Aboriginal Land Rights Act. The Northern Land Council supports the decisions of traditional owners who say no to mining on Aboriginal land.

We have given evidence to this effect on numerous occasions. We have appeared before various parliamentary inquiries and Senate estimates hearings in recent years. For the record: once again, the role of the NLC is to give independent expert advice and to support traditional owners to make important decisions based on that advice. The Northern Land Council stands by its record in fighting for Aboriginal peoples. Thank you.

**CHAIR:** Thank you. Do any senators have questions for the Northern Land Council? I think I already know the answer.

**Senator AYRES:** I should just indicate, Mr Martin-Jard—and thank you for your opening statement—as I did earlier on behalf of Labor senators, that because of how short the time is since the last estimates we don't have questions for you or for a number of the other land councils and agencies. But thank you for your opening statement and for all of your work.

**Mr Martin-Jard:** Thank you, Senator Ayres.

**CHAIR:** I second those sentiments. Thank you very much, Northern Land Council, you're dismissed.

#### **Outback Stores Pty Ltd**

[09:32]

**CHAIR:** I now welcome via videoconference Mr Michael Borg, Chief Executive Officer of Outback Stores Pty Ltd, and other officers. Mr Borg, do you wish to make an opening statement?

**Mr Borg:** We have pushed through our opening statement in advance, so you may have that for the record.

**CHAIR:** Yes, thank you, we have received that and it will be tabled by the committee. Do any senators have questions for Outback Stores? No? Mr Borg, I suspect you may have heard Senator Ayres' sentiments to the last witness. We don't want to take up any more of your time, so thank you very much for appearing today. Unfortunately, the senators who wish to ask you questions are not present.

**Mr Borg:** Thank you.

#### **Office of the Registrar of Indigenous Corporations**

[09:38]

**CHAIR:** I welcome Mr Gerrit Wanganeen, acting Registrar of Office of the Registrar of Indigenous Corporations. Mr Wanganeen, do you wish to make an opening statement?

**Mr Wanganeen:** I don't. I want to acknowledge the traditional owners of which we are meeting on and the fact that I am dialling in from Larrakia country. I acknowledge elders past and present. I apologise that I can't be there in person.

**CHAIR:** That is quite alright, Mr Wanganeen, because I don't think the senators who are present have any questions for you. We thank you very much for getting on the call today. We can dismiss you.

**Mr Wanganeen:** No worries.

**Senator AYRES:** Thanks, Mr Wanganeen.

#### **National Indigenous Australians Agency**

[09:45]

**CHAIR:** I welcome Ms Broun, Chief Executive Officer, and other officers of the National Indigenous Australians Agency. Ms Broun, do you wish to make an opening statement or any additional comment at this time?

**Ms Broun:** Yes, thank you, Chair. Good morning, Chair and senators. Wanthiwa. I wish to begin by acknowledging the Ngunnawal and Ngambri peoples, who are the traditional custodians of the Canberra area, and pay my respect to elders past, present and emerging. I would also like to extend my respect to all Aboriginal and Torres Strait Islander senators and witnesses appearing today. Chair, thank you for the opportunity to make the opening statement—it is brief. The 2022-23 budget has provided the National Indigenous Australians Agency additional resources, both administered and departmental funding, to expand the scope of what we are able to



deliver to improve the lives of Aboriginal and Torres Strait Islander peoples. NIAA is set to receive \$1.9 billion next financial year, consisting of \$1.65 billion in administered funding and \$325.6 million in departmental operating costs. We have also seen an increase in our staffing level, up 26.5 positions, bringing us to a total of 1,270 staff.

I would like to take a few moments to quickly update the committee on some of our major accomplishments since our last appearance. On 1 March we opened the Territories Stolen Generations Redress Scheme, a significant step in the healing journey for stolen generations survivors from the Northern Territory, the Australian Capital Territory and Jervis Bay. In the first month we received more than 200 applications, and the team is working diligently through those to deliver the first payments in the very near future. We will continue to assess claims as quickly as possible and, guided by our external advisory board, will do so in a trauma informed and culturally sensitive manner.

On 24 March we were pleased to support the finalisation of six Aboriginal land claims across the Northern Territory, including nearly half of the Kakadu National Park. Handover ceremonies to traditional owners mark the end of a very long process, and we will continue to work with these communities as they embark on the developments and economic empowerment they wish to see in their communities. Also since our last appearance the government has announced the outcomes of the Indigenous Land Enterprise Infrastructure Fund and the food security grant opportunity, appointed the Northern Territory Indigenous Business Network to establish an Indigenous business and employment hub in the Top End, established the interim board of the Northern Territory Aboriginal Investment Corporation and opened the architectural design competition for Ngurra, which is a big step towards making that project a reality.

We have initiated conversations with state and territory governments and the Australian Local Government Association to secure their support for local and regional voice arrangements, which signals the start of the implementation stage. This work will be supported by the Local & Regional Voice Establishment Group, which will assist governments and focus on overarching issues relevant across all jurisdictions and regions. Community led codesign remains at the centre of this process, and, once regions are determined, local people will be supported by governments to design their own local and regional voice.

Over the last couple of months we have placed a strong focus on flood affected Indigenous communities across the Northern Rivers region of New South Wales and in southern Queensland, providing what direct support we can and assistance to connect Aboriginal and Torres Strait Islander peoples with mainstream services and recovery supports. We have continued to offer our coordinating support for Indigenous portfolio bodies, including facilitating the processes to appoint a new registrar for Indigenous corporations, a chief executive officer for the Torres Strait Regional Authority and a number of board appointments to Indigenous Business Australia, the Indigenous Land and Sea Corporation, Outback Stores and the new Northern Territory Aboriginal Investment Corporation.

Looking internally, we launched our reconciliation action plan 2022-2025, and we were proud to have our work recognised through two nominations in the Institute of Public Administration Spirit of Service Awards, for the conduct of the Indigenous Voice codesign process and our continuous cultural learning and development program called Footprints. I thank the committee and welcome your questions.

**CHAIR:** Thank you very much, Ms Broun. Senator McCarthy, I'm going to give the call to you.

**Senator McCARThY:** Good morning, Chair, and thank you very much, Ms Broun, for your opening statement. I'd like to acknowledge that I'm coming to you all from Larrakia country up here. Can I put on the record, Ms Broun, to yourself and the agencies, that the hand back of Aboriginal land up here last month was incredibly warmly received. I certainly want to personally put on the record my thanks to all involved with those significant events at Mataranka, and for all the mob from around Jilkminggan and Urapunga and Ngukurr who came, and the Northern Land Council, but also at Kakadu as well. Thank you to your staff. I know it was important to the minister that he was able to finish it in this term of parliament for the people up here. Thank you.

**Ms Broun:** Thank you, Senator.

**Senator McCARThY:** I want to go to Local and Regional Voices. I want to go to the voice co-designed report first up. The budget committed \$31.8 million to commence the establishment of the regional voices in the next year. Can you outline how that money will be spent?

**Ms Guivarra:** It's true, the government did announce \$31.8 million for the establishment of Local and Regional Voices. This is part of the process that was outlined in the co-design report, which was released by government on 17 December last year. I think we mentioned at the last hearing that a process is now underway whereby the minister has had discussions with his state and territory counterparts. We're also having discussions

with senior officials at the state and territory level as well. Since our last appearance before this committee, we have had eight rounds of consultations with state and territory governments at a bilateral level and also with ALGA. In addition, we had a senior officials meeting last week to outline details of the budget for state and territory counterparts.

Essentially, as the CEO indicated, there will be funding for the co-design process for the development of those 35 Local and Regional Voices. There is funding in the budget for some of the work that will go around the activities of the establishment working group as well, so things associated with the implementation toolkit. There is additional departmental funding associated with this, funding for some communications related products as well and some of the other elements that the establishment working group will look at. These will be things around how we design dispute resolution panels, community capability development, and monitoring and evaluation strategies. We won't actually get to that stage until we have been through these consultations that we're having with, first and foremost, the state and territory governments.

**Senator McCARTHY:** I might come back to some of those points you've raised there, Ms Guivarra, but I'll just go onto this one first. The budget explicitly says this funding is to commence the establishment of the regional voices, so presumably the establishment process will take longer than one year. Is that the plan?

**Ms Guivarra:** As we also said at the last hearing, it is a stepwise process. We are, at the current point in time, having those early discussions with state and territory governments. As I indicated, it really is a scoping exercise at this stage, and we've had seven of those with states and territories and one with ALGA. During the process of those consultations, we're talking about things that were contained within the report—such as numbers of regions per state or territory, the funding arrangements—because what is envisaged is that there is long-term, sustainable funding for backbone organisations to support Local and Regional Voices. It's quite clear that something we would look at is co-funding arrangements between state and territory governments, and the Commonwealth government and things around what happens in relation to existing arrangements that states may have in place that need to align with the establishment of Local and Regional Voices.

**Senator McCARTHY:** How are these discussions going with the states and territories?

**Ms Guivarra:** As I've said, we've had initial scoping discussions with seven so far, and I'd say overall they've been really quite positive. We obviously have a lot of detail to get through and in fact now we're past those initial scoping studies we are going back to states and territories. So, we'll start with a second round of conversations with the New South Wales government next week which will attempt to go into a little more detail on those issues that I've already indicated.

**Senator McCARTHY:** You said the minister had been meeting with states and territories as well. How are those meetings going?

**Ms Guivarra:** The minister had his consultations under the Indigenous affairs task force meeting, which I think we flagged at our last appearance here—that was on 14 February. The minister subsequently wrote to all of his state and territory counterparts just after the release of the budget to provide an indication to them of the Commonwealth's commitment of funding during this next financial year.

**Senator McCARTHY:** Can you list the members of the regional voice establishment group?

**Ms Guivarra:** We're still in the process, obviously, of the development of that establishment working group. When the minister wrote to his state and territory counterparts last week advising of the budget, he also indicated that we have the two co-chairs of that establishment working group: Professor Tom Calma and Professor Marcia Langton. Of course they were also involved in the co-design efforts and, for the importance of some continuity in understanding what was contained within the co-design report, they have been appointed as the two co-chairs. There is still a process to go through, which was flagged with states and territories, of consultations with them on the rest of the members of that establishment working group.

**Senator McCARTHY:** Last estimates Senator Stoker indicated that the government had committed to option 2 from the co-design report for the establishment of a national voice. Is that still the case?

**Ms Guivarra:** As indicated previously, option 2 is the option. We are, however, at the stage of the establishment of Local and Regional Voices. What is envisaged in option 2 is an integrated model. We can't move to the establishment of the national voice until such time as we've actually gone through this detailed design process on Local and Regional Voices.

**Senator McCARTHY:** That will obviously be put on hold if we're going to an election at any time now, I imagine, or will those consultations still continue?

**Ms Guivarra:** We are still having discussions with state and territory governments. We won't during a process of caretaker be in a position to commit to any specifics within those conversations with state and territory governments, but consultations with them will continue throughout this period.

**Senator McCARTHY:** Tell us how the consultations with ALGA are going? Is that the local government association?

**Ms Guivarra:** It is the local government association. I wasn't actually present for that. My colleague Robert Ryan—he is joining us; I'm not sure he's here yet. Could we come back to you on that following subsequent questions?

**Senator McCARTHY:** Okay. Will any of the \$31.8 million in this budget be used to progress the national voice?

**Ms Guivarra:** At this stage the focus was on the establishment of Local and Regional Voices, so we're not really in a position to consider that yet.

**Senator McCARTHY:** I'm just looking at the budget though, Ms Guivarra. If this is purely for the regional voices, then you wouldn't be setting anything aside from that budget for the national voice process. I just want to understand what the thinking is.

**Ms Guivarra:** It's clear that the funding in this current budget is for the establishment of Local and Regional Voices.

**Senator McCARTHY:** Thank you. If we look at option 2, there hasn't been any allocation for funding to progress over the next four years?

**Ms Guivarra:** That's correct.

**Senator McCARTHY:** The COVID-19 report was clear that there is a sense of urgency for a national voice and that momentum on a national voice should not be stalled until all the Regional Voices are established. So how do you marry up those two, I suppose, recognising that there has been a particular focus on the national voice and then here we have the Local and Regional Voices?

**Ms Guivarra:** As I said, it is step-by-step a process. We are in the process of having those very initial conversations with state and territory governments around questions of whether the numbers of regions which were proposed in the report are indeed correct. As I said, there is a discussion underway about what funding arrangements would look like for the longer term for the sustainability of Local and Regional Voices. So we're not at that stage yet where we can start looking at subsequent steps, including the possibility of a national voice, until we've got the establishment of those Local and Regional Voices secured.

My colleague, Robert Ryan, has joined us. He was present for the ALGA bilateral conversations and may be able to give you a bit of a sense of what the issues were and how those issues were progressed at the initial conversation.

**Mr Ryan:** We had a meeting with the Australian Local Government Association. We have met with them throughout this co-design process as well. It was identified very strongly through the co-design process and the consultation that local government is an absolute key player in Local and Regional Voices. The ALGA discussion was fairly fruitful. The approach we're taking is more complicated with local government. There are over 500 councils, as you know, across the country, so what we're doing initially is working with ALGA to make sure that we get the approach right around local government and that we're communicating effectively, firstly with those state bodies and then with those individual councils.

We're beginning to get those settings right with the Australian Local Government Association, making sure that there's good communication with all the local government members and that we're connecting local government in those discussions that we're going to have with the state and territory governments as well. There's good commitment from ALGA to support the process, as there has been throughout, and they're keen to work with their state bodies to make that happen.

But the big issue is going to be how we actually connect each of those 500-plus councils as we move through this process into a Local and Regional voice at the end. At this stage, they're on board, in principle, supporting the commitment to local government around Local and Regional Voices. There are also some resourcing implications for local government that we need to discuss. Following this scoping exercise, or discussion, we'll have a sit-down with them where we unpack these issues, including what resourcing we might need to look at to support local government through the process.

**Senator McCARTHY:** Do you speak with ALGA about a national voice in those meetings?

**Mr Ryan:** No; discussion was only on the next step of a Local and Regional voice establishment.

**Senator McCARTHY:** So it's not raised at all even in terms of priorities for the government?

**Mr Ryan:** No. It wasn't raised by ALGA.

**Senator McCARTHY:** I will certainly follow up on the local government side of things. I am conscious that there are senators with other questions. I will go back to you, Ms Guivarra, to confirm—you committed to establishing a national voice, but you appear to have no real plans to progress it and you've committed no funding to it for the next four years. Is that correct?

**Ms Guivarra:** Just to perhaps clarify, I think at the last hearing the minister had indicated that the government has committed to option 2. But, in fact, what the government has most immediately committed to is the establishment of Local and Regional Voices. That is what Minister Wyatt had indicated at the time of the release of the report. Indeed, the funding that was committed at the budget was for the co-design process for Local and Regional Voices, so it is a stepwise approach that is envisaged at this stage.

**Senator McCARTHY:** Yes, but I come back to the original question. The focus is not on a national voice; the focus is on the Local and Regional Voices, so there's no ongoing funding in regards to a national voice.

**Ms Guivarra:** Conversations with states and territories at the moment are focused on the design of the Local and Regional Voices, and the funding for that first step is reflected in the budget.

**Senator THORPE:** Thanks to the NIAA for coming in today. My first question is: how much money is in this Indigenous Advancement Strategy?

**Mr Creagh:** For the five years from 2021-22 through to 2025-26, there's \$8.188 billion in the IAS.

**Senator THORPE:** There's no shortage of black money there. Can you provide me, on notice, every expenditure that has come out of the IAS in the last two financial years, broken down by when First Nations-owned and -led organisations have received the funding, and when non-Indigenous organisations have received funding?

**Mr Creagh:** We can do that.

**Senator THORPE:** I note that you're drawing down \$1.9 million from the IAS to fund custody notification services in Western Australia and the Northern Territory, but only for one year. I know for a fact the organisations running CNS in the NT and WA have been asking for a lot more support. You've got plenty of money; why are you not making custody notification services fully funded and ongoing?

**Mr Burdon:** The provision in the budget of \$1.9 million to extend the custody notification system in both NT and WA is an extension of the original agreement to put in place the system for three years. That agreement was on the proviso that after three years, the funding arrangements for the scheme would transfer to state authorities. This one-off extension for WA and NT will allow us to conduct an evaluation of the scheme and facilitate that transition to NT and WA funding. That was within, and consistent with, the original parameters of the agreement.

**Senator THORPE:** So that won't impact on-the-ground services in the meantime, will it? Is there a process where these services are guaranteed to continue whilst you're negotiating with the states?

**Mr Burdon:** Yes.

**Senator THORPE:** There was \$20.2 million spent to purchase rights to the Aboriginal flag. It came out of the Indigenous Advancement Strategy money—is that correct?

**Mr Burdon:** No. I can advise that that money wasn't drawn from the Indigenous Advancement Strategy.

**Senator THORPE:** Can you tell me where it came from, then?

**Mr Burdon:** I might just ask the CFO to explain the technicalities for us, if I may.

**Mr Creagh:** The government provided funding in the budget for the \$20.2 million for the free use of the Aboriginal flag. The timing of the payments—that is, the negotiation of the settlement of claims with all parties—was in the 2021-22 financial year, but, because the timing of those payments was not finalised before the completion of the additional estimates bills, that funding from the government, which has been provided in this budget, is going to be appropriated in the 2022-23 financial year.

**Senator THORPE:** I'm not an accountant, but what you're basically saying is that you can confirm that the \$20.2 million did not come out of Indigenous Advancement Strategy money?

**Mr Creagh:** There was additional funding provided which will be paid out of the Indigenous Advancement Strategy because that's how the NIAA makes administered payments on behalf of government, but there was no requirement for the IAS to absorb that cost. The government provided that through this budget.

**Senator THORPE:** But the IAS did contribute to purchasing the Aboriginal flag?

**Mr Creagh:** Sorry, could you repeat that question? I couldn't quite hear you.

**Senator THORPE:** Did the IAS contribute any money to buy the Aboriginal flag?

**Mr Burdon:** Yes. The IAS was the funding mechanism for the payments made for the flag. Additional money was made available by government to the IAS to make those payments.

**Senator THORPE:** How much?

**Mr Burdon:** \$20.2 million.

**Senator THORPE:** So the \$20.2 million came from the government to the IAS, and the IAS paid for the flag with the money from the government—is that right?

**Mr Burdon:** Correct.

**Senator THORPE:** I'd just like plain language because there are a lot of people listening, and I think the answers have been quite complicated. Can you guarantee that that \$20.2 million did not come out of and did not affect the Indigenous Advancement Strategy money at all? It was just an administrative transfer—is that correct?

**Mr Burdon:** The payment for the flag did not impact on the amount of money available under the IAS for the provision of programs and services to Aboriginal and Torres Strait Islander people. The amount of money paid through the IAS for the flag arrangements was supplemental or additional money to the amount of money available through the IAS for the provision of programs and services to Aboriginal and Torres Strait Islander people.

**Senator THORPE:** So the IAS got more money—\$20.2 million—from another bucket of money out of the government to pay for the flag.

**Mr Burdon:** Correct.

**Senator THORPE:** What other bucket did it come from?

**Mr Creagh:** That's the normal provision of the government providing funding through new policy proposals.

**Senator THORPE:** That's pretty handy for other times we need extra dough for the Aboriginal people in this country, so thank you for that. Can you tell me how much WAM got from the Indigenous Advancement Strategy?

**Mr Creagh:** Out of the \$20.2 million, \$5.2 million was paid to WAM Clothing to terminate its licence agreement.

**Senator Stoker:** But, as we've established, it didn't come from the Indigenous Advancement Strategy funds, it came from the additional appropriation that was provided for this purpose.

**Senator THORPE:** Thank you for that, Minister. Just the other week, I met with representatives from the Central Australian Youth Link Up Service, CAYLUS, and the Macdonnell, Barkly and Central Desert regional councils. They're struggling to get money for youth services from the Indigenous Advancement Strategy. They have applied. Since the money that they receive is not indexed, they're struggling. They've asked me to ask you: why are they not receiving support? Since 2015 they've taken an effective funding cut of more than \$8 million. They need more funding for reliable and safe programs, for youth workers, and even for things like toilets, handwashing facilities and basic food preparation facilities, and they keep getting knocked back. What's going on?

**Mr Creagh:** Senator, my recollection is that after the last estimates round there were some questions on notice that we provided answers to, regarding indexation of the IAS. I'd probably refer to the overall funding availability in the IAS to that answer—but I guess that, overall, the way the programs are structured, it's part of the program to proceed those requests—

**Mr Burdon:** Senator, to go to the specific question in relation to the providers that you've mentioned, the way that we administer the grants program is that certain amounts are made available to providers and then, if there is a need for further funding from the provider to deliver services, requests are made of us and, if there is money available across the breadth of the program, then we can certainly look at making further funding available. But there are funding parameters around and funding limitations on the IAS.

**Senator THORPE:** I understand that, and I won't have much more time to ask you questions if I get a bureaucratic response like that. I want to go back to my initial question. We're talking about youth services and, if we look at the Northern Territory, do you think that they need support around youth services in places like the Northern Territory?

**Mr Burdon:** Senator, you're asking me for my opinion—

**Senator THORPE:** Okay. Does the NIAA consider that there is a crisis with our young people in this country—young Aboriginal people? Given the incarceration rates of our babies, do you think that the services that are there to support them should be supported adequately?

**Mr Burdon:** Yes, Senator—

**Senator THORPE:** Are they being supported adequately?

**Mr Burdon:** Senator, certainly, I can advise you that we have had a particular focus in the agency over the last three months relating to youth issues and provision of services to youth across the country, and specifically in Alice Springs and also in the Kimberley and also in Northern Queensland. I could ask my colleague to take you through what we're doing in Alice Springs, if that would be helpful to you.

**Senator THORPE:** Yes, could I have that information provided on notice. But I sat with youth workers from these communities who told me and Senator Cox that there are no hand washing facilities, in the middle of a pandemic, in a lot of these communities where they're doing youth programs. We're talking about programs that effectively have been cut of \$8 million of funding since 2015. At the start of this questioning you told me you've got \$8 billion and throughout this inquiry questioning you've also told me you can get some money off the government to pay for a flag. Now I want you to tell these youth workers who come to me, begging for support for the young people in their communities, why you won't fund them.

**Mr Burdon:** What I can say is we are working very closely with NT authorities. Obviously the NIAA are a Commonwealth agency, and our role and responsibility, particularly in relation to funding, is to the issues that the Commonwealth actually works on. In the broad, over the 2021-22 financial year, the NIAA has invested over \$300 million in safety and wellbeing programs. They include the Indigenous Youth Connection to Culture program, social and emotional wellbeing services and a youth and engagement program.

**Senator THORPE:** That's great, if you could provide that on notice. Will you reinstate the funding of youth services from the IAS to levels before the IAS was introduced? It's a simple yes or no. The youth workers and the communities are all listening to this. Can you reinstate the funding to support our young people through these services the way they used to be supported—yes or no? Not a bureaucratic response, just yes or no.

**Senator Stoker:** Respectfully, sometimes simply yes or no doesn't provide an accurate and helpful answer. If Mr Burdon requires more than a one-word answer, he's well and truly entitled to give it.

**Senator THORPE:** Thanks, Minister.

**Mr Burdon:** The issue of the money made available to the agency through the Indigenous Advancement Strategy and through the budget is a question for government. The decision on indexation was made some financial years ago, and we're now in a situation where we're here at the moment, as Mr Creagh has outlined, with the position of the IAS. The question of indexation and how it relates to specific grant moneys made available to specific providers is really a question of: if a provider needs additional funding to deliver the services that they need to deliver, then that should be a conversation between the provider and the NIAA officials on the ground to ensure that we, as the NIAA, and relevant state and territory jurisdictions are making appropriate levels of funding available to deliver services necessary.

**Senator THORPE:** That's great, and that's a good process; however, the NIAA don't respond to these people on the ground. They've applied for funding; they've gone through the process. Will the NIAA at the very least consider upgrading essential youth infrastructure in remote communities so our young people can have toilets, hand washing facilities and food prep facilities and even a covered outdoor facility? Is that at all possible? They've asked and they've not got a response, so can you please tell Aboriginal Australia, Indigenous Australia, if you can help our young people in remote communities to have basic human rights facilities?

**Ms Broun:** Ben Burdon has been trying to answer the question. It isn't a simple yes or no, and it is based on application processes. But it's also, I suppose, the complexity of working with states and territories around their contribution; that infrastructure is often funded by the states or territories. But I'm happy to look at the exact detail, if you send that through, and do it as a question on notice. We can have a look at the particular case.

As Mr Burdon was saying, NIAA is investing over \$300 million in a range of activities supporting wellbeing and positive behaviour for youth. That includes Indigenous Youth Connection to Culture program and social and emotional wellbeing youth engagement programs. There's a whole range of other programs that come out of those funds. But I'm happy to take that on notice as well, in terms of the specifics.

**Senator THORPE:** I'd appreciate that. I'd even love to help you meet with these youth workers so that you can hear from them themselves and we can sort this out quickly.

**Ms Broun:** I'm happy to do that, Senator.

**Senator THORPE:** No further questions from me, Chair, thank you.

**CHAIR:** Thank you. Senator McCarthy, I believe you have a couple of further questions?

**Senator McCARTHY:** Thank you. I'd like to go through the Remote Engagement Program and CDP class actions.

**Senator Stoker:** We'll just get the right officers to the table.

**Senator McCARTHY:** The budget papers say that the cost of this particular measure will be met partially from within the existing resources of the IES Indigenous strategy. How much of the \$11.5 million is new money?

**Ms Fulton:** I might have the CFO run you through the tables and then, if you have questions about how that's used, I can go to that.

**Mr Creagh:** Senator, were you referring to the Remote Engagement Program extension measure?

**Senator McCARTHY:** Yes, on page 164 of Budget Paper No. 2, providing \$11.5 million over five years for two things. I'm just trying to understand how you will break the \$11.5 million down for the Remote Engagement pilots, and also in responding to the class action.

**Mr Creagh:** The funding breakdown in this measure is fairly complex. There's a reduction in the out years of administered expenditure, which is a reduction in the cost of funding the IAS of \$1.1 million—that's the negative \$900,000 in 2023-24 and the negative \$200,000 in 2024-25. Our partners in Services Australia and the Department of Social Services have also received a mix of funding. The impact on Services Australia is outlined in the budget paper, in the financial implications table. And there's additional funding for the Department of Social Services as a result of this measure.

**Senator McCARTHY:** Of the \$11.5 million, how much will be spent on the five pilot sites?

**Mr Creagh:** That refers to the Dawson settlement case, of which there's \$4.4 million for NIAA departmental expenditure; \$2.3 million for NIAA administered expenditure and then \$0.3 million for the Department of Social Services. I will ask Ms Fulton to talk to the particulars of the trial sites.

**Ms Fulton:** We are anticipating with the trial sites that the implementation of those pilots can be absorbed within the CDP funding. There is additional funding for the agency, on departmental, for the work around supporting and bringing together the trial sites, but the actual implementation of the trials once they're underway is absorbed within the allocation for CDP.

**Senator McCARTHY:** Sorry, I am just trying to understand this. Mr Creagh gave me \$4.4 million, \$2.3 million and \$0.3 million for the court case. I want to understand the breakdown for each of the five pilot sites. How much is going to each of the five pilot sites?

**Ms Fulton:** The cost breakdown that Mr Creagh gave to you, around departmental, for running all of the trial sites, is not broken down rigidly by site.

**Senator McCARTHY:** That's the \$2.3 million?

**Ms Fulton:** No. The \$2.3 million is the administration component and that relates to the Dawson settlement.

**Senator McCARTHY:** Then the \$4.4 million is assisting with the five pilot sites?

**Ms Fulton:** That's related to the departmental administration for all the sites.

**Senator McCARTHY:** But you can't breakdown each site from that \$4.4 million?

**Ms Fulton:** No. That's correct.

**Senator McCARTHY:** How much would the Mid West WA region get? How much would the Ngaanyatjarra Lands; Eyre, South Australia; Barkly south and Palm Island get?

**Ms Fulton:** That funding is retained within NIAA for departmental contributions for the work in facilitating the development of the trials. That funding isn't going specifically in payments to the regions—if that makes sense.

**Senator McCARTHY:** I'll just clarify something. We were talking at another estimates committee about the Barkly deal. In the Barkly deal they have 28 areas that they want to achieve in their implementation plan. I put to them the question around 0.12, which is improvements to the delivery of the Community Development Program, and they referred to the Remote Engagement Program. They couldn't tell me more on that. Is your Remote Engagement Program a part of the Barkly Regional Deal?

**Ms Fulton:** It is separate to the Barkly Regional Deal. In determining it as a trial site, once they have designed their approach they will implement a trial. But it's separate to the Barkly Regional Deal.

**Senator McCARTHY:** Why would the government be saying that the CDP is part of the Remote Engagement Program of the Barkly Regional Deal?

**Ms Fulton:** Jobseekers that are on the CDP caseload could well be placed in roles and jobs that're created as part of the Barkly Regional Deal and undertake work placements with them. Any person on the CDP caseload that is looking for work would be supported into roles. And there may be roles created through the Barkly Regional Deal that CDP jobseekers are placed in.

**Senator McCARTHY:** But is anyone from NIAA involved in the Barkly Regional Deal as part of the government process?

**Ms Fulton:** Our regional colleagues are engaged in that.

**Mr Jeffries:** Yes, our staff in the Tennant Creek office are involved in the Barkly trial site conversations.

**Senator McCARTHY:** You're talking about the Barkly trial site or the Remote Engagement Program. Is that the same thing as being involved in the Barkly Regional Deal implementation plan?

**Mr Jeffries:** I think they are two separate arrangements. We do play a role in part of the governance table of the Barkly Regional Deal and its implementation, which is led by Infrastructure.

**Senator McCARTHY:** Thank you for that, Mr Jeffries. It might have been a bit of a stretching of the situation there. I will go on. This isn't just to you, Mr Jeffries; it's to the table: can you tell me how many jobs have been created under the Remote Engagement Program across the board?

**Ms Fulton:** To date, the five trial sites are still working through their local co-design around how they want the trial to work in each of those sites. All but one have had their initial meetings to start discussing how they want the trial to work, but the trials are not yet operational.

**Senator McCARTHY:** It that because there are still ongoing discussions?

**Ms Fulton:** Through the co-design process, yes. The local co-design groups formed and the majority of them met over the last month. Palm Island in Queensland is yet to have its first meeting. We expect that the co-design period will take some months as they work through how they want the trial to work in that region, and then it will be implemented.

**Senator McCARTHY:** Who is in the co-design process for the Barkly?

**Ms Fulton:** I can provide you on notice the individuals. We do have a range of groups that are involved if you want me to read them out.

**Senator McCARTHY:** Sure.

**Ms Fulton:** We have the Department of Education with the Northern Territory government, Barkly Regional Council, Julalikari Council Aboriginal Corporation—my apologies for my pronunciation there and on this next one as well—Anyinginyi Health Aboriginal Corporation, Outback Stores, Papulu Apparr-kari Aboriginal Corporation, Group Training Northern Territory, Arlpwe Art and Culture Centre, Barkly Regional Deal Backbone Team, Centrefarm, T&J Constructions, Many Rivers, Patta Aboriginal Corporation, and RN Employment. Now that those groups have had their first meeting, we anticipate there could be a little bit of fluidity around additional groups coming in. They will now determine the ongoing membership of the group.

**Senator McCARTHY:** What is happening to the CDP program across the board at the moment while these five trials are still being discussed?

**Ms Fulton:** The CDP program continues across remote Australia. It will be continuing in parallel while those trial sites are underway. It will just be in those trial sites in the first instance that we will implement something different.

**Senator McCARTHY:** And providers still have participants in CDP at the moment?

**Ms Fulton:** Yes, the CDP case load is a little over 42,000 at the moment, and the CDP providers are continuing to provide services to them.

**Senator McCARTHY:** Thank you very much.

**CHAIR:** Do any other senators have questions for the NIAA?

**Senator McCARTHY:** Excuse me, Chair, I thought another senator did. I certainly have more questions for NIAA.

**CHAIR:** Sorry, Senator McCarthy, I might give you the call back.

**Senator McCARTHY:** I am happy to get through them.

**CHAIR:** Yes, I will give the call back to you, Senator McCarthy. No worries. Keep going.



**Senator McCARTHY:** Thank you very much. I would like to go to heritage funding with the officers, if I could. Do we have the officers at the table?

**Mr Burdon:** Yes, we do.

**Senator McCARTHY:** Great. When will the federal government respond to the report of the Juukan Gorge inquiry?

**Ms Kelly:** If I understood you, you were asking about the government report into Juukan Gorge.

**Senator McCARTHY:** Yes, just the government response to the report.

**Ms Kelly:** I understand that it's with Minister Ley. So, that's probably a question for Minister Ley.

**Senator McCARTHY:** No worries. Thank you. Has new heritage legislation been drafted?

**Mr Burdon:** The questions around the legislation are really best directed to the Department of Agriculture, Water and the Environment as the responsible agency for that legislation. I don't want to be unhelpful. But you're asking us to comment on legislation that's the responsibility of another agency.

**Senator McCARTHY:** But I understand that you are the agency responsible for Aboriginal and Torres Strait Islander affairs. Do you not have any say in any of the Aboriginal and Torres Strait Islander heritage?

**Mr Burdon:** Yes, we do, and we have a very close working relationship with that department. And, as you know, the minister is co-chairing the round table with his colleague Minister Ley, and we participate on the working group. That said, we are not the lead agency for the piece of legislation that you're referring to.

**Senator McCARTHY:** I'm going to go through these questions, and I do hope you are able to find some way to give information to First Nations people about your agency being involved with the care and protection of heritage. What machinery of government has there been to move protection of First Nations heritage from the environment to the National Indigenous Australians Agency?

**Ms Kelly:** Since the establishment of the NIAA there haven't been any changes.

**Senator McCARTHY:** The budget says that \$37.5 million will go towards strengthening the governance of prescribed bodies corporate. Will that be evenly distributed across all the PBCs?

**Ms Kerrigan:** That funding is split across a range of activities and there will be the possibility for PBCs and also through the native title rep bodies and service providers to apply for funding for some of those measures. Other funding will increase training, which will be delivered through the National Native Title Council.

**Senator McCARTHY:** Has a PBC steering group been established?

**Ms Kerrigan:** The funding also includes the establishment of a PBC steering group, yes.

**Senator McCARTHY:** How much is going to that?

**Ms Kerrigan:** There was \$2.5 million for that.

**Senator McCARTHY:** Has the group reported?

**Ms Kerrigan:** That group is yet to be established.

**Senator McCARTHY:** When would their first report be due?

**Ms Kerrigan:** There'll now be a process to establish that group. I do need to correct—sorry—that it was \$2.6 million over five years for the establishment of that group. That will now occur through to the second half of this year.

**Senator McCARTHY:** Thank you. This is a general question: what work has gone into calculating the ratifications of the High Court's Timber Creek native title compensation case, if any? The question's to whoever can answer it.

**Ms Kerrigan:** Towards the end of last year, the native title ministers meeting from around the jurisdictions met and, following that, they released guiding principles around compensation. That continues then to guide jurisdictions in their engagement.

**Senator McCARTHY:** Thank you. I'd like to go to remote enrolment.

**Mr Burdon:** May I clarify, Senator? You mentioned remote enrolment. Do you mean education enrolment or electoral enrolment?

**Senator McCARTHY:** We're coming up to a federal election, so I'd like to ask a few questions about the enrolment of First Nations people.

**Mr Burdon:** Thank you. The official is coming in from the waiting room.

**Senator McCARTHY:** Since we last met, which is not so long ago, are you able to update the committee on any work the agency has undertaken with the Australian Electoral Commission on enrolment in remote communities?

**Mr Ryan:** Yes, Senator. Of course, these are matters that fall squarely within the responsibility of the AEC. Our role is really to provide support as required by the AEC. That's often in providing advice about contacts that they can reach out to as part of their outreach program to increase those enrolment numbers. We have provided a staff member on secondment to assist with that, so it's very much a supporting role because this is an area where the AEC leads and we provide support as required.

**Senator McCARTHY:** Where's the staff member being provided to—what jurisdiction?

**Mr Ryan:** I think it's the Northern Territory, but I'd have to clarify that.

**Senator McCARTHY:** In terms of the advice that you provide, what have you been asked in relation to needing to give any advice?

**Mr Ryan:** It's mainly around stakeholders that they could actually reach out to in order to get better reach into communities and Indigenous populations. That's the major one—and other issues as they arise.

**Senator McCARTHY:** Generally speaking around the fact that there is such low voter enrolment of First Nations people, is there greater communication between the AEC and you to ensure that number increases?

**Mr Ryan:** Yes. That's the reason why we have this ongoing contact and relationship. We're aware that the numbers are significantly lower than the general population—though I would add that they are increasing at a higher rate than the general population as well. The numbers are coming up, and the AEC are doing a lot of work to continue that increase happening. Certainly the difference that exists, and that lower number, is why we have that relationship.

**Senator McCARTHY:** I want to ask officers about the McDonald v Commonwealth class action. Are you able to give an update on where proceedings are at with this particular case?

**Mr Jacomb:** The class action is proceeding through a number of court ordered discovery orders. It is in the process of discovering documents held by the Commonwealth that relate to the proceedings. You may be aware that the claims cover the period from 1 June 1933 to 12 November 1971. It is potentially a large number of documents.

**Senator McCARTHY:** How many are we talking about as part of this class action?

**Mr Jacomb:** Sorry, I didn't quite catch that question.

**Senator McCARTHY:** The government will provide funding in 2022-23 to undertake a court ordered discovery process. Once the discovery process is completed, what would be the possibility of a settlement in this case?

**Mr Jacomb:** The matter is currently being litigated. But I just make the general observation that in litigation such as this, once you have completed discovery, you would consider your legal position and liability. Part of that process may very well be a consideration of whether there is scope to negotiate a settlement.

**Senator McCARTHY:** I will keep in touch with you on that. Clearly it is an important matter and obviously it is still in its early stages. Thank you for taking the time to answer those questions. Thank you, Chair.

**CHAIR:** Thank you, Senator McCarthy. Mr Burdon, did you want to say something?

**Mr Burdon:** Thank you, Chair. Senator McCarthy, I might just clarify the answer that my colleague Mr Ryan gave to your question about NIAA supports at the Australian Electoral Commission. We have a Canberra based secondment. We are also making our office space across the country available for the use of AEC staff, should they need it, and doing some work with them on social media.

**Senator McCARTHY:** Thank you.

**CHAIR:** We thank the NIAA for coming along this morning.

**Proceedings suspended from 10:54 to 11:01**

**National Indigenous Australians Agency**

**Department of Health**

**CHAIR:** The committee will reconvene. I welcome Ms Tania Rishniw and other officers from the Department of Health to join the officers of the NIAA for this session on Indigenous health issues. Ms Rishniw, I understand you do not have an opening statement.

**Ms Rishniw:** That's right but, as always, can I acknowledge that we meet today on Aboriginal land and pay my respects to elders past, present and emerging.

**CHAIR:** Senator O'Sullivan, for a very short tranche of questions.

**Senator O'SULLIVAN:** I hope that officers are able to give me some clarity on this situation. On 25 March there was a media release from the health minister saying he will not be extending the biosecurity emergency determination which lapses on 17 April. The media release goes on to say that there are a number of measures that the Biosecurity Act was used for under Commonwealth law and one of them was: 'mitigating the spread of COVID-19 in remote Indigenous communities and vulnerable neighbouring countries' throughout the pandemic. With that determination lifted, what does that mean for access to communities around Australia? I have a particular issue in Western Australia that I will also raise quickly with you, but to start with the first question: what impact will the lifting of those measures have on the limiting of people going into remote areas?

**Dr de Toca:** The framework for the emergency declaration under the Biosecurity Act allowed for the minister, on the recommendation of the Chief Medical Officer, to make instruments or determinations to place restrictions on remote communities and entry and exit. That's been used throughout the pandemic, extensively through 2020 and recently in late 2021 and early 2022 in the Northern Territory to complement the powers of the Chief Health Officer of the Northern Territory on Aboriginal land.

The remote restrictions of the determinations that limited access in and out of remote communities in the Northern Territory have been activated and deactivated at different times, based on the requests from the Northern Territory government and the support from the land councils and the Aboriginal community-controlled health services, and there hasn't been a determination in place since 31 January. The last one—that covered Galiwin'ku, Marchinbar, the Wessel Islands and other areas in the Northern Territory—expired on 31 January, and we have not used one of those determination since.

The determinations that you may be referring to in Western Australia were done under the powers of the Chief Health Officer of Western Australia under WA public health legislation, so those powers are not affected or impacted in any way by the end of the emergency declaration period.

**Senator O'SULLIVAN:** Just confirming that in Western Australia any of those orders are done under Western Australian state government health orders or biosecurity orders, not under any Commonwealth order?

**Dr de Toca:** That is correct. There hasn't been a Commonwealth biosecurity determination in the WA areas since 2020.

**Senator O'SULLIVAN:** That confirms exactly what I thought was the case, and that is that there is some confusion and people are blaming the Commonwealth for this order. But that's not the case, so thank you very much. That's all from me, Chair.

**CHAIR:** There being no further questions from senators for the Department of Health, thank you very much to the officials for attending today. We will dismiss you, and that concludes the committee's cross-portfolio hearing on Indigenous matters. I'd like to thank the ministers and officers who have given evidence to the committee today and thank the secretariat, Hansard and Broadcasting for their assistance.

**Committee adjourned at 11:05**