



COMMONWEALTH OF AUSTRALIA

Proof Committee Hansard

SENATE

FINANCE AND PUBLIC ADMINISTRATION LEGISLATION
COMMITTEE

Estimates

(Public)

FRIDAY, 11 NOVEMBER 2022

CANBERRA

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FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE

Friday, 11 November 2022

Members in attendance: Senators Bilyk, Liddle, McGrath, Nampijinpa Price, David Pocock, Pratt, Roberts and Thorpe

CROSS-PORTFOLIO INDIGENOUS MATTERS**In Attendance**

Senator McCarthy, Assistant Minister for Indigenous Australians, Assistant Minister for Indigenous Health

National Indigenous Australians Agency Executive

Ms Jody Broun, Chief Executive Officer

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

Ms Letitia Hope, Deputy Chief Executive Officer Policy and Programs

Mr Ameet Jamble, Branch Manager, Office of the Chief Executive Officer

Corporate Group

Mr Sam White, Acting Chief Operating Officer/ Chief Security Officer

Mr Nicholas Creagh, Chief Finance Officer

Ms Paula Brewer, Chief People Officer

Mr Brendan Jacomb, Chief Lawyer, Legal Branch

Mr Peter Nunn, Branch Manager, Program Compliance and Fraud Branch

Social Policy and Programs Group

Mr Ben Burdon, Group Manager

Ms Ursula Carolyn, Branch Manager, Families and Safety

Ms Yvonne Uren, Branch Manager, Health and Wellbeing

Ms Lauren Alcantara, Branch Manager, Early Years and Education

Truth-Telling Taskforce

Ms Andrea Kelly, Acting Group Manager

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

Mr Jeremy Mickle, Acting Branch Manager, Culture and Heritage

Empowerment and Recognition Group

Ms Julie-Ann Guivarra, Group Manager

Mr Simon Gordon, Branch Manager, Constitutional Recognition

Dr John Walker, Branch Manager, First Nations Voice

Mr Ian Bartholomew, Branch Manager, Closing the Gap

Economic Policy and Programs Group

Ms Deborah Fulton, Acting Group Manager

Ms Rachel Kerrigan, Branch Manager, Land

Ms Kate Phipps, Branch Manager, Employment Policy Taskforce

Ms Kate Elliott, Branch Manager, CDP Strategy

Dr Michael Blanchard, Acting Branch Manager, Employment

Ms Simone Persson, Branch Manager, Housing and Infrastructure

Mr Avi Clarke, Acting Branch Manager, Business and Economic Policy

Program Performance Delivery Group

Mr Vance Khan, Group Manager Program Performance and Delivery

Mr Sam Volker, Branch Manager, Select Support and Report

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

Ms Sarah Clough, Branch Manager, Grant Design

West and South Group

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

Central Group

Ms Rachael Jackson, Acting Group Manager, Central Group

Mr Thomas Dyer, Branch Manager, NT Strategy and Policy
Mr Byron Matthews, Regional Manager, Central Australia Region

Eastern Group

Ms Marnie Wettenhall, Acting Group Manager, Eastern Group

Aboriginal Hostels Limited

Mr Dave Chalmers AO CSC, Chief Executive Officer
Mr Dermot Walsh, Chief Financial Officer
Mr Peter Bligh, General Manager, Business Development and Employment
Mr Bob Harvey PSM, General Manager, Operations
Ms Melissa Connors, Director, Business Strategy

Central Land Council

Mr Robert Cairney, General Manager, Directorate [by video link]
Ms Francine McCarthy, Executive Manager Policy and Governance [by video link]

Indigenous Land and Sea Corporation

Mr Joe Morrison, Group Chief Executive Officer
Mr Matt Salmon, Chief Operating Officer
Mr David Silcock, Executive Director Corporate
Mr Trevor Edmond, Group General Counsel

Northern Land Council

Mr Joe Martin-Jard, Chief Executive Officer [by video link]
Mr Dominic Gomez, Principal Legal Officer [by video link]
Mr Irfan Bhat, General Manager, Corporate Services [by video link]
Ms Deborah Katona, Senior Policy Manager [by video link]

Office of the Registrar of Indigenous Corporations

Ms Tricia Stroud, Registrar
Mr Andrew Huey, Deputy Registrar

Australian Institute of Aboriginal and Torres Strait Islander Studies

Mr Craig Ritchie, Chief Executive Officer
Mr Leonard Hill, Deputy Chief Executive Officer and Chief Operating Officer
Mr Arthur Petsas, Executive Director, Ngurra Project
Ms Kate Thomann, Executive Director, Research and Education
Ms Caroline Hughes, Executive Director, Collection Services
Mr Ben Phelps, Executive Director, Partnerships and Engagement

Indigenous Business Australia

Ms Kristy Moore, Chief Executive Officer
Ms Hardeep (Dee) Garcha, Chief Financial Officer
Ms Stella de Cos, Director, Community and Customer Experience

Committee met at 09:01

CHAIR (Senator Pratt): I declare open this hearing of the Finance and Public Administration Legislation Committee into the 2022-23 budget estimates. I begin by acknowledging the traditional custodians of the land on which we meet today. It's my privilege to pay respects to elders past and present, and I extend that respect to Aboriginal and Torres Strait Islander peoples here today. The committee is due to report to the Senate on Tuesday 29 November and has fixed 16 December as the date for the return of answers to questions taken on notice. Senators are encouraged to provide written questions to the committee secretariat by 25 November. Today we are examining budget estimates for 2022-23 with the cross-portfolio hearing on Indigenous matters, as listed on today's program.

Under standing order 26 the committee must take all evidence in public, and that includes questions on notice. I remind witnesses that in giving evidence to the committee they're protected by parliamentary privilege and that it is unlawful to threaten or disadvantage a witness on account of evidence given to a committee. Such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence. The Senate has endorsed the following test of relevance of questions at estimates hearings: any questions going to the operations or financial positions of departments and agencies which are seeking funds in 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. The Senate has 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 an officer to superior officers or to a minister. This resolution does not preclude questions asking for explanations of policies or factual questions about how policies were adopted. Witnesses are reminded of the Senate order 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 a specific indication of the harm to public interest that could result from its disclosure.

**National Indigenous Australians Agency
Indigenous Land and Sea Corporation**

[09:05]

CHAIR: Good morning, everybody. Now that I've finished that long introduction, I'd like to welcome the Honourable Malarndirri McCarthy, who is our Assistant Minister for Indigenous Australians and Assistant Minister for Indigenous Health. We also have Ms Jody Broun, the chief executive officer of the National Indigenous Australians Agency, and welcome Mr Joe Morrison and other officers of the Indigenous Land and Sea Corporation. Thank you for being here with us today. I acknowledge that it is Remembrance Day. We will break for morning tea, and we may need a slight adjustment to the morning tea return time for anyone who wants to attend the proceedings in the Great Hall. In that context it's important to acknowledge Indigenous diggers on Remembrance Day and their sacrifices as well. Minister, do you want to make an opening statement?

Senator McCarthy: I do, thank you. Firstly I would acknowledge too the Ngunawal and Ngambri peoples, on whose land we gather today. I'd like to also express, Chair, that it is an honour to be here before the Senate estimates committee in my capacity representing the Minister for Indigenous Australians. But also as an Yanyuwa Garrawa woman I'm enormously proud. I certainly acknowledge the First Nations senators at this committee—Senator Thorpe, Senator Jacinta Nampijinpa Price—and of course any fellow First Nations senators who do come in. I think that's quite significant. But I also recognise that this is an opportunity to advance the lives of First Nations people across Australia, and I acknowledge all senators in that. No doubt your questioning will be very thorough, but we are here to do our best to improve the lives of First Nations people. I especially acknowledge the First Nations diggers, along with those who fought for our country, and also those who fought in the frontier wars.

CHAIR: Thank you, Minister, and it's my pleasure and honour to chair these proceedings today. Ms Jody Broun, do you have an opening statement at all today?

Ms Broun: Not at this point, Chair.

CHAIR: Thank you very much. That being the case, I'll go to questions.

Senator NAMPIJINPA PRICE: Welcome, everyone. I just have some questions for ILSC about Redfern's National Centre of Indigenous Excellence, which was closed in August, when the land was divested back to ILSC. I have a question around the negotiations, which seem to have failed. Can you talk us through the time line of these negotiations and the efforts that were made to prevent the closure of the NCIE?

Mr Morrison: Thank you for that question, Senator. Just before I start, I too would like to acknowledge the traditional owners. The centre that you're referring to was in fact divested to the New South Wales Aboriginal Land Council. That is the land. There are two parts to the Redfern property. One is the actual property, which went to the New South Wales Aboriginal Land Council on 30 June of this year, and then the operating entity, called the NCIE or National Centre of Indigenous Excellence Limited, which was the operating and provisional services on site, unfortunately was not able to transfer over. But originally the ILSC purchased the property in 2006 and spent significant resources on upgrading that property over a period of time. The operating company, NCIE Limited, was established in 2008, and the divestment process was that the New South Wales Aboriginal Land Council expressed interest in taking ownership of the property.

The ILSC undertook some due diligence around that and, given the size and complexity of the property, including requirements for historical parts of the property to be maintained, it was deemed that the New South Wales Aboriginal Land Council was the only Indigenous-controlled entity able to take on the property. We started negotiations with the New South Wales land council and entered into a deed of divestment in May of last year to take on the property, and negotiations were afoot for some time. The New South Wales Aboriginal Land Council were proposing for the police citizens youth club to take ownership of operations of the services at the site. Unfortunately, those arrangements with the PCYC and the New South Wales land council fell apart. We weren't able to settle on the future of the operating entity with the New South Wales Aboriginal Land Council, and that led to the decision to cease operating that by the ILSC.

Senator NAMPIJINPA PRICE: Do you have a figure of the cost of the upgrades to the facility?

Mr Morrison: Yes, I do. Back in 2006 the property was purchased from the City of Sydney council for \$15.4 million, and a further \$32 million was spent on upgrading the property.

Senator NAMPIJINPA PRICE: Can you explain to me what efforts have been made to ensure the services were offered by the centre have been replaced by other service providers—wellbeing, health, sporting?

Mr Morrison: Since the closure and obviously the public reaction to the closure of the services, the ILSC has been working closely with the Redfern Aboriginal alliance and the metro land council on the future operations of that. We are at the moment preparing an expression of interest to go out for public response on the future of that operating entity.

Senator NAMPIJINPA PRICE: How long do you perceive that may take?

Mr Salmon: We're anticipating that we would go to expression of interest early in the year. We're just continuing to work with the community to make sure that the terms of the arrangement are broadly agreed by everybody before we proceed.

Senator NAMPIJINPA PRICE: In the view of the ILSC what do you think could have prevented this situation from breaking down as it did?

Mr Morrison: I guess this is the beauty of hindsight, Senator. There are lots of things that we could have done better. Obviously I think the timing of the transition of the property and also the negotiations around the services being provided were out of whack, and that led to a breakdown in the negotiations with the New South Wales land council about the operating entity. I think there are some lessons to be learnt around that and also the need to ensure greater clarity with some parts of the community about the future of that site. We did hope the New South Wales land council were going to conduct some community consultations. Unfortunately, some of those didn't occur.

Senator NAMPIJINPA PRICE: It has been reported that about 50 Indigenous people have lost their jobs as a result of the closure. Reports indicate that only one week of notice was given to staff regarding the decision to terminate their employment. What legal advice did the ILSC and the New South Wales Aboriginal Land Council receive prior to the termination of staff?

Mr Edmond: The process in relation to the winding-up of NCIE Limited was a matter undertaken with advice from both KPMG, who were engaged to assist in the transition, and Gilbert and Tobin, who we were using to assist in some of the issues, particularly around the winding-up of NCIE Limited. Specific employment advice was obtained at that time, and we acted in accordance with that advice.

Senator NAMPIJINPA PRICE: Okay. What support has been offered to this cohort to assist them to find new employment opportunities?

Mr Salmon: The HR element of the ILSC has been working closely with affected staff and has offered a variety of support—a package, in fact. Staff that finished up were offered termination payments, offered counselling services and offered career advice for a period—I'll have to check, but I think it was about three months—following the cessation of employment to assist them with finding new opportunities.

Senator NAMPIJINPA PRICE: Were any of the staff awarded any settlement or payout as a result of the closure?

Mr Salmon: Staff that finished up as a result of service closures were paid out their entitlements and also in some instances provided with termination payments. So I'd have to check the exact detail of that, but there were packages provided to affected staff.

Senator NAMPIJINPA PRICE: Did the ILSC seek any assistance from the Labor government to resolve the negotiations?

Mr Morrison: No, we did not.

Senator THORPE: Thank you for appearing today. I too would like to acknowledge that we're on stolen land, pay my respects to our warriors of the frontier wars and remember all of those fallen, not just some. My question is around the land-back scheme. Can you tell me how much land has been returned to traditional owners and where?

Mr Morrison: Senator, are you referring to the land acquisition function of the ILSC?

Senator THORPE: Yes, the returning and managing country program.

Mr Morrison: From the time the ILSC commenced—is that what you're after? Since the ILSC commenced there have been 284 acquisitions and 227 divestments, 44 properties are currently being held and there were 13 properties disposed. They are the total numbers of properties.

Senator THORPE: What more can be done to improve or maintain the economic viability of this program to be sure it can continue?

Mr Morrison: The ILSC's functions?

Senator THORPE: That land-back program.

Mr Morrison: When the ILSC commenced the negotiations that took place, that led to a number of things. The formula for the drawdown out of what was then known as the land account, which is now sitting within the future fund, was based on a figure of CPI values at the 2010 level, and effectively the market has increased quite dramatically since then. So in all honesty the ability for the ILSC to purchase property in current market conditions is constrained by the level of drawdown we have from our account. Just to be straight with that question, I think the biggest issue we face is the quantum of money we are able to draw down out of the account to acquire properties.

Senator THORPE: Can you tell us what some of the challenges might be that need to be overcome with regard to that program?

Mr Morrison: With regard to the program, coming back to the question of the legislation, the Aboriginal and Torres Strait Islander Act—there are number of other portfolio bodies that sit in there; namely, Indigenous Business Australia and the Torres Strait Regional Authority—there have been discussions amongst us as entities around potential changes to the legislation. That hasn't been finalised yet, but that is something that we have on our work plan for the next year or so.

Senator THORPE: We've heard some stories about traditional owners having to fundraise to purchase their land back. What can the ILSC do to ensure communities are able to access this program and are not left pooling their money and fundraising to purchase their own land back, which was stolen?

Mr Morrison: I'm unaware of any propositions that have been put to the ILSC where people have suggested that they have been able to raise their own capital to purchase property against anything that the ILSC has done. We could take that question on notice, if there's a particular example, and can come back to the Senate, if that's okay.

Senator THORPE: That'd be great, thank you. How is the ILSC partnering with First Nations small and medium businesses in caring for country, land and water management practices?

Mr Morrison: The ILSC at the moment has a policy of being driven by the expectations of Indigenous people. That means effectively that we respond to Indigenous people who want to access funding either for the acquisition of property or for the management of projects as well on those properties. So it's typically what we called demand driven, and we work with those stakeholders or those Indigenous groups to put effect to those management projects. Typically there are a number of other funding sources for many of those projects as well, and the ILSC is just one part of others that are throwing money in the hat towards those projects.

Senator THORPE: Last question, how are these businesses engaged so that they actually are aware of opportunities that may arise from within not just ILSC programs but also other government programs, such as the Queensland renewable energy target?

Mr Morrison: One of the things that we've recently undertaken across the country has been a requirement of our legislation to table what's called the National Indigenous Land and Sea Strategy every three to five years. We've just done a national consultation. We visited 43 locations. We had a number of specific round tables around the country, and several hundred Indigenous people attended those consultations. That was designed to ensure that the ILSC policy is meeting the aspirations of traditional owners around the country, and it is through those means that we hear about the kinds of opportunities Indigenous people have but also some of the challenges that they face from both a governance point of view and from others. So that's something we hope to table through the minister in federal parliament in the second quarter of next year, and that is our primary means by which we determine how the ILSC funds projects and acquires property going forward.

Senator NAMPIJINPA PRICE: Mr Morrison, in your position as chief executive officer, I just want to understand where your office is based.

Mr Morrison: The head office for the ILSC is based in Adelaide, and there are two other divisional offices: one in Perth; and one in Brisbane, which looks after the eastern division.

Senator NAMPIJINPA PRICE: And where's your place of residence?

Mr Morrison: I live in Victoria.

Senator NAMPIJINPA PRICE: In your position do you have a particular travel budget?

Mr Morrison: Yes.

Senator NAMPIJINPA PRICE: Can you indicate to me what your travel budget is?

Mr Morrison: I'll have to take that on notice and come back to you.

Senator LIDDLE: We saw in the most recent government budget an increase on the previous investment in the Indigenous ranger program. What is the ILSC's involvement in ensuring that the land and waters for which you have a level of accountability and responsibility benefit from that, and what is your role in making sure that we don't see a program that just has people walking around country; that we actually have people in administrative roles that can eventually come on and move across, hopefully one day even into roles within the ILSC?

Mr Morrison: That's a very good question. I might say a few things and then hand to Matt. The ILSC does have a program called the Real Jobs Program that is funded through government appropriations. It's an historical program from the winding-up of the CDEP, and that, along with other management projects, contributes greatly to employment not just with ranger programs on Indigenous country around the country but also in enterprises within the ILSC group both within the tourism and agricultural sectors and also previously some at the NCIE in Redfern. The ILSC through its management projects has a number of outcomes that we measure and report to parliament on around Indigenous employment as well, but I might turn to Matt to answer that in a bit more detail.

Mr Salmon: I just have two things, really. The Real Jobs Program is our primary contributor to ranger programs or caring-for-country activities. We fund 130 full-time equivalents—I think 74 of those belong to the ranger program—for a total of about 240 jobs across the year, so we contribute there. Part of that work includes the training of rangers to take supervisory and management positions, and I know two of the three groups in the Northern Territory that we fund are run by local Aboriginal people. The other two major contributions we make are through the acquisition program, and we have purchased a number of headquarters for those groups to operate from. The other significant contribution is in relation to our land management program, which often targets the sorts of activities you're asking about.

Senator LIDDLE: I just want to get some clarity around the Real Jobs Program versus the ranger program. They're two completely separate programs—and did you get an increase in your program?

Mr Salmon: We got a minor increase in our program. Historically the ranger program has been funded by two streams—first by NIAA, which is the major contributor—and at the time of its invention an appropriation was given to the ILSC to fund a parallel ranger program. So we've had a small increase in that this year—I think close to 10 million; I can give you the exact figure—to fund those activities.

CHAIR: I believe those are all the questions we have for you this morning. Thank you very much for the work that you do and your attendance today. We'll see you again next year.

Aboriginal Hostels Limited

[09:27]

CHAIR: We now have Aboriginal Hostels Limited. I welcome Mr Chalmers, the chief executive officer, and officers of Aboriginal Hostels Limited. Would you like to make an opening statement?

Mr Chalmers: No, thank you.

CHAIR: We'll go straight to questions, then.

Senator LIDDLE: In the interests of transparency and disclosure, I will advise that I once sat on the board of Aboriginal Hostels Limited. Mr Chalmers, I just want to ask, the October 2022-23 budget shows a small fall in annual appropriations for AHL of around \$400,000; what's the reason for that cut?

Mr Chalmers: Our annual appropriation is indexed and also is subject to the efficiency dividend, so year on year it has actually fallen slightly each year—so, over the last 10 years, by about \$2.7 million.

Senator LIDDLE: How do you then account for a drop, regardless of the reason that you've just given, when we've got increasing cost-of-living issues and your role is actually delivering to customers who come in for a bed and food?

Mr Chalmers: We need to live within our means. Costs, as you say, go up. We do what we can to increase revenue, but there is considerable pressure on the network because of that.

Senator LIDDLE: Your annual report indicates an occupancy rate of 72.5 per cent in 2021-22. How does that compare with the previous year?

Mr Chalmers: I'd have to take on notice exactly what the previous year was, but it was about that figure. Our KPI is 70 per cent, and we've exceeded 70 per cent in the recent past.

Senator LIDDLE: While we're here, have you got somebody who can have a look at your last annual report?

Mr Chalmers: Mr Harvey may have the figure.

Mr Harvey: I'm having a quick look. I think it was 67 per cent, but we'll just have to take that on notice. We're tracking a little higher the first quarter of this financial year. We're currently tracking at 76 per cent, which is a 10 per cent increase on the previous year.

Senator LIDDLE: And that's seasonally adjusted?

Mr Harvey: No, that's—

Senator LIDDLE: So when you say that's a 10 per cent increase—

Mr Harvey: actual percentage numbers.

Senator LIDDLE: It was reported in October that the Kununurra hostel, which was opened to allow students to attend secondary school, has closed due to new enrolments. I know from my time that there was a lot of work done in increasing enrolments at Kununurra. What's happened?

Mr Chalmers: The hostel, as you know, was built in 2010 at a cost of \$11.7 million. It's a 40-bed hostel. It was designed to provide accommodation for students in the remote area around Kununurra to attend the school. From the very beginning of its opening, it was problematic to get enrolments, and in fact our 2010-11 annual report records the difficulty in getting enrolments. As you have indicated, a lot of work was done in engagement with communities and with local Aboriginal organisations to try and increase the attendance, but it's fallen away. I think COVID really destroyed our attempts to get enrolments in the hostels. It fell to only a single student, and at that point we had to close the hostel.

Senator LIDDLE: You're saying you had one student at the hostel?

Mr Chalmers: That's correct.

Senator LIDDLE: Did the consultation that you did involve going back to those parents and asking if there was potential for them to return? What did you do? Or was this a financial decision?

Mr Chalmers: It was a financial decision in the sense that we couldn't afford to run the hostel for a single student. But we did a wide consultation with the local community, particularly in June 2021, where we were really trying to keep the hostel open. Mr Harvey can list where we went. We essentially went to communities to talk to parents and to talk to schools to see if we could increase our enrolments.

Senator LIDDLE: Are you able to provide stats that show that decline in enrolment over the past 10 years at that particular hostel?

Mr Chalmers: Yes, we could, on notice.

Senator LIDDLE: Thank you.

CHAIR: Are other senators seeking the call? Senator Thorpe.

Senator THORPE: Thank you for appearing today, Hostels. In the last budget there was \$30.5 million in staff services. How many staff do you employ and how many of these are First Nations?

Mr Chalmers: We have about 323 staff. The number varies a bit because we have casual staff and non-ongoing as well as ongoing staff. Just short of 50 per cent of our staff are First Nations people.

Senator THORPE: Thank you. How many rooms does Aboriginal Hostels oversee?

Mr Chalmers: I'd have to take it on notice to get the exact number, but our total number of rooms is about 1,700.

Senator THORPE: How many properties has Hostels bought and sold in the last two financial years?

Mr Chalmers: We haven't bought any new properties. I'm not sure whether it was within the last two years, but we've sold at least one property.

Senator THORPE: And what was the revenue from this, and where have these funds gone?

Mr Chalmers: I'd have to take on notice the exact revenue from sales, but that money goes into the Hostels accounts for use in procuring new hostels and in providing services where need has changed or existed.

Senator THORPE: Thank you. Does Aboriginal Hostels offer vacant rooms to First Nations people who are sleeping rough?

Mr Chalmers: A great number of our residents are homeless people who are sleeping rough.

Senator THORPE: What was the occupancy level for the last two financial years?

Mr Chalmers: Mr Harvey, have you got those numbers?

Mr Harvey: Yes: 2021 was 70 per cent, and the previous year, I understood, was around 70 per cent as well. Apologies: I haven't got that. This year we're tracking at 76 per cent occupancy.

Senator THORPE: Thank you. Given the current state of housing for our people and the fact that Aboriginal people in their own country are homeless—go figure!—how do you think your outcomes and operations could change to raise the target and ensure that it's met?

Mr Chalmers: Thank you for that question. We're resource constrained. Clearly, if we had greater resources, we'd be able to do more. We accommodate about a thousand people every night. As I said, many of those are homeless people. There are also people who are awaiting housing and people who have medical problems, particularly renal. They're a large number of our residents. We are always looking to try and meet 100 per cent occupancy if we can. It's not possible, because we sell beds, not rooms, and the make-up of people and the cultural needs of people mean that we can't necessarily fill all of our rooms and all of our beds. So we look and work hard to get as many people as we can offered a bed. Our tariff is affordable. That's important: we make sure that we keep our tariffs low and that people are able to afford to stay with us.

Senator THORPE: Thank you. I'd like to ask about the Tony Mundine Hostel in Leichhardt, Sydney.. Can you tell me about the condition of the buildings and the services you provide there?

Mr Chalmers: Tony Mundine is 40 years old or thereabouts. It's in reasonably good condition. It's now a multipurpose hostel. It was a tertiary education hostel, but occupancy was low, so we've opened it up to become a multipurpose hostel. It provides single-room beds because of the nature of the hostel being originally tertiary. We also provide three meals a day for people there.

Senator THORPE: Thank you. Do you have any intention to upgrade the facility?

Mr Chalmers: We spend around \$4 million a year on our hostel network, doing repairs, maintenance and upgrades. We're always ensuring that we keep our hostels at a standard.

Senator THORPE: I've heard from mob who are really concerned about the condition of the buildings and living standards, with cuts to funding meaning poor living standards and substandard food provided in this particular place. Are you aware of this?

Mr Chalmers: I'm aware of the complaint you received. I would not say that the food is substandard. We have to work to a budget, so we provide three meals on about \$9.50 a day, depending. Clearly we provide healthy, nutritious meals, but they are meals at a budget; we're not serving eye fillet steak every night to people. The rooms themselves are in good condition. If they weren't in good condition, we would be spending money to make sure that they are in good condition.

Senator THORPE: Is there asbestos in the buildings?

Mr Chalmers: Yes, most of our buildings have asbestos-containing-material in them. We have management plans for that asbestos. There's no friable asbestos in Tony Mundine, so the asbestos that's in the building is within the standards for managing asbestos.

Mr Harvey: The other thing I'd add is that we've recently painted inside that building, so it's looking very good. We've put new furniture into the building, in both the dining rooms and the lounge areas. We have a very small lounge area. We are also looking to improve the areas outside the hostel. But, as Mr Chalmers said, it was a tertiary hostel with only small areas, which we've converted to multipurpose. On a number of visits that I've had there, it is looking in very, very good condition. As I said, we've painted it. We've put new furniture in it. The rooms are in good condition, and, as Mr Chalmers says, we provide three meals a day.

Senator THORPE: We're hearing from First Nations people who've stayed there and eaten there that there are problems in terms of food and asbestos. Will you look into that? And would you stay there yourself and eat and sleep there?

Mr Chalmers: Well, absolutely I would stay there, but I'm not a First Nations person, and we only allow First Nations persons, or spouses if they're non-Indigenous, to stay. I'd be quite comfortable staying in the hostel there. I'd be quite comfortable eating there. I have eaten in our hostels.

Senator THORPE: Maybe you could try it for a week.

Mr Chalmers: I'd be quite happy to. I'm proud of the service that we offer. I would say that you've received one person who's made a complaint. On the other hand, we do a survey of our residents to see if there's satisfaction, and 84 per cent of our residents say our hostel standard is either excellent or very good. We only have two per cent of residents who are dissatisfied. I will say also that food is often a complaint. As I say, we have to work to a budget. We have \$9.50 a day to feed three meals, and that's difficult to do. But our food is—I'd stand by it—nutritious and healthy, and we work hard to make sure it is.

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

CHAIR: I think Senator Liddle has a question.

Mr Chalmers: Sorry, Chair, I'll just answer an earlier question. From our annual reports for the last two years, occupancy in 2021-22 was 72.5 per cent, and occupancy in 2020-21 was 70 per cent.

Senator LIDDLE: Having just returned from a week in Alice Springs, and seeing the appalling rise in crime and antisocial behaviour, I just want to ask a question about what has been, for years, your flagship hostel in Alice Springs. What's happening with the Alice Springs hostel? I'm interested in this because a lot of people who live in remote areas in South Australia go into Alice Springs and use hostel services.

Mr Chalmers: We have five hostels in Alice Springs. Our visitor park is probably our largest and flagship hostel.

Senator LIDDLE: I'm less interested in the ones that relate to medical or education.

Mr Chalmers: I'll ask Mr Harvey to respond.

Mr Harvey: As Mr Chalmers says, we have five hostels in Alice Springs, and three of those are medical. There's Alyerre, which is a 40-bed hostel with an occupancy of 84 per cent. Topsy Smith, which is renal as well—

Senator LIDDLE: But they're all medical. I'm just interested in the non-medical ones.

Mr Harvey: The non-medical ones—there are two: Ayiparinya, which is a 94-bed hostel with 84 per cent occupancy; and Apmere Mwerre Visitors Park, which is an 84-bed hostel with 85 per cent occupancy. I would say—Mr Chalmers said this earlier—in terms of achieving high occupancy, we have single-cabin rooms with two bedrooms and four beds, and at times it can be challenging to fill all of those rooms. But having occupancy at 84 and 85 per cent is very good. We're constantly managing residents that are coming in from country to stay in Alice Springs. Alice Springs has five hostels and 298 beds. Alice Springs is, for us—as is the whole of the NT—a very important part of our infrastructure.

Senator LIDDLE: Can you just clarify for me the difference between beds and occupancy?

Mr Harvey: Beds is the number of beds we have; occupancy is the number of residents that we have occupying those beds. For example, in regard to Alyerre, we have 94 beds and as at the 30th we had 75 residents. Year-to-date occupancy, as at 30 September, was 84 per cent. So again, very simply, we have residents, we have beds, and when we count the number of residents we get an occupancy figure.

Senator LIDDLE: Thank you.

CHAIR: Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: I just want to understand what sorts of provisions may have been made for residents fleeing violence from communities such as Wadeye following what they've been experiencing up there. I'm also aware that there has been violence in a number of Central Australian communities as well and that there are members of those communities who have fled. What sorts of provisions have been made by Aboriginal Hostels?

Mr Chalmers: I think it's important to understand that we don't provide wraparound services. We provide short-term accommodation, a bed and three meals. Having said that, unfortunately the need is there and people often have nowhere else to go but to a hostel. We certainly don't turn people away. We have one MOU for the provision of domestic violence residence. Essentially, we just try and ensure that each hostel is as secure as we can make it. They're not prisons, obviously, but we don't allow visitors into the hostels. We try and keep our residents as safe as we possibly can.

Senator NAMPIJINPA PRICE: Has the Territory government engaged with you on any of these sorts of matters?

Mr Harvey: Yes, they have. We have very good working relations with the NT government, particularly in regard to homelessness. In recent times, the NT government have called out to our hostels and other hostels to make them aware, on a weekly basis, of the number of beds that we have and that we can have available. We provide all of that information to the NT government, and they provide that on to community organisations. We have very good relationships with community organisations in each of our locations. They're very well aware of our services. But, particularly given the issues that you raise, the NT government is putting a lot of emphasis on it. Also, we work very closely with the NIAA, the National Indigenous Australians Agency, and their regional offices to engage as well. So what agencies are trying to do is to coordinate that response and be incredibly responsive to the demands of homelessness.

We're also aware of the opportunities to look at how we can increase our facilities. Again, that would depend on what governments want to do in terms of expanding capacity. But it works quite well in terms of relationships, particularly between community organisations and government agencies, to communicate what's available and to work together.

Senator NAMPIJINPA PRICE: You mentioned wraparound services. What other wraparound services are you suggesting support this particular space?

Mr Harvey: There are wraparound services provided by community organisations, which we're in touch with. What Mr Chalmers was saying was that we don't do that but we engage with Aboriginal community organisations and medical organisations so, if a resident has a particular issue, that issue is taken up. We will also have residents referred to us by community organisations.

Senator NAMPIJINPA PRICE: That includes emergency accommodation, I'm assuming, as well.

Mr Harvey: Yes, it does.

Senator NAMPIJINPA PRICE: Could you, on notice, provide that list of who Aboriginal Hostels engages with in terms of those services.

Mr Harvey: Sure.

Senator NAMPIJINPA PRICE: Thank you.

CHAIR: I don't believe we have any more questions for you this morning. Thank you very much for your attendance. We'll welcome you back very soon.

Central Land Council

[09:50]

CHAIR: I now welcome the Central Land Council by videoconference. Do you wish to make an opening statement?

Mr Cairney: Yes, we do.

Ms McCarthy: Yes, we do.

CHAIR: Please go ahead.

Ms McCarthy: The Central Land Council, or CLC, was established at a meeting of Aboriginal communities in Central Australia in 1975, and its functions were formalised when the Aboriginal Land Rights (Northern Territory) Act, or ALRA, was legislated in 1976. The CLC's statutory functions are determined by the Aboriginal Land Rights Act. The CLC is also a native title representative body, or NTRB, under the Native Title Act.

For over 45 years the Central Land Council has represented Aboriginal people in Central Australia on a wide range of land based and sociopolitical issues. The CLC ensures Aboriginal land ownership and interests are protected and enhanced, Aboriginal people's rights and interests are protected and represented, and Aboriginal people's sacred sites are protected.

CHAIR: Because we're short on time, if you don't mind—you've very graciously given us your opening statement. I think it would be more efficient for the committee to maximise our time in discussion, given that your statement is a good page to scan. We will still have an opportunity to engage in what you've said. Are you okay if we go straight to questions?

Ms McCarthy: Yes.

CHAIR: Thank you very much. Senator Nampijinpa Price is seeking the call.

Senator NAMPIJINPA PRICE: It's unfortunate that we don't have Mr Turner or Mr Hoosan with us today, but I thank you for representing the Central Land Council. Can you please outline how many section 19 lease applications you currently have expressions of interest for and are being processed at the moment?

Mr Cairney: Excuse us for one minute.

Ms McCarthy: Thank you for your question. Can we take that question on notice?

Senator NAMPIJINPA PRICE: No problem. You might need to take this one on notice too. How many of the section 19 leases in the last two years have been issued for economic development purposes?

Mr Cairney: We will have to take that on notice.

Senator NAMPIJINPA PRICE: You might have to take this one on notice as well. How many programs do you have that are Indigenous women specific programs within the Central Land Council?

Ms McCarthy: We have our women's engagement program within the land management section. That engagement program is purely focused on the women rangers and increasing the number of women rangers in the ranger program.

Senator NAMPIJINPA PRICE: Is that the only program you have?

Ms McCarthy: Yes.

Senator NAMPIJINPA PRICE: How many section 19 leases do you have for economic development purposes from Indigenous women?

Ms McCarthy: We will have to take that on notice as well.

Senator NAMPIJINPA PRICE: Generally, what is the application process time from when a section 19 lease is applied for, processed and approved?

Mr Cairney: It depends upon the negotiations that carry forward once the application is made. I think it's best that we take that on notice as well and come back to you.

Senator NAMPIJINPA PRICE: What is the average time? Years, months?

Mr Cairney: It can be, yes; it can go months, years.

Senator NAMPIJINPA PRICE: Years?

Mr Cairney: Please, let us come back to you.

Senator NAMPIJINPA PRICE: Are the meetings with traditional owners to discuss section 19 leases minuted?

Ms McCarthy: Yes, they are minuted. A report is also provided following the meeting.

Senator NAMPIJINPA PRICE: Is that report available to traditional owners?

Ms McCarthy: The traditional owners that are in attendance at the meeting can have a look at that report.

Senator NAMPIJINPA PRICE: In negotiations with traditional owners who have been told that they are no longer traditional owners for a particular area—because this often occurs, in my understanding—in terms of their correspondence and their meetings with the land councils to re-establish their status as traditional owners, are these meetings minuted?

Mr Cairney: Those meetings with the anthropologists—I would expect that the anthropologists do take notes of the meeting.

Senator NAMPIJINPA PRICE: Are those notes kept on record?

Mr Cairney: They would be kept with the anthropologists, I would suggest.

Senator NAMPIJINPA PRICE: Can traditional owners access the minutes of those meetings?

Mr Cairney: Without asking, I can't answer that question.

Senator NAMPIJINPA PRICE: It's my understanding from engagement with traditional owners that they are usually unable to access meeting minutes and that they are told that meeting minutes don't exist and/or are lost or no longer available. Is there a process for maintaining records with the Central Land Council and a process for traditional owners to access those records?

Mr Cairney: We have a central repository for all our records. Some are culturally sensitive and available only to certain people who have the right to see that information. People can put in an application to see that. To your question regarding if the records are lost or there are no minutes or you can't see them, please let us come back to you on that.

Senator NAMPIJINPA PRICE: I'd be very interested in that. Traditional owners who want to have access to those minutes from the meetings, I'm told, are very frustrated by the fact that they often feel like they're left in the dark and that decisions are made on behalf of them by anthropologists. Can you tell me roughly: over the last two years, what has been your turnover of staff in terms of anthropologists?

Mr Cairney: We have a turnover of about 30 per cent per annum across the organisation due to the location of our works. As for the anthropologists, I can't answer that one specifically.

CHAIR: Senators, I might just flag that we are going to run over time with the Central Land Council. Senator Liddle and Senator Thorpe also have questions. Can I get an indication from senators of how much—

Senator NAMPIJINPA PRICE: I just have a couple more, and then I'll hand over.

CHAIR: Okay. How many questions do you think you might have, Senator Thorpe?

Senator THORPE: I have about five.

CHAIR: Okay. We might be running 15 minutes late at the end of this bracket. I just wanted to flag that with you. Please continue, Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: In terms of royalties meetings that are held out on communities, is safety taken into consideration? I note that meetings are sometimes held 10 kilometres outside of a community, in the bush. We know that there can be aggressive individuals present at these meetings, and sometimes violence does

occur. Is safety a priority for the Central Land Council, and what measures does the land council take to ensure safety at these meetings?

Mr Cairney: Safety is always our concern, both for our constituents and for our staff. The people running the meetings always check with community before they come. In some instances, they may have to check with the local constabulary about having the meeting. If the meeting becomes disruptive and the staff feel threatened, the meeting comes to a close and our staff leave.

Senator NAMPIJINPA PRICE: What if those present feel threatened? Is that taken into consideration? I note this because I was present at a meeting a number of years ago where an elderly woman was punched. There was no police presence at the meeting, despite a request being put in place for police presence, and the meeting continued despite this act of violence. Would you agree that perhaps the Central Land Council needs to do more in terms of creating safety and ensuring that violence does not take place at these meetings?

Mr Cairney: We don't condone that. I can't relate to that incident. We don't have a police presence unless it's requested. We would stop a meeting if there were any act of violence, and the perpetrator would be asked to leave. If that didn't happen, the meeting would come to an end.

Senator NAMPIJINPA PRICE: Does the Central Land Council take into consideration issues like holding royalties meetings, perhaps, during school holidays so that school attendance rates aren't affected in communities, when attendees arrive from other communities and bring their children with them? Is this a consideration of the Central Land Council?

Mr Cairney: Yes, it is. It's a priority. We have many, many meetings to hold in a short period of time. However, most are held around school holidays, and the constituents and those present are forewarned that children shouldn't attend the meetings.

Senator NAMPIJINPA PRICE: Is it a priority to put meetings during school holidays for this fact?

Mr Cairney: Yes, ma'am.

Senator NAMPIJINPA PRICE: Are royalties payments taxed?

Mr Cairney: No, they're not.

Senator NAMPIJINPA PRICE: Can individual recipients receive up to, say, \$60,000 at any given time through a royalties payment?

Mr Cairney: That could happen.

Senator NAMPIJINPA PRICE: And might that recipient also be a recipient of welfare payments?

Mr Cairney: I don't know the individual's particular financial wellbeing, but, yes, that can happen.

Senator NAMPIJINPA PRICE: Okay. So royalties payments aren't taxed, contrary to when the former member for Lingiari, Warren Snowdon, told the ABC a couple of years ago that it was taxed. That's good to confirm. That's all from me. I'll pass it on to one of my colleagues.

CHAIR: Senator Liddle.

Senator LIDDLE: I just want a point of clarification and a response. You mentioned that the minutes of section 19 meetings—which are land use agreements, which are about people negotiating for future arrangements and considering future arrangements on traditional lands that are belonging to people, not individuals. It was mentioned that the people who were at the meeting can have access to those minutes, rather than people who may be entitled because they are traditional owners with an interest in the minutes of those meetings and may not have been able to attend. Is there anything to prevent you from providing those minutes, in the interests of transparency and accountability, to all of those traditional owners in a way that makes sure that they have access to information about land in which they have an interest?

Ms McCarthy: In relation to access to the minutes of meetings, we'll have to take that one on notice. But we understand that those that are at the meeting are also involved in making those decisions about the issue.

Senator LIDDLE: I look forward to seeing—

Ms McCarthy: They also know that—

Senator LIDDLE: I'm talking more about how they might be at that meeting, but they're making a decision for a collective group of people. I want to understand, in the interests of transparency and accountability, why those minutes would not be available or could not be made available to all of those traditional owners with an interest in those discussions at that meeting? Thank you.

Ms McCarthy: Thank you, Senator. I'll have to take your question on notice.

Senator LIDDLE: Thank you; that's fine. You mentioned that the CLC and the NLC came into play after the 1975 land rights act. That's nearly 50 years ago. Can you tell me how you ensure that the voice of people in communities is actually heard as part of your process?

Ms McCarthy: We do have a 90-member council elected from members within the community, and we also have members elected from recognised or larger entities, which may cover a larger group of people—for example, a native title representative body or a local organisation. It's those individuals that also have engagement with their bodies or their communities. That's on our council. Sorry, could you repeat your question?

Senator LIDDLE: I wanted to understand what the process is, given you've been going for some nearly 50 years, for ensuring that people in remote communities and people who are traditional owners in those communities—whether that be under the Native Title Act or traditional owners associated with the various land rights acts—are given voice in those discussions?

Ms McCarthy: If there is a particular issue within a community or a particular issue that relates to a region, the CLC does consult with communities and traditional owners, and if there is a particular activity then we're also required to consult with affected community members.

Senator LIDDLE: This relates to agreements, disputes, arbitration and conciliation. How does that work?

Ms McCarthy: That's correct. I'm going to have to take your question about process on notice, though.

Senator LIDDLE: Okay. Thank you. You can also take this one on notice: I'm assuming you keep statistics of employment and any benefits that are the result of either agreements for development or mining or resource agreements struck with traditional owners. I'm assuming you keep track of how many people are actually benefiting from those agreements. Do you do that, or do you rely on statistics of a different agency? And can you provide them?

Mr Cairney: We'll take that question on notice if we may, Senator.

Senator LIDDLE: Thank you.

CHAIR: Senator Thorpe.

Senator THORPE: Thank you, Chair. I want to ask about Undoolya Station. Whose traditional lands does the station cover?

Mr Cairney: That's a question we must take on notice, Senator.

Senator LIDDLE: It's the Arrernte people.

Senator THORPE: They're taking it on notice, thank you. Were there parts of the station that were considered in the native title claim?

Mr Cairney: Again, we in this room can't answer that question.

Ms McCarthy: We'll take that on notice, but thank you for your question.

Senator THORPE: Did the CLC sign any leases to extend the pastoral leases on this station?

Mr Cairney: Again, we'll take that on notice.

Senator THORPE: It makes it very difficult when everything gets put on notice. May I remind everybody who's listening and watching that we have three Blak senators wanting to ask questions of programs and departments on how they're dealing with our people in this country, and we're given 20-minute time slots for each program, which makes it very difficult to get the answers that we want.

CHAIR: Senator Thorpe, that is not the fault of the Central Land Council in terms of the amount of time we have available.

Senator THORPE: I realise that, but it just makes it difficult.

Senator NAMPIJINPA PRICE: Perhaps the CEO and the chair can attend. They might have the answers next time.

CHAIR: Are any of these questions within your general knowledge? I know it is the rules of the Senate that you can refer these matters to other officers, but of course we understand they're not in attendance today.

Senator THORPE: I'll just finish up, thank you. Do you know if traditional owners were actually consulted about the pastoral leases? I guess not.

Mr Cairney: Senator, that particular part of our organisation is not part of Ms McCarthy's remit or my remit, so that's the reason we have to take these questions on notice: so we can give you an answer.

Senator THORPE: Are you aware of any commitment to hand back any land of this station to the Antulya tribe after their 100-year lease ran out?

Mr Cairney: No, Senator, we can't answer any questions on that particular subject for you.

Senator THORPE: Okay. I have one more question. This is in regard to the Warlpiri cultural authority in Yuendumu. I want to ask about the money that was put aside for the Warlpiri project in Yuendumu. Will you have any role in this project?

Mr Cairney: Sorry, Senator, can you clarify the project? There are a number of projects that we assist communities with.

Senator THORPE: Yes, sure. There was \$0.5 million in the 2022-23 budget for the Warlpiri project in Yuendumu from PM&C. So we just want to know, given it's quite a bit of money, what your role is in this project and also any information about who will manage the project and what the breakdown of funding is. But if you're not aware of the project then I guess you'll have to take that on notice.

Mr Cairney: Thank you, Senator.

Senator NAMPIJINPA PRICE: I have a couple of quick follow-ups.

CHAIR: Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: Thank you. I just wanted to ask the land council whether you have an official position to maintain political impartiality.

Mr Cairney: Yes, we have.

Senator NAMPIJINPA PRICE: That's interesting. Why, then, does the land council actively campaign for Labor at every federal and Territory election?

Mr Cairney: Do we? I'm not aware of such.

Senator NAMPIJINPA PRICE: If you can take that on notice for me—

Mr Cairney: Thank you.

Senator NAMPIJINPA PRICE: Also, does the Central Land Council support the voice?

Mr Cairney: Yes, we do.

Senator NAMPIJINPA PRICE: Can you explain to me what the voice is?

CHAIR: I don't necessarily think that's a fair—

Senator NAMPIJINPA PRICE: No, I'd like to understand what they support.

CHAIR: Well, Senator Nampijinpa Price, the government is putting forward the model for the voice in consultation with First Nations peoples.

Senator NAMPIJINPA PRICE: And I'd like to understand what the Central Land Council understands of it, to support it already. They support it.

Senator McGRATH: I'd like to hear from the witnesses.

Senator NAMPIJINPA PRICE: And they're apolitical.

CHAIR: Well, the Central Land Council, I understand—

Senator McGRATH: Senator Pratt, the question's been put to the witness. I'd like to hear from the witness, not you.

CHAIR: Let's be clear. You have the General Manager of the Central Land Council, who may or may not see fit to express views on matters of policy on behalf of the land council. So please answer as you wish.

Mr Cairney: Senator, there was a resolution at the August—sorry, the September joint land council meeting with the four—

Ms McCarthy: It was August.

Mr Cairney: August—sorry. I thought it was September, but it's August, actually. It was a meeting of the joint land councils of the Northern Territory on 25 August. The executive committee of the Northern Land Council support the implementation of the Uluru Statement from the Heart in full and changing the Australian Constitution to enshrine a voice to parliament within this term of government, and that was accepted by the meeting of the joint executives.

Senator NAMPIJINPA PRICE: What was the consultation process with regard to the meeting with the joint executives?

Mr Cairney: Consultation in what manner?

Senator NAMPIJINPA PRICE: To reach that resolution.

Mr Cairney: I'm not part of the executive committee. I do not know what went on at the meeting before they passed that resolution. I'm sorry.

Senator NAMPIJINPA PRICE: Does the executive know what the voice is?

Mr Cairney: I would certainly hope so. I would believe they do, yes. They passed the resolution.

Senator NAMPIJINPA PRICE: I would hope so too. The rest of the country don't seem to know what the voice is, but the executive must know.

CHAIR: I think they do. Of course they know. Anyway, I can't interject from the chair.

Senator NAMPIJINPA PRICE: And the land council doesn't campaign on behalf of Labor? Okay.

CHAIR: Senator McGrath.

Senator McGRATH: Just to clarify, where are the CEO and the chair today? Why can't they be here in front of this very important committee that is dealing with cross-portfolio issues concerning Indigenous affairs? Considering the role that the Central Land Council play in the Territory, where are those two people?

Mr Cairney: The CEO had a preplanned holiday, which took him away from the Northern Territory, and he's somewhat incommunicado at the moment. The chair has been travelling around community and is not in Alice Springs at the moment.

Senator McGRATH: You're appearing remotely, and I understand this would have been in your diaries for some time. Is there a reason why, for example, the CEO—who I think you said is on holiday—could not appear via Teams or remotely? Are they also out of mobile phone reception? It seems strange; that's all. It's almost like they're avoiding appearing before this committee.

Mr Cairney: They appeared in April. The latest we received was only a few weeks ago, I think. It wasn't that long ago that we received notice of our attendance.

Senator McGRATH: I'd like to put on notice that, at the next estimates where we do discuss cross-portfolio issues, we do expect both the chair and the CEO to make themselves available, because it is unusual.

CHAIR: Senator Liddle?

Senator LIDDLE: No, thank you. I just concur with that.

CHAIR: Thank you to the Central Land Council for your attendance today. We look forward to seeing you again in the new year at future estimates. I am sure the secretariat will try and give you as much notice as possible, once we all have notice of our sitting calendar.

Senator McGRATH: Chair, just on that: do you know when we will know?

CHAIR: I wish!

Northern Land Council

[10:22]

CHAIR: I welcome Mr Joe Martin-Jard, the chief executive officer, and other officers of the Northern Land Council. I'm hoping that there's no need for you to make an opening statement and that, if you do have one, you're able to table it, because we're already running a little behind. But, if there is anything briefly that you want to put on the record, let us know. Do you have an opening statement, Mr Martin-Jard?

Mr Martin-Jard: I had a long one, but I'll keep it short. On behalf of our chairman, Samuel Bush-Blanasi, I would like to start by congratulating Senator McCarthy on her appointments as Assistant Minister for Indigenous Health and Assistant Minister for Indigenous Australians, Minister Burney on her appointment as Minister for Indigenous Australians, and Senator Dodson on his appointment as Special Envoy for Reconciliation and Implementation of the Uluru Statement from the Heart. I also extend a special congratulations to the other Indigenous senators and members of parliament who were either elected for the first time or re-elected in the federal election earlier this year.

One more thing: I would like to acknowledge the NLC chair, Samuel Bush-Blanasi, as the 2023 Northern Territory Australian of the Year. Next year in April the chair will also receive an honorary doctorate from Charles Darwin University.

CHAIR: Thank you for keeping that short; it's always good, when you do these things remotely, to have a bit of a warm-up, in any case.

Senator LIDDLE: Thank you so much for making sure that both the CEO and the Principal Legal Officer are available to talk to us, given the significant responsibility these two organisations have for ensuring Aboriginal people's rights in the Northern Territory, both protected and enabled. What is the process you have for ensuring the voices of traditional owners at every level within your jurisdiction are actually heard?

Mr Martin-Jard: I'll give you an overview and then ask the PLO to comment. We've got the statutory responsibilities that you know of. We've been very active since the COVID travel restrictions have been lifted. We conduct hundreds of meetings on country, and those meetings are attended by thousands of traditional owners. We take it very seriously. We are very active in that area.

Mr Gomez: I think the CEO has covered that off well in terms of an overview. The only thing I'd add is that it varies depending on the proposal being put to us, and where the interests of affected traditional owners and native title holders are affected. We vary the way we run consultations to suit the need of the proposal being put forward to us.

Senator LIDDLE: You were probably listening to the earlier evidence, where the CLC gave evidence that it makes the minutes available to those who are at the meetings. What's your process? Do you make sure that all traditional owners can have access to information that relates to decisions made about them?

Mr Gomez: We make meeting minutes available upon request to any traditional owner. Where there is an affected group, we also make the minutes available to them but in the context of the interested at affected meetings—so, yes.

Senator LIDDLE: When you say 'affected groups', is that even those where there may be some dispute or question about their ability to contribute to those discussions as traditional owners?

Mr Gomez: We rely on the advice from [inaudible] on who is a traditional owner and who is interested and affected. We are led by them as to whether not it's appropriate to release those meeting minutes.

Senator LIDDLE: When you say 'we are led by them', do you mean the people at that meeting or the people who are on the list as traditional owners for a meeting, not necessarily individuals at the meeting who determine whether somebody should get information or not?

Mr Gomez: Sorry, can you repeat the question. Are you saying: are we led by the traditional owners or the people who are at the meetings?

Senator LIDDLE: No—the people at the meeting who are the traditional owners at the meeting. How do you actually determine who can get access?

Mr Gomez: Our anthropologist will prepare a land information release, which will list out the traditional owners as well as the interested and affected people. If a person is listed on those lists, we will release the meeting minutes to them. We are led by that document that is prepared as to who are the traditional owners.

Senator LIDDLE: Are you subject to FOI for anybody who might not have made it onto that list at that time, if they want to access that information?

Mr Gomez: We are not subject to FOI.

Senator LIDDLE: Thank you.

Senator THORPE: In May this year, your previous head lawyer, principal legal officer and general manager of land and lore, Peter Kilduff, left the NLC; is this correct?

Mr Martin-Jard: That's correct.

Senator THORPE: Is it correct that, following his leaving, a previous junior lawyer at the NLC was made the new manager of land and lore?

Mr Martin-Jard: That's correct.

Senator THORPE: I understand the new Principal Legal Officer, Dominic Gomez, is present today?

Mr Martin-Jard: That's correct.

Senator THORPE: Can you please provide an overview, Dominic, of your prior legal work with the NLC?

Mr Gomez: Sure. For the last three years I've been working as regional officer within the Northern Land Council. Between 2019 and 2020 I was working as the regional lawyer for the West Arnhem region. From 2020 to 2022 I was the regional lawyer for the East Arnhem region.

Senator THORPE: To the CEO: on what basis was the role appointed?

Mr Martin-Jard: The previous CEO resigned and I was acting in that role until December last year, and the executive made the decision to make me a three-year contract—that was a year ago now.

Senator THORPE: This is in regard to the Principal Legal Officer?

Mr Martin-Jard: No; they're separate roles, separate appointments.

Senator THORPE: No disrespect, but going from a junior lawyer to the head lawyer in the same week is—

Mr Martin-Jard: You shouldn't characterise it that way. We wouldn't describe Dominic's former role as a junior lawyer. He's been a legal practitioner for some years. It was widely received very well, as a promotion from a regional lawyer, we call it, to principal legal officer.

Mr Gomez: Also, I was admitted in 2013 in the Northern Territory Supreme Court. That will mean that next year I'll have 10 years of post-admission experience, so I think I'm qualified.

Senator THORPE: Was there any public recruitment process for this role?

Mr Martin-Jard: It wasn't deemed necessary.

Senator THORPE: Why not?

Mr Martin-Jard: I just said why. It wasn't deemed necessary. There was a perfectly good person here.

Senator THORPE: It's a central role within the Northern Land Council. Why would you not advertise this position to the people? Why was it not deemed necessary?

Mr Martin-Jard: We had a person here with 10 years experience widely across West Arnhem, East Arnhem and Darwin. Why would we go to market when we already knew we had a good candidate?

Senator THORPE: At any point in time, was there a consideration that the role of principal legal officer be filled by a First Nations lawyer?

Mr Martin-Jard: It wasn't necessary.

Senator THORPE: Why wasn't it necessary, given the NLC is one of the most powerful First Nations organisations in the country? Why is that not a consideration to have a First Nations lawyer?

Mr Martin-Jard: I'll tell you why. I had consulted widely amongst our executive, who are all traditional owners, and with our chairman, who's a three-term chairman of the Northern Land Council. After consulting widely, their advice to me was he was the most appropriate person to fill the role. It's not as if it happened overnight. There was wide consultation.

Senator THORPE: Did the NLC dismiss, in around April this year, its head of policy?

Mr Martin-Jard: That's a confidential matter that I'm not going to go into here.

Senator THORPE: Have you had a change of the head of policy this year?

Mr Martin-Jard: The role no longer exists.

Senator THORPE: Can I ask why?

Mr Martin-Jard: There was a restructure that happened starting in early January this year. There was a restructure at the top of the Northern Land Council's management structure, and that position was no longer needed.

Senator THORPE: Was it a First Nations person?

Mr Martin-Jard: Yes.

Senator THORPE: It was one of the most experienced First Nations employees at the NLC, who was highly valued by the staff—is that right?

Mr Martin-Jard: I'm not going to talk about that.

Senator THORPE: You're at Senate estimates, and it's my role to inquire on these important issues that the community has raised. Can you tell me why you can't answer that?

Mr Martin-Jard: Yes. This person's entitled to some privacy, and I haven't got her authority to discuss it with you publicly.

CHAIR: In that context, the witness is clearly declining to answer on the basis that it's not in the public interest to do so, and I think—

Senator McGRATH: They need to make a claim, then, if they're not going to answer it.

CHAIR: I do understand, Senator McGrath, that they do need to make that claim, but you would also appreciate that the Northern Land Council, whilst they are here before estimates, are not experts on parliamentary procedure, and—

Senator McGRATH: That's so patronising.

CHAIR: they might like the opportunity to reflect on the fact that if they decline to answer they would need to go away and do so in the context of the proper parliamentary process, which is to make a claim that it's not in the public interest to disclose this information. Of course, the public interest can be reflective of protecting someone's privacy, where appropriate.

Senator McGRATH: They could take it on notice. They could speak with the person and answer it on notice, which might be an easier way through this.

CHAIR: Indeed, Senator McGrath. Anyway, I'll let Senator Thorpe—

Senator THORPE: Could you please take that on notice.

CHAIR: continue with her questions, and the witnesses can respond now.

Senator THORPE: Thank you, Chair. Did the NLC before this dismissal bring in a non-First Nations person to support the role?

Mr Martin-Jard: No.

Senator THORPE: You didn't get rid of an incredibly staunch black woman and make way for a whitefella to do this role?

Mr Martin-Jard: No.

Senator THORPE: Or support the role?

Mr Gomez: Are these questions about the internal employees of the Northern Land Council relevant to the public interest?

Senator THORPE: Absolutely. Absolutely. This is the community asking the questions, so it's obviously out there. People are telling us that there are problems, and we're asking you the question. That's our job. I want to know: on what grounds was the head of policy let go all of a sudden?

Mr Martin-Jard: I told you before: there was a restructure and the position wasn't necessary any more.

Senator THORPE: A First Nations woman has been dismissed from a policy role in the Northern Land Council, and you haven't filled the role. You got rid of the role because of a restructure. I'll let it go because you're not going to answer anything.

I'll quickly go onto fracking and Tamboran. In August last year the NLC signed a grant agreement with the Commonwealth to facilitate engagement with native title holders and traditional owners regarding gas exploration and extraction of their land for a time frame of April 2022 to the end of March 2024, covering \$2.147 million—is this correct?

Mr Gomez: Yes, that's correct.

Senator THORPE: How much of this money has been spent so far, and for what purpose?

Mr Gomez: I'll have to take on notice the specifics of what's been spent. I understand that a little over [inaudible] land council. In terms of the purview of the funding that it has been spent on: engaging staff to assist with those consultations but also in upgrading some of our facilities in [inaudible] region to help [inaudible].

Senator THORPE: Can you confirm that you've been representing the native title holders in the Beetaloo for the consultations about fracking their country, which is another word for destroying country?

Mr Gomez: I can confirm that we are representing the native title holders in the Beetaloo region in their negotiations with Origin and that we are going to be running consultations with native title holders to confirm that they are willing to continue negotiating with Tamboran now that the sale [inaudible].

Senator THORPE: How come the NurrDALINJI Aboriginal Corporation, representing traditional owners whose land is affected and who do not want to their country to be fracked—do you represent them?

Mr Gomez: We don't represent NurrDALINJI Aboriginal Corporation.

Senator THORPE: Do you work with them around their concerns of destroying their country and fracking it?

Mr Gomez: Our CEO has met with NurrDALINJI, and we've had senior lawyers within the legal branch resource and energy practice area meet with NurrDALINJI about their concerns.

CHAIR: Senator Thorpe, I draw your attention to the time, noting that we will have a hard marker at 10.45.

Senator THORPE: One more question?

CHAIR: Are there any other questions from others? I would hope we could let the—

Senator NAMPIJINPA PRICE: I do have questions. Can I ask the chair also that if we—

CHAIR: Let Senator Thorpe finish her final question and then I'll give the call to you.

Senator THORPE: My final question: does the Northern Land Council facilitate manufactured consent to destroy land?

Mr Gomez: No.

Senator THORPE: Thanks.

Senator NAMPIJINPA PRICE: Just following on from some of the questions from Senator Thorpe, what has your staff turnover been in the last 12 months and the reason been for your staff turnover? Can you provide details?

Mr Martin-Jard: It's 15 per cent, I've just been told. If you'd like, we can take the question on notice and give you a more comprehensive answer.

Senator NAMPIJINPA PRICE: I would appreciate that. Can you outline how many section 19 lease applications you have an expression of interest for are currently being processed?

Mr Martin-Jard: We've had about 81 works approved in the last financial year. We've got about 915 active section 19 agreements. I can't, off the top of my head, tell you how many we have currently being processed. I can certainly get you a more comprehensive answer by taking that question on notice.

Senator NAMPIJINPA PRICE: Generally, what's the average time frame for the processing of section 19 lease agreements?

Mr Martin-Jard: The time frame can range from a matter of months, depending on its complexity, to much longer. COVID wasn't our friend over the last couple of years, but we've certainly ramped up our efforts to address the backlog.

Senator NAMPIJINPA PRICE: This might have to be taken on notice. Can you provide how many of those approved section 19 leases have been for economic development purposes in the last two years?

Mr Gomez: Economic development purposes is a hard thing to break up. I think it would be better if we take that on notice. We can get you actual figures on each section 19 industry and purpose.

Senator NAMPIJINPA PRICE: How many women-specific programs does the Northern Land Council running?

Mr Martin-Jard: Our council has a committee of women off the council. We have about 76 councillors, made up of men and women, but we also have a specific seven-person council of women—I think it's seven. But your question was around how many specific programs we have. As far as I'm aware, we've got a number, but I would have to take that on notice as well. Just to let you know, our general programs such as ranger activities include men, women and youth. If you like, we can get you a gender breakdown on that as well.

Senator NAMPIJINPA PRICE: So out of 76 councillors you have seven women—is that correct?

Mr Martin-Jard: No. There's a mix of men and women out of that 76. Conditional to that is a specific women's council.

Senator NAMPIJINPA PRICE: Of seven women. Can you provide on notice the number of women within the 76 councillors?

Mr Martin-Jard: Sure. No problem.

Senator NAMPIJINPA PRICE: Your programs including those that are women specific, too. Economic development isn't really part of your core business, is it, at the Northern Land Council?

CHAIR: Senator Nampijinpa Price, that's a very legitimate question, but I know some senators are seeking to make it downstairs in time for—

Senator NAMPIJINPA PRICE: I've got many more questions to ask. Can we invite the Northern Land Council to return after the break?

CHAIR: We can certainly do that. We are taking a half-hour break. I don't want to put you in an awkward position. Is it possible to go for another two minutes and finish this?

Senator NAMPIJINPA PRICE: I don't believe so. Two minutes isn't going to cut it.

CHAIR: Are you able to bear with us and return in half an hour? We would normally keep going, but we are due to break because it's 11 November. We have some proceedings.

Mr Martin-Jard: Sure.

CHAIR: Thank you for your understanding. I hope you're able to return without too many technical difficulties and enjoy a quiet moment and a cup of tea.

Proceedings suspended from 10:47 to 11:18

CHAIR: I will give the call to Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: Could you please indicate to me what your processes are for dispute resolution with regard to landownership?

Mr Gomez: Is this landownership in the ALRA context? Is that what your question is directed to?

Senator NAMPIJINPA PRICE: Yes, please.

Mr Gomez: We recently had a new anthropology manager start. She and I have sat down and talked about how we're going to be addressing this moving forward. If a dispute arises, the NLC will direct its anthropologists to do a review of the information we currently hold, as well as speak to the complainants about what the nature of the dispute is. If the complainant does not put forward any new information or new evidence to consider in that context, we won't action anything, because we don't have anything to action on. However, if a complainant comes to us and says, 'Here's something new'—here's something that the NLC doesn't already hold about the area, or our connection to the area—we'll consider that and then the dispute can go to a whole bunch of different areas. It can include mediation, it can include other like processes and any traditional processes that may apply, and we'll hope to resolve that, but that's mainly led through the anthropology branch, if that answers the question.

Senator NAMPIJINPA PRICE: Yes, to a degree. Is there a requirement for this process to obtain evidence? For example, longstanding traditional owners are accused of not being traditional owners, and a dispute arises. Would those traditional owners have to provide evidence to re-establish their traditional ownership? Is evidence required in order for those disputing their traditional ownership to have that position maintained? Is evidence required, or is it not necessarily required in establishing or re-establishing in dispute matters?

Mr Gomez: We are delving into real hypotheticals here, because you're talking about a situation, as I took your question to mean, where the NLC had a position on traditional ownership that subsequently changed, and perhaps a group being recognised, not being recognised. I'm not aware of that ever occurring in the NLC region, where we've had settled position on traditional ownership that was then, unprompted, changed. I refer to my earlier answer, which is that we would explore what that process would look like in the context of the evidence, and it would be largely led through our Anthropology Branch.

Senator NAMPIJINPA PRICE: So that's never taken place, as far as you're aware, within the Northern Land Council?

Mr Gomez: In terms of the specifics of the hypothetical you proposed, yes, I'm not aware of that happening Northern Land Council.

Senator NAMPIJINPA PRICE: I'm sure your CEO understands these processes, because I know he's had experience with them in his former position with the Central Land Council. So I was interested to know whether the Northern Land Council has had these experiences. What are your processes for natural justice, should disputes arise?

Mr Gomez: In terms of the process that we've established, we hear the groups out, we hear the nature of their complaints, and we make assessments as to whether or not there's any legitimacy to those complaints. In answer to that, we have a process where we do hear what people say about their concerns and their questioning of the NLC's position on particular things, and then we respond accordingly. But it's really hard to give a general answer to this, because each group has different ways of resolving disputes. As much as possible, we do try to incorporate traditional dispute resolution mechanics in resolving these things.

Senator NAMPIJINPA PRICE: Okay. What resources are available to traditional owners? Clearly, the NLC is well resourced in terms of legal representation and finances, should they require further legal representation. What resources are available for traditional owners—who are generally, in many cases, welfare recipients—in terms of legal representation for them? Does the NLC provide an avenue for traditional owners to be well resourced and/or have a level of legal representation in dispute matters?

Mr Martin-Jard: Yes. I'll keep it plain. There are times when the Northern Land Council will find the resources to—it's what we call 'briefing out'. A group that wants to take some action will get their own legal representation, and we accept that that's a part of normal business, actually. We just call it 'briefing out', and sometimes we pay for traditional owners, in fact, to take action against us, in limited circumstances. But I'll ask—

Mr Gomez: I think the CEO answered well. The only thing I would add to that is that it does depend on the context of the dispute and the context of what's occurring. The add-on to that is that, yes, we are resourced, but we're resourced to do a whole lot of things, and we do have to prioritise our funding. So we do make decisions if we can't [inaudible]

Senator NAMPIJINPA PRICE: Who determines those decisions?

Mr Gomez: The CEO in the first instance, and then, if people are seeking an internal review, it goes to our executive council.

Senator NAMPIJINPA PRICE: Generally, on average, how long do those processes take?

Mr Gomez: Can I take that one on notice? I could give you an answer off the top of my head, but it might help if I get some more specifics. The CEO decision can generally take a matter of, I'd say, about a month and a bit. But then, for the executive council process, the complainants do have to wait for an executive council meeting to occur, and then we add it on to the agenda at the executive council. Our executive council meets once every three months, although I note that, over the last few years, those meetings have been heavily disrupted by coronavirus, which has meant that they haven't met as frequently as once every three months. So I don't have a hard and fast answer off the top of my head on that, but that's generally the time.

Senator NAMPIJINPA PRICE: Thank you. You might want to take this on notice as well: over the last two years, how many complaints have been brought forward to you and how many complaints has the CEO determined have been approved for financial support for legal representation?

Mr Gomez: I will definitely have to take that one on notice.

Senator NAMPIJINPA PRICE: Thank you. Can you please clarify for me what constitutes an interested and/or affected person?

Mr Gomez: Yes. We're led by the anthropologists as to who is interested and affected. When a land information request is made, the anthropologists are given a map or a location of an area, and then they use their expertise as anthropologists but also the resources we've accumulated over the course of the last 50 years in operating as a land council, and they provide us with a list of who the traditional owners are who have interests in the area. The land rights act is broad as to who can be an interested and affected person. For example, if a proposal affects a community, interested and affected people might be all Aboriginal people living in that community, but, as per one of my earlier answers, it does depend on what the nature of the proposal is as to who will be [inaudible]

Senator NAMPIJINPA PRICE: Are activist groups granted that classification?

Mr Gomez: As interested and affected?

Senator NAMPIJINPA PRICE: Yes.

Mr Gomez: The starting position would probably be no. But, if you were talking about an activist group that is incorporated as an Aboriginal corporation, that is active in a particular community and that has representatives of Aboriginal people living in a community in that group's membership or on that group's board, it could possibly be considered an interested and effective group. But we are delving into hypotheticals here. I'm not aware of a circumstance where that's occurred.

Senator NAMPIJINPA PRICE: I understand that the energy industry has a lot to do with Indigenous land, and they often have to go through rigorous processes to engage with, or enter onto, Aboriginal land. Do those rigorous processes also apply to other groups, such as activist groups, or are they free to come and go and influence or not influence Indigenous traditional owners in whatever way they see fit?

Mr Gomez: In relation to Aboriginal land specifically, there's a permit system that applies to everybody seeking to enter Aboriginal land, and that permit system is administered equally across the board. It doesn't matter if you're an activist group or if you're a mining company or if you're exploring for gas; if you're seeking entry onto Aboriginal land, you need a permit. In terms of the permits themselves, though, traditional owners can issue permits to people to come onto their country. I don't think I'd be speaking out of school in saying that certain activist groups may have individual relationships with traditional owners that mining companies might not have, and, therefore, they can come in on the basis that they've been issued a permit by a traditional owner. But the principle remains the same: you need a permit to go onto Aboriginal land.

Senator NAMPIJINPA PRICE: Traditional owner Pompey Raymond has successfully negotiated nine lease agreements out of 10 within the Beetaloo. Why is it, then, that other surrounding groups who are not traditional owners of Pompey Raymond's land have influence over decision-making with regard to his particular area of land that he is responsible for, in terms of those nine leases?

Mr Gomez: I reject the premise of your question insofar that you say that anybody who's not a traditional owner has any say over what happens in somebody else's country. So perhaps I could take that question on notice.

Senator NAMPIJINPA PRICE: Pompey Raymond might disagree with your answer on that one. Can traditional owners enter into negotiations with private-enterprise industry representatives without your involvement as the Northern Land Council?

Mr Gomez: In terms of the Aboriginal land rights act, land is owned communally, not by any individual traditional owner. What that looks like—

Senator NAMPIJINPA PRICE: Can a group of traditional owners go into negotiation without having to go through the processes of the Northern Land Council? Legally, do they have the ability to engage in whatever fashion they want with regard to economic development opportunities on their land—

Mr Gomez: I understand your question: no.

Senator NAMPIJINPA PRICE: So, ultimately, they don't necessarily have control over their land specifically? Ultimately, the Northern Land Council has control.

Mr Gomez: The Northern Land Council can't act without consent from traditional owners.

Senator NAMPIJINPA PRICE: The Northern Land Council can't act?

Mr Gomez: Without consent from traditional owners.

Senator NAMPIJINPA PRICE: But traditional owners require consent from the Northern Land Council to act for their own land?

Mr Gomez: Sorry, I'm not following the question.

Senator NAMPIJINPA PRICE: So a group of traditional owners want to create economic development opportunity on their land however they see fit. They don't want to negotiate through the Northern Land Council; they just want to do that directly, no third party involved, with private enterprise, industry reps or whoever. Can they go ahead and do that?

Mr Gomez: What happens from time to time is that traditional owner groups do have those conversations. Once those conversations have progressed, they come to us, and we assist them in preparing section 19. So, yes, to some extent they can have those conversations, and then, when they want the negotiations formalised in an agreement, we sit down with them and with the group that they've approached and we [inaudible], so—

Senator NAMPIJINPA PRICE: But the section 19 has to go through the Northern Land Council; they can't negotiate that outside of it.

Mr Gomez: Yes.

Senator NAMPIJINPA PRICE: So they don't have control over their own land. I guess that's the point I want to establish. I just have a couple more questions. Are you able to list for me meetings that you have had in the last 12 months with any political parties or members of federal or Territory parliament?

Mr Gomez: We will take that one on notice.

Senator NAMPIJINPA PRICE: Thank you, I'd appreciate that. Could you also list any invitations that you have sent to parliamentarians in the last 12 months to attend meetings and/or events—those sorts of things?

Mr Gomez: Again, we'll take that one on notice.

Senator NAMPIJINPA PRICE: Thank you. Is it part of NLC policy to be politically impartial?

Mr Gomez: Yes.

Senator NAMPIJINPA PRICE: Do you support the Voice?

Mr Martin-Jard: Yes.

Senator NAMPIJINPA PRICE: Can you explain to me what the Voice is?

Ms Katona: Our understanding is that the Voice will provide the opportunity for Aboriginal people to provide advice to government on policies and procedures that affect them.

Senator NAMPIJINPA PRICE: How will it do that?

Ms Katona: We believe that it is a concept at the moment, the mechanics of which are yet to be designed.

Senator NAMPIJINPA PRICE: But you support it regardless?

Ms Katona: We do. We believe that the fact that the Voice will potentially be enshrined in the Constitution means that the process to provide advice to government will remain. The mechanics around what that looks like and how that's done need to be changed or aren't working. There's the opportunity to change that without having the benefit taken away from Aboriginal people.

Senator NAMPIJINPA PRICE: Through the executive, does the Northern Land Council provide advice to the government at all?

Mr Martin-Jard: Yes, it does.

Senator NAMPIJINPA PRICE: It does? As a statutory authority, you do that already?

Mr Martin-Jard: Yes.

Senator NAMPIJINPA PRICE: Does that make the Voice redundant?

Mr Martin-Jard: Over the last few years we've been talking to the government—both the former and the current—about some changes to the Aboriginal Land Rights (Northern Territory) Act, for example. That was signed off by a full council giving us the instructions to do that. That is one example. But I see where you're going. We've already got a voice, you'd say, but we want to go further. We want to see all Aboriginal people have a voice, not just land councils.

Senator NAMPIJINPA PRICE: That's interesting. But you don't know how that's going to happen. Okay.

CHAIR: I would just like to remind you of the time, Senator Nampijinpa Price. You are of course entitled to keep going.

Senator NAMPIJINPA PRICE: I'm okay, thank you.

CHAIR: Thank you. Senator Thorpe has a quick follow-up question.

Senator THORPE: I have a follow-up question to a question that Senator Nampijinpa Price asked around the Northern Land Council making the final decision and advocating for your member bodies—clans and nations. If the NLC has the final say, can you explain to me what self-determination is for those clans and nations? How are they self-determining their own destiny if you guys are representative and make the final call on yea or nay? How does self-determination work for the people on the ground? Explain, please.

Mr Martin-Jard: I might use this opportunity to go back to a question from before the break. It was around how many women we have on the council. We've got 78 full council members and 15 of those are women. We also have another five co-opted senior women. That makes a group of 20 women who speak for country, where they're from. With that council, we've got 14 executive members who we, as staff, report to. That's where the self-determination comes from. We also mentioned that we hold literally hundreds of on-country meetings involving thousands of people. We can provide you this data on notice, but that's where the self-determination comes from. We don't do anything unless we receive instructions from traditional owners to do things.

Senator THORPE: As a follow-up to that: I've been on country and I've spoken to a number of clans. They say that they want their own independent legal advice. Would the Northern Land Council support clans in self-determining their own legal advice?

Mr Martin-Jard: Yes. We've done that in the past, and I don't see any reason why we would stop in the future.

Senator THORPE: Thank you.

CHAIR: Thank you very much to the Northern Land Council.

Office of the Registrar of Indigenous Corporations

[11:41]

CHAIR: I now welcome the Office of the Registrar of Indigenous Corporations. Do you have an opening statement?

Ms Stroud: I do, but I'm conscious of the time.

CHAIR: We're very grateful that you're conscious of the time. If you've got a copy of your opening statement, we'd gladly accept it in a tabled form. If there's anything you feel like you need to put on the record, please take a couple of minutes to do so.

Ms Stroud: Thank you. For the sake of time, we have provided you with our opening statement along with a snapshot of ORIC. As this is my first appearance as the registrar, there are one or two things that might be worth setting out. I would firstly like to acknowledge that we are meeting today on the lands of the Ngunnawal people. I commenced the role in May, and there are probably one or two things that senators might want to hear from me. In terms of the lens that I bring to the role of registrar, I believe that Aboriginal and Torres Strait Islander corporations are an element of self-determination. That is, Indigenous people governing Indigenous corporations for the benefit of Indigenous people and for the protection of Indigenous rights and interests. I genuinely believe that the role of the registrar and its office is a privileged one, with the mandate of regulating and supporting

corporations to maintain a standard of governance that underpins the vital and really important work that our corporations do and their success.

There are three things that are priorities for me. The first one is balancing our dual roles of monitoring and enforcement with support and capacity building. It's something that we're continuously mindful of and always adjusting. I recognise that, from the very small portion of corporations that require regulatory checks or actions that are necessary, we do receive criticism that this balance isn't right. The other point that I would like to make is around compliance. We have unfortunately noticed a decline in compliance rates, which are largely attributed to COVID. We have commenced a very overt compliance campaign, which entails everything from regular reminders and offers of support to corporations to get their annual reports in to, where appropriate, offering extensions and exemptions.

Unfortunately, though, there are always a small number of corporations that, despite the best efforts and the level of assistance offered, consistently fail in their statutory obligations. For these corporations, we are currently assessing deregistration or referral for prosecution processes. It's important to note that we did defer prosecutions for the 2018-19 and 2019-20 reporting periods, recognising the impact of COVID on corporations. However, as business has largely returned to normal, so too have our expectations for reporting.

The final point is that another focus that I'm turning my mind to is a broader indicator of good governance, and that is corporations being transparent and accountable to their members. This includes holding AGMs, providing information to members and ensuring that directors are duly elected by their members. For me, that's as critically important, in terms of transparency and accountability, as lodging annual reports.

I acknowledge the proposed amendments to the C(ATSI) Act, which are a matter for government. In the interim, I can assure senators that I intend to administer the C(ATSI) Act as it stands in law, independently and impartially. Thank you.

CHAIR: Thank you. Senator Thorpe.

Senator THORPE: Thanks, ORIC, for turning up. According to your records, how many of those corporations under the C(ATSI) Act managed to actually fulfil their statutory obligations?

Ms Stroud: In terms of submitting their annual reports? At this point in time, noting that corporations have until 30 December to lodge their annual reports, we're sitting at—sorry. My apologies. I'd have to take that on notice, in terms of this year. I can tell you that it is slower than previous years—hence the more regular communication and phone calls to corporations.

The current campaign has actually had some positive outcomes. Corporations that still have outstanding reports from last year—where we've drawn the line—have been getting phone calls from the office as well as the normal reminders. We started with the large corporations, where naturally there are probably greater expectations around compliance. Of those, the vast majority have become compliant, with the assistance of the ORIC team. In terms of large corporations, there are probably only one or two that continue to remain non-compliant and are likely to be referred for prosecution.

Senator THORPE: And you keep records of these?

Ms Stroud: We do, and we can provide that on notice.

Senator THORPE: Thank you—and, if you could, provide these records on notice for the financial year 2020 also.

Ms Stroud: Yes. I can confirm that the compliance rate for reporting for last year's reports is 62½ per cent.

Senator THORPE: Thank you. It has come to our attention that, in numerous cases, minutes and decisions of AGMs were accepted and subsequent actions taken as legitimate by ORIC, despite corporation members pointing out that the AGM was not conducted according to the rules and therefore should not be accepted. It has also come to our attention that directors of corporations are not being dismissed despite their failure to undertake governance training or when they cease to be members of the corporation. Again, in all of these cases, members have pointed out this noncompliance to ORIC, without action. Could you please provide some feedback on that?

Ms Stroud: I can certainly take on notice details of the case load we get, in terms of those sorts of complaints. We regularly receive complaints about the manner in which corporations conduct their AGMs. Our usual process is to go through the rule book and the actual process that the corporation followed, including the general notice. As I understand it, we don't have the power to determine a meeting to be invalid or a director to be invalid. Unfortunately, that's a matter for a court to determine. In the time I've been here, I can think of a number of AGMs that have been held that have been left in question and about which ORIC staff have been out and

conducted what we call a 'registrar initiated general meeting' to validate, if not correct, some of the outcomes of the previous AGM and set the forward year correct in terms of director elections.

Senator THORPE: Why is ORIC strictly enforcing compliance on some corporations but seemingly not at all interested in looking into others?

Ms Stroud: In terms of reporting compliance?

Senator THORPE: Compliance in general. We've had contact from a number of community members who are asking these questions, obviously. It covers the breadth of compliance. In general with compliance, why are some organisations getting away with dodgy business and some are being looked at?

Ms Stroud: Under the act, reporting requirements are the only enforceable compliance, if you like. So corporations are required to have a rule book and comply with it. Obviously they're required to have an annual general meeting and they're required to provide annual reporting, depending on the size of the corporation. Reporting and lodging their annual reports is the requirement under the act. Corporations, under the act, are not required to report when they've held their AGMs. It is a significant proportion of the complaints we receive. So, while corporations aren't required under the act to notify us when they've held their AGM, we are currently turning our minds to how the general reporting process and director notification process is a mechanism through which we can better collect data and evidence of corporations that are not complying with their AGMs.

Senator THORPE: This is to help ORIC, obviously. Are there any legislative reforms that ORIC would consider necessary to improve the conduct of First Nations corporations, and, if so, what could they be?

Ms Stroud: That's a difficult one to answer. Rightly so, the registrar has been kept at arm's length, because the registrar is actually appointed under the act, and its powers are set out under the act. Prior to Mr Huey joining us, the former deputy registrar, as a public servant, had been afforded opportunity to provide input. I have seen the material and the briefing from that, and I don't have any particular objection or strong views. The stuff that I've seen that has been recommended, I could say, independently, would provide greater mechanisms for an independent statutory office holder.

Senator THORPE: Thank you.

CHAIR: Senator Liddle.

Senator LIDDLE: Given that Aboriginal corporations are accountable to members, taxpayers and future generations, even those not yet born, and given their purpose, is it acceptable to you, under the legislation that forms you, that directors under investigation or subject to investigation remain on boards?

Ms Stroud: A director's ability to continue to serve as a director is a matter for the board and its rule book, particularly where it's got conduct rules in its rule book. For a director that is being investigated or charged under the legislation, unless a director has actually been convicted of an offence—and an offence that goes to impeding their decision-making, particularly their financial decision-making—there are no grounds to disqualify or remove a director.

Special administration is probably another point of interest. When a corporation is placed under special administration it is normal practice for the board to be vacated. The registrar does have powers to retain the board, but in most instances—and all that I can think of—they are removed. It's for the purpose of being a bit of a circuit-breaker but also for being able to rebuild a corporation without—for want of a better term—baggage and issues, and to return a corporation to member control free of the issues that led to it.

Senator LIDDLE: You spoke before about people submitting an annual report within the required time, but I'm more interested in the quality of information that's contained in an annual report, because, quite frankly, I've seen some that look like *Alice in Wonderland* when you start unpacking the detail. I want to ask about your capacity to actually drill down into the details. But the bigger question is about annual reports from Aboriginal corporations where there is no explanation in the notes as to ensuring free, prior and informed consent and proper due diligence. Do those people signing off on money that has come from the taxpayer, with accountability to the membership and future generations, understand what they are actually signing off on? Should there be a requirement to do that?

Ms Stroud: There's certainly a focus on financial literacy and understanding financial reporting and directorial obligations in our ORIC training, which we strongly encourage. Other than our annual program nationally, we also do corporation-specific training.

Senator LIDDLE: Surely it can't be hard for somebody to put a note there to show that these people were taken through things with an interpreter before they signed off on the annual report and the financial statements, which are about money and responsibility.

Mr Huey: Probably what is important to note is that, depending on the size of the corporation, an audit of the report is required to be provided under the act. That's actually an independent assessment of the financial report, and that's available to members as well.

Senator LIDDLE: Yes, but it's still up to the auditor to then ask. And, if you actually go to the standards, it doesn't say that that should be a standard, so you constantly see annual reports with people signing off on them but with no explanation as to whether those people have been taken through a process so that they actually understand what they are signing off on.

Ms Stroud: You're right, Senator, and I will take that on board. With regard to your comment about the quality of annual reporting, certainly the review of financial audited statements is often a starting point for us in terms of verifying concerns or complaints that are coming through from community or the members. In some instances, they're a cause for us to either examine the books of a corporation or conduct an investigation. I hope that goes to answer the point about the level of scrutiny and visibility.

But your point about capacity and the level of visibility—that we can be comforted that members fully understand their financials—is something that I can take on board, and certainly in terms of our training programs.

Senator LIDDLE: You have an investigation responsibility and responsibility for training. You have a whole range of other responsibilities that sit there. How many of those instances where there has been an investigation have resulted in a conviction that would prevent board members from board surfing to the next board?

Ms Stroud: Just for clarity, there are two matters that might be of interest. One is where a director has been on a corporation that has been placed into special administration and the board has been vacated. They are, in almost all cases, ineligible to be a director of the board again for three years post special administration. Then there are the directors that are disqualified or convicted. I can take it on notice, but my understanding is that it's anywhere between five and 15 years of disqualification.

Senator LIDDLE: Can you provide information on the average time line for an investigation? If I'm an individual who has a concern and I ring you, or I'm passed around to a whole lot of other organisations that also have responsibilities that are connected, what's the time line for even getting any kind of return on my time of investment? Who represents or supports that person when they've raised those claims?

Ms Stroud: I might ask Mr Huey to talk about that. We do have provisions in our act around whistleblowers and obligations on ORIC in that instance. I would have to take on notice the average time of an investigation. That would be from the point of investigation commencement through to a referral to the CDPP. I can tell you that we have eight investigations afoot at the moment.

Senator LIDDLE: I'm particularly interested in the ones that either resulted in an outcome from you or have been referred to the courts for an outcome.

Ms Stroud: I can state that since 2008 there have been 125 convictions. There have actually been 157 cases proven, but a number of them were withdrawn. There have been 125 convictions since 2008, the last one being last financial year.

Senator LIDDLE: So in 14 years you've had 125, so you divide that up. I'm interested in a number. Maybe go back two years. Thank you, if you can provide that information.

Ms Stroud: Yes, I can give you, by year, how many convictions there were.

Senator LIDDLE: Thank you.

CHAIR: Terrific. Are there any further questions? Senator McGrath.

Senator McGrath: I have some questions in relation to a matter concerning the Quandamooka Yoolooburrabee Aboriginal Corporation in Queensland. I'm just going to table some documents here. The first is some photos of a rubbish bin and some rubbish. They come off a Facebook post from the corporation, which I will also table. This is from back in October. I will also table a Facebook post from Andrew Laming, pointing out that the corporation's Facebook post is misleading because it's using photos from 10 years ago. He's included a photo—it's the photo on the right there—that shows the correct bins, or the bins that are there at the moment. I realise this might seem quite a nebulous matter, but it does go to the issue of our standards and the governance of this particular corporation. I understand that Dr Laming contacted ORIC about the matter. He had also, I think, contacted the corporation, seeking removal of the post. They have refused to act and referred the complaint to other government agencies that have no jurisdiction.

The reason I'm raising it here today, Registrar, is that we talk about standards and, in your opening remarks, you mentioned that a standard of governance underpins their important work and their success, and that's

something we all agree with. Part of the governance of organisations is not just the financial issues that Senator Liddle has dealt with; it also goes to how corporations communicate with people.

CHAIR: Can you come to your question, Senator McGrath?

Senator McGRATH: Thank you, Senator Pratt. I just want to know as a Queensland senator. There does seem to be dishonest conduct here by the corporation, in relation to this Facebook post. It's clearly misleading. Why is it something that you're repeatedly declining to try and deal with?

Ms Stroud: I'm not aware of the matter on hand, and I apologise, but I would have to take on notice what contact Andrew Laming has had with ORIC. I'm happy to provide a full brief in terms of what that has been and what our response has been. I'm not, in all fairness, able to pass judgment or make much commentary about this. What I will say, though, is: Quandamooka is an RNTBC responsible for managing the native title rights and interests of Quandamooka people on North Stradbroke Island. ORIC is apolitical, whether it is community politics, corporate politics or government politics. So it would be inappropriate for me to interject or voice an opinion on what is—from seeing this for only a couple of seconds—a political stoush between native title holders and the broader community. If there are conduct issues in terms of a corporation misleading or breaching any other laws, then it would be a matter we would look into, but it's certainly not a matter we would interfere in, in terms of a corporation's right to make public commentary and advocate for its own rights.

Senator McGRATH: I'm aware of the timing issues here and also aware that this has just come to your attention. Part of the issue is that, if this particular corporation is acting in such a misleading way, how can I as a senator, or other constituents in Queensland, deal with this in relation to this misleading conduct? Unfortunately, it taints the very good work that so many corporations do within your remit and that you talked about in your opening statement. Can you take on notice what advice you can give on what remedies are available. If, as you're saying, it's not within ORIC's purview, what can people do? It is a blatant lie, this particular Facebook post, and I don't think it is conducive to good relations on North Stradbroke Island. I think that's something we all want to work towards: having good relations. I will leave that there.

Ms Stroud: Absolutely. We will take that on notice, and we're happy to provide a comprehensive briefing. It has just been confirmed that we have not received a complaint from Andrew Laming about the matter. That's not to say we wouldn't expect to take one.

CHAIR: Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: With the coalition's amendments to the Aboriginal Land Rights (Northern Territory) Act that have made provisions for increased transparency, can you please outline how this has resulted in more accountability through ORIC?

Ms Stroud: Sorry, Senator—could you ask me that again?

Senator NAMPIJINPA PRICE: The previous coalition's amendments to the Aboriginal Land Rights (Northern Territory) Act made provisions for increased transparency. Has this resulted in broader accountability, and, if so, in what way?

Ms Stroud: I would have to take that on notice. I don't have at hand how many of the Aboriginal and Torres Strait Islander corporations out of our 3½ thousand corporations have responsibility or a function under ALRA. At the moment, those corporations that have a functional responsibility under ALRA are governed by the CATSI Act and their organisation's rulebook.

Senator NAMPIJINPA PRICE: In the Northern Territory, can you tell me how many Aboriginal organisations have been investigated and/or prosecutions have been made with those investigations in the last couple of years?

Ms Stroud: I'd have to take that on notice.

Senator NAMPIJINPA PRICE: Were there any prosecutions made from the findings of the administration of the Central Australian Aboriginal Media Association in Central Australia?

Ms Stroud: My apologies: I would have to take that on notice. The data in front of us doesn't go down to location or corporations in terms of the convictions over the last 10 years.

Senator NAMPIJINPA PRICE: Okay. I have a question around what ORIC's responsibilities are in terms of some cases where, in some organisations, whole families make up the board membership of those organisations. What is ORIC's role in situations like that?

Ms Stroud: It would depend on the nature of the corporation. There are many corporations we have, particularly small ones, that are family based. Under the legislation, as long as a corporation meets the legislative requirements in terms of number of members, indigeneity, a couple of other ones that just escape me at the

moment, we don't have a role, much less a desire, to dictate what the corporations' purpose and make-up is, as long as they meet the requirements under the C(ATSI) Act. There are a number that are only member based corporations. Where they are large corporations that are not family based and that have a rule book that very clearly stipulates how directors are elected and the proportion of directors and that, our role is to monitor the compliance with the rule book and director elections and membership of the corporation, particularly if membership applications and consideration are consistent with what is in their rule book.

Senator NAMPIJINPA PRICE: Is that also with regard to heads of organisations? I know sometimes it seems like some organisations have a dynasty of family members who run those organisations, which are often community organisations, for the benefit of many community members, not necessarily small family groups. Does that also come into play when it comes to those sorts of organisations as well?

Ms Stroud: Apologies—in terms of employment, of staffing?

Senator NAMPIJINPA PRICE: Employment of the heads of those organisations.

Ms Stroud: Ultimately the board is responsible for recruiting, performance managing and oversight of their CEO. And, unless there is a complaint or evidence of poor governance, decision-making and practices, it is very rare for ORIC to interject in matters of a board's choice of its CEO.

Senator NAMPIJINPA PRICE: And it has to be brought to your attention in those sorts of matters. Can anyone can bring that to ORIC's attention, or does it have to specifically come from within the organisation?

Ms Stroud: No. we receive complaints from members, from other directors or from other interested parties, community members with an interest in the corporation. I can just confirm that there were no convictions for CAAMA.

Senator NAMPIJINPA PRICE: Okay. Why were there no convictions?

Ms Stroud: I'd have to take on notice that specific case.

Senator NAMPIJINPA PRICE: Yes, if I could get those details, I would appreciate that. In terms of board members who have been convicted and/or are banned, can you clarify whether, in relation to the three-month time frame in which they cannot participate on that particular board, that also stops them from taking up membership on other boards, or is it just specific to that board?

Ms Stroud: Where it is because a corporation has been under special administration, the three-year ineligibility to be a director is for that corporation for which they were a director at the time it was placed under special administration. A point that I forgot to mention is that it is actually an offence to be a director of a corporation where you are a disqualified director, and we do publish a list of disqualified directors on our website.

Senator NAMPIJINPA PRICE: Okay, thank you.

Senator McGRATH: I've just got one quick question.

CHAIR: Senator McGrath.

Senator McGRATH: You said before that you haven't had a complaint from Dr Laming. You might need to take this on notice. I would table this, but I don't have Dr Laming's permission yet. There are certainly emails between Dr Laming and ORIC, at info@oric.gov.au, in relation to this particular issue you raised. You did say there was no complaint, but he certainly has raised it as an issue. I'll just put that on the record.

Ms Stroud: We will take it on notice. I give a commitment to look into it the moment I get back to the office. And, if there was a complaint from Dr Laming and I've just received inaccurate advice, I would obviously extend an apology to the committee and to Dr Laming.

Senator McGRATH: That's okay. It comes from a position of goodwill. Thank you.

Senator THORPE: Can you tell me if ORIC has ever acted on complaints received about the Noongar Warangka Mart Aboriginal Corporation and investigated them?

Ms Stroud: We have. The corporation is a very small corporation, with only six members, and it was registered in March 2021. We received a complaint that the corporation hadn't had its initial general meeting. Upon registration, corporations are required to have their first general meeting within three months. We do note that, at that time, there were travel restrictions and difficulty for the corporation. We also received a complaint that the AGM for 2021-22 had not been held, and so they would be a group that would ordinarily have been caught up in our current campaign.

Since these events, the corporation has held a special general meeting, which was held in the last weekend of October, and voted on a motion for voluntary deregistration. Therefore, with the corporation providing the

voluntary registration resolution, not having a general meeting and the AGM, which it ordinarily would be required to have by the end of this month, is, for want of a better term, a moot point.

Senator THORPE: Thank you. So members of the Noongar Warangka Mart Aboriginal Corporation have now been notified of the plans of the corporation to be wound down, still without there being a statement of financial position, nor a plan provided to members on how assets will be distributed if the corporation is wound down, or now that it is. How is ORIC going to ensure that no misappropriation of funds will occur?

Ms Stroud: I can assure the senator and the interested parties of the corporation that part of deregistering a corporation, even a voluntary deregistration, does require checks and balances from ORIC in terms of the validity of the decision and the process undertaken to make the decision—which, as I understand it, was only made a few weeks ago—but also the decisions and the handling of funds and assets. That would be the process, that we would ensure there was complete closure before a corporation is deregistered.

Senator THORPE: The corporation's executive officer was recently investigated due to fraudulent decision-making, financial misappropriation and breaches of both the rulebook and CATSI Act whilst she was a director of Seabrook Aboriginal Corporation, which is shown by a compliance notice dated 17 December 2021. Is it correct that the investigation found that the CEO misappropriated in excess of \$200,000 and failed to comply with their fiduciary obligations as a director?

Ms Stroud: My apologies, I would have to take on notice the specifics of that individual and the case. I can only reiterate my comments before about how, unless a director or an officer of a corporation has been convicted of a crime, the disqualification and then the follow-on offence of operating under a disqualification come into play.

Senator THORPE: How is ORIC ensuring that its corporations' directors, or those in decision-making positions, are held accountable to their obligations?

Ms Stroud: This is separate to the issue of disqualification. More generally, our role is to monitor the director's compliance with the CATSI Act but also its rulebook, and therefore fulfilling their director duties. That is one of the fundamental elements of the ORIC governance training. Our remit is limited to where there are obvious signs, or allegations or suspicion, of a director breaching the CATSI Act and the rulebook.

Senator THORPE: I have one more question. Thank you, Chair, for allowing me the time. What is required in order to necessitate an investigation—or what might be called a 'review'—of a corporation to address concerns of members?

Ms Stroud: At any given time, ORIC can have approximately 25 examinations afoot. They can range anywhere from notice of an examination through to the procedural fairness process. We conduct examinations of a corporation's books as part of a general rolling program that we do every year, but we also conduct them where there are signs of things amiss in a corporation that we think warrant having a further look. We have an internal governance committee, which looks at referrals, either for an examination or out of an examination, or some other report—a whistleblower report, for example—where a decision as to whether to investigate or examine a corporation is made. There are a number of cases where, out of an examination, enough evidence is found to warrant a separate investigation into the corporation.

Senator THORPE: Following up from that: if the ORIC registrar or deputy registrar were to commit misconduct that breached a rulebook or the CATSI Act, what would be the implications?

Ms Stroud: I would probably have to defer to Mr Huey to answer that from a CATSI Act point of view. The conduct and the performance of the deputy registrar would obviously be a matter for me, and my conduct would be a matter for the minister's office. But, for the record, I can assure senators that I take my independence and impartiality really seriously, and I am not a member of any Aboriginal or Torres Strait Islander corporation.

Senator THORPE: Thank you.

CHAIR: Senator Liddle.

Senator LIDDLE: I know you've been a very senior public servant before. It seems like there are some constraints preventing ORIC from getting work done in a timely manner: resource constraints, human resource constraints and constraints related to the complexity of these organisations. Is there a greater role for departments of the Australian government and state and territory governments to play in enforcing the contracts and the arrangements they have that actually allow this money to flow to those organisations, rather than relying on you at the back end?

Ms Stroud: Definitely. I've been fortunate enough to have had some really robust and productive conversations with a couple of government departments around better collaboration in monitoring and

investigating matters of fraud or non-compliance. I have made it very clear that my priority—as the registrar and with the resources and legislative powers that we have—is to ensure that directors fulfil their duties, that potential cases of fraud or misconduct in the board are investigated and that that is a greater priority for ORIC. We certainly don't dismiss or are disinterested in CEOs and other executives or staff of corporations doing the wrong thing. That would be the trigger for a greater level of responsibility and collaboration with the funding body. To date, in the six months that I've been here, I've had some welcomed conversations with two of probably the largest funding agencies.

Senator LIDDLE: Next time we meet I'll have to ask how that's progressing, because I think that will go a long way to reducing the expectations of ORIC.

Mr Huey: Senator McGrath, I thought we should clarify the issue in relation to Mr Laming. We did receive a request from Mr Laming for some assistance, or guidance. It was in relation to removing a social media post and seeking an apology from QYAC. Within our system it wasn't classified as a complaint; it was classified as an inquiry. But, unfortunately, those matters are actually outside of the jurisdiction of ORIC.

Ms Stroud: It would not be our role to force a corporation to take down a post, much less to issue an apology to a member of the community.

CHAIR: Thank you for your attendance, officers from the Office of the Registrar of Indigenous Corporations.

Australian Institute of Aboriginal and Torres Strait Islander Studies

[12:26]

CHAIR: I now welcome Mr Craig Ritchie, Chief Executive Officer of the Australian Institute of Aboriginal and Torres Strait Islander Studies, and other officers. Mr Ritchie, apologies, I don't think we're in a position to invite you to make an opening statement, given the time. Do you have one that you want to table, or anything that's really important to put on record this afternoon?

Mr Ritchie: Chair, I wasn't planning to make an opening statement.

CHAIR: Thank you. We will go to questions.

Senator THORPE: Thank you for appearing today. The government has committed to building a First Nations hub, Ngurra, consisting of a national Indigenous knowledge and cultural centre and a national resting place. Already, \$316.5 million has been committed, and it is expected to open in 2026. What will be the relationship between Ngurra and the proposed makarrata commission with regard to truth-telling in this country?

Mr Ritchie: There is no proposed relationship between the Ngurra, the precinct, which will house, as you rightly point out, the National Indigenous Knowledge and Cultural Centre, which is effectively new facilities for AIATSIS, and a national resting place. There is no formal role or link, other than as a venue where a commission might convene in those conference and meeting facilities.

Senator THORPE: Thank you. I understand that you've been in contact with staff from the Australian War Memorial about inclusion of the frontier wars. How will you be working together to pursue truth-telling, and who will you speak to to ensure this is done properly?

Mr Ritchie: We have been engaged in a process of briefing all of the cultural institutions, including the War Memorial. The War Memorial did canvass the issue as to whether or not the precinct would be an appropriate location for a memorial in relation to the frontier wars. We were very clear that that's a matter for the War Memorial to pursue within its remit. In terms of the story-telling role of both AIATSIS and potentially a resting place, the frontier wars would be canvassed as part of the overall story of Aboriginal and Torres Strait Islander Australia as a really important part. It may be prosecuted either through the content of school programs or the content of exhibitions that may be held in Ngurra in the future. But Ngurra was not intended to relieve the War Memorial of its responsibility to engage with that question of how frontier wars are appropriately memorialised within its precinct, if you like.

Senator THORPE: In terms of truth-telling at Ngurra, will you include genocide?

Mr Ritchie: Indeed. Our intention is to include the full story of First Nations people. The view of the institute is that Aboriginal and Torres Strait Islander people are more than the products of colonisation. We have a long history that stretches back for 65 millennia at least, and so there is a richness and a wealth of information about us as First Nations people in our own right, rather than just around the colonial encounter. However, as an organisation committed to telling that story, we'll be as honest and forthright as we need to be.

Senator THORPE: Thank you. So it'll be a place of history and learning. In terms of genocide, will it also include the genocide that happens today?

Mr Ritchie: We'll continue to tell the story right up until the present day, yes.

Senator THORPE: So that will include stealing children, the definition of genocide and the fact that stealing children is an act of genocide?

Mr Ritchie: We're not an organisation that exists, if I can put it this way, to promote a particular orthodoxy about content. We'll be a venue where the stories and the experiences of Aboriginal and Torres Strait Islander people can be conveyed on our own terms—by 'our', I mean from Aboriginal and Torres Strait Islander people's perspectives. I have no doubt that those issues will be canvassed, but it would be part of the content of what we deliver, rather than that the AIATSIS view of child removal in that it constitutes genocide, or that it doesn't. We don't adopt a view.

Senator THORPE: It does, and it'd be great if we could include all truth-telling, nothing but the truth. So why is AIATSIS sitting with PM&C, with the Prime Minister?

Mr Ritchie: That portfolio location for AIATSIS was a matter of agreement between the council at AIATSIS and the government at the time. We are an unusual cultural institution, in that we carry out some functions of a museum but we're not a museum, and we hold an art collection but we're not really a gallery; we're a research body. I think that there are potentially three portfolio locations where AIATSIS could be located. Before PM&C, we were in the education portfolio as a research entity. I don't think—I stand to be corrected on this—that we've ever been located in the arts portfolio. We've been in Industry. Wherever research has been, we've been. Because of that interesting mix of functions and roles, it seemed to the council that that location in the most central portfolio would be best for us. It also happened to be where Indigenous affairs was located at that time.

Senator THORPE: One final question. What percentage of staff at AIATSIS are First Nations, in the whole organisation and at executive level?

Mr Ritchie: I can answer about the executive level very quickly, and I'll look to one of my colleagues to get the figure for staff as a whole. In addition to me, we have four senior executive service positions, and so of the five executives, if you like, of that permanent executive four are Indigenous people and one is currently occupied by a non-Indigenous executive, who will shortly leave us.

Senator THORPE: Thank you. Did you want to add to that?

Mr Ritchie: On the staff, I'll defer to Mr Hill.

Mr Hill: Currently the number of Aboriginal and Torres Strait Islander staff within the institute sits at approximately 34 per cent. We have an ASL of 142.3, and 30-odd contractors sit within the organisation. But our Indigenous staff participation is about 34 per cent.

Senator THORPE: Is that low?

Mr Hill: It's just slightly below our target. Within the institute we have a target of 35 per cent Aboriginal and Torres Strait Islander staff numbers. That number has increased in recent months. It did drop down to as low as about 28 per cent in the last six to 12 months as many agencies struggled with recruitment and retention issues, but it's been steadily increasing over the past six months.

Senator THORPE: You hold the treaty booklets that ATSIC produced in the nineties. Is there a possibility that, in terms of truth telling, there's information in those treaty books from the nineties that is crucial for the discussion in this country today? They do cover constitutional recognition and they do very clearly talk about sovereignty and treaty. I, in fact, took those booklets to the Yulara meeting, which they're calling the Uluru meeting, and no-one wanted to know about them. I wonder if they could be made available to members of the Senate but also if they could be made available to community. I understand that they're as rare as hen's teeth, but you have the property rights of ATSIC now. Could you please print the books and provide the truth telling that needs to happen from what our old people did in the 90s?

Mr Ritchie: I'll take on face value the fact we have them. I don't know the intimate details of every item in the collection. The council and the executive at AIATSIS are gung-ho on making as much of our collection as possible as accessible as possible, so we will take that on board and we will look at ways to do that.

Senator THORPE: Thank you very much.

CHAIR: Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: I'll be brief. As part of the Ngurra Cultural Precinct there'll be a national resting place to honour the ancestral remains of Aboriginal and Torres Strait Islander people. Can you please let me know how many repatriations have taken place in the last financial year?

Mr Ritchie: Thank you for the question. The national resting place will be a place to appropriately care for those ancestral remains that have limited provenance. I should say that they are remains that have come back as part of the Commonwealth government's repatriation program. That program is administered by the Office for the Arts, not AIATSIS. Our responsibility in relation to the resting place at this point in time is to lead the design and construction of the facility, but questions about the numbers of repatriations are most appropriately directed to the Office for the Arts.

Senator NAMPIJINPA PRICE: Okay. It's not part of your work to repatriate.

Mr Ritchie: It's not part of our work, no. We have a program that repatriates or returns items of material cultural heritage but not ancestral remains.

Senator NAMPIJINPA PRICE: In terms of the repatriation of cultural heritage and this work that AIATSIS carries out with that, how does that differ from the proposed repatriation work of the First Nations ambassador?

Mr Ritchie: I think that's yet to be worked out. Until that ambassador is appointed, I don't think we really know. We'll continue our program. The Return of Cultural Heritage program is funded, I think, until mid-2024. In fact, there are two Warumungu returns from New Zealand happening next week under that program, which we're really excited about. We'll continue to do the work that we're doing, and we'll have conversations with DFAT once the ambassador is appointed and that starts to take some flesh.

Senator NAMPIJINPA PRICE: That's all from me. Thank you.

CHAIR: Thank you for your appearance today. We will see you at the next estimates.

Mr Ritchie: I look forward to it. Thank you.

CHAIR: I've just noticed that we are due to break for lunch. The time got away from me. Happily, we have finished AIATSIS. We will now take a lunch break.

Proceedings suspended from 12:39 to 13:29

Indigenous Business Australia

CHAIR: I welcome Ms Kristy Moore, the CEO of Indigenous Business Australia, and other officers. Unfortunately, we don't have time for an opening statement, but you have tabled one, so thank you for making that available to the committee. I will go to Senator Thorpe for questions.

Senator THORPE: Thanks, IBA for attending. My line of questioning is really just to get an idea of your priorities. How involved is Indigenous Business Australia in the free trade agreement process?

Ms Moore: As far as I'm aware, we're not involved in that process, Senator.

Senator THORPE: Okay. Does IBA wish to be involved?

Ms Moore: I think it could be beneficial, subject to consultation with our minister and NIAA.

Senator THORPE: What are the key focuses for IBA currently?

Ms Moore: IBA is solely focused on advancing the economic interests of First Nations Australians in this country. Principally, that's been through the provision of financial services to home loan customers and business customers, and we also provide investment opportunities. Those services are supported, so we do hold our customers' hands through the process of that financial relationship, because we really very much want them to succeed.

Senator THORPE: Thank you. Are you aware of the Indigenous inclusion chapters in free trade agreements?

Ms Moore: No, I'm not.

Senator THORPE: There is a specific chapter on First Nations businesses being able to access the benefits of agreements.

Ms Moore: I'm afraid I'm not, but I could take it on notice and try to get you a response.

Senator THORPE: Thank you. Would it be something that IBA would be interested to see in future agreements?

Ms Moore: I might pass that question to my colleague Ms Stella de Cos, who is quite closely involved with our business solutions arm.

Ms de Cos: We have previously taken part in general conversation about export, trade and roundtables, but not necessarily any policies or strategies for inclusion. We do have a customer segment and customer base that does focus on export and is looking at online trade as well, and at times they have approached IBA to understand our support for advocacy in that space. Whilst it's not an IBA responsibility under our legislation, we do work with DFAT and Austrade to provide access to capability services, to try and help some of the businesses.

Senator THORPE: Does IBA have procurement targets for First Nations businesses?

Ms Moore: Yes, we do.

Senator THORPE: What are they and how are they progressing?

Ms Moore: I will just turn to the relevant page in my file, Senator. As at 30 June 2022, across the entire IBA group—including our associates and subsidiaries—we have procured from First Nations suppliers over \$6.6 million, or five per cent of our total procurement spend. The total value of IBA procurement, as a corporate entity, from First Nations suppliers was \$4.2 million, or almost 13 per cent of our total procurement spend. To answer your question, our target was \$5 million this year. For the year to 30 June 2022, we were aiming to get to \$5 million; we only got to \$4.2 million.

Senator THORPE: Thank you. There is one other question I do have—sorry, I'll come back to it; it's gone.

CHAIR: It has been a long week. Senator Nampijinpa-Price.

Senator NAMPIJINPA PRICE: How many Aboriginal businesses have you supported or are currently supporting that are characterised as microbusinesses on Aboriginal land and Aboriginal communities where there are government leases?

Ms Moore: We will have to take that question on notice. I don't have that level of detail available with me today.

Senator NAMPIJINPA PRICE: Okay, I look forward to that. That is all from me.

CHAIR: Senator Liddle.

Senator LIDDLE: In the interests of transparency and disclosure, I have previously been a board member of IBA. I just want to ask a question about the funding available in the budget for Aboriginal housing. Does IBA have any role in that process, particularly if a long-term goal is long-term sustainability of people being able to maintain housing, and their own housing?

Ms Moore: To clarify, are you asking me to what extent we are involved in the budget-setting process?

Senator LIDDLE: Not budget setting—for any program that would roll out housing for Aboriginal people.

Ms Moore: Within the housing portfolio that we have, we do have a certain degree of flexibility with the different funding that we have at our disposal. Additional program funding and requests for new equity injections from the Commonwealth would be discussed with the National Indigenous Australians Agency and our minister.

Senator LIDDLE: Given your long association with focusing on enabling Aboriginal and Torres Strait Islander people to maintain housing security by a process that allows them to work towards homeownership, I'm asking: are you involved, or have you been involved, or have you been asked to be part of that process? I know they're just building homes, but I'm asking: are you involved in any discussions that would be associated with the transition of people, eventually, to IBA homeownership rather than housing?

Ms Moore: I might be struggling here, but, to respond to your question, we're currently working with several state and territory governments around transitioning their higher income earning tenants into homeownership. That's one of our PBS targets—to try and transition as many First Nations people from social housing into homeownership. As part of that transition, we are, of course, consulting with homeownership-aspiring customers themselves. We do that through not only the relationships that we forge with customers when they express interest in an IBA home loan but also through the capability workshops that we run on a voluntary basis for First Nations people to learn about the responsibilities of homeownership. I would say as well that we're also working closely with other agencies across government on the current housing agenda and seeking to maximise the outcomes from the current government's housing agenda for First Nations Australians, and I would say there is significant opportunity for us to do that.

Senator NAMPIJINPA PRICE: Thank you.

Senator THORPE: I just have one more question.

CHAIR: You did lose your train of thought.

Senator THORPE: Black cladding—everyone loves a bit of black cladding to make a fast buck and get the token blackfella in to get all the black money. Is it a problem, and what are you doing about it?

Ms Moore: IBA has a robust process around understanding the businesses with whom we can work, whether it's through the provision of finance or through business support provision. In this process, basically customers establish proof of their descent through a confirmation of descent form, a process which we believe is aligned with the UNDRIP principles, where only Indigenous people can determine who is Indigenous. I might pass to my colleague Stella de Cos to give you some more specific discussion about black cladding itself.

Ms de Cos: It has been a problem and it could still be a problem. Government agencies see it and the Indigenous business sector sees it, but the Indigenous procurement and Indigenous business sector has come a long way in making sure that more joint ventures are authentic, equity focused and driven and, importantly, about decision-making management. At IBA we have joined several different roundtables. We work closely with NIAA's procurement team to provide feedback on our processes and solutions. While our CEO, Ms Moore, did talk about our confirmation process, when we're actually providing access to financial products and services, we have our own independent assessment process, and we delve right down into the business, the business structure, the joint venture and the shareholding structures and, importantly, the beneficiaries to those outcomes. We have, to the point, paused access to finance until we've made sure we're very comfortable that those partnerships and those businesses meet our criteria and our mandate. We often reference that in public settings as well. We are always part of the conversation and always able to support where that comes up.

Senator THORPE: Thank you.

Senator LIDDLE: Can I ask one supplementary question. Given we've seen 25 per cent more people from the last census identify as Aboriginal and/or Torres Strait Islander, and we've seen the last couple of weeks several definitions floating around of what would meet the criteria for benefits associated with funding, what's your definition and is there any intention to change that definition at this point in time?

Ms de Cos: We have a strong and strict policy. We review it often. It's a conversation we've had for many years with our board and leadership team. For us, when we look at identifying businesses, it's a minimum 50 per cent shareholding structure, active management within the business, and then we also, when we delve into providing access to financial products and solutions, delve into the legal structures of the business. If there are trusts associated with it, we break it right down to see where the beneficiary lies as well. Under our organisational policy, as Ms Moore said, we work on a self-identification declaration as well. We haven't had any instances in the last three to five years of any fraudulent activities, as in identifying, so the organisation hasn't been looking at changing its position.

Senator LIDDLE: Are you forecasting for a 25 per cent increase between censuses?

Ms Moore: We haven't really been able to digest that information into our forecasts. The IBA needs to be flexible and have the scope to serve whoever requires its services. Into the future that needs to be one of our long-term goals, to ensure that those that are First Nations and need our assistance can get it.

Senator LIDDLE: Thank you.

CHAIR: Thank you, Indigenous Business Australia.

National Indigenous Australians Agency

[13:42]

CHAIR: Welcome. Do you wish to make an opening statement or any additional comments at this time?

Ms Broun: I will table my opening statement rather than read it out, and give you some extra time. Looking forward to the conversation!

CHAIR: Thank you for that courtesy.

Senator NAMPIJINPA PRICE: Before we get started, is it possible to receive a copy of your video of your opening address to your staff?

Ms Broun: When I commenced?

Senator NAMPIJINPA PRICE: Yes.

Ms Broun: That should be okay, yes.

Senator NAMPIJINPA PRICE: Great. Is it part of NIAA's policy to remain politically impartial in conducting its work across sectors?

Ms Broun: Yes, it is.

Senator NAMPIJINPA PRICE: Thank you. To start off with, are you able to provide, perhaps on notice, any data on state and territory government progress in improving outcomes of following Closing the Gap targets—so incarceration of adult and youth, health, child protection, education and housing—and the total Commonwealth investments for each jurisdiction on those Closing the Gap targets, including any state and territory financial contributions? Are you able to provide those figures now or is that something you may have to take on notice?

Ms Broun: We can answer some of that today and we'll have to take some of that on notice. You'll notice a number of jurisdictions have been tabling their annual reports against Closing the Gap implementation plans at

the jurisdictional level. The Productivity Commission updates its data fairly regularly against all the targets; that information is publicly available. I will hand to my colleague for any additional information.

Ms Guivarra: The national agreement sets out a requirement for all parties to the national agreement to furnish an annual report each year. The Commonwealth is in the process of preparing its annual report for tabling in parliament, and state jurisdictions are required to do likewise.

Senator NAMPIJINPA PRICE: Can you indicate what ABA funds have been approved for initiatives such as incarceration, health, child protection, education and housing programs in the Northern Territory?

Mr Jeffries: I'll ask my colleague Tom Dyer to provide some details on the breadth of it. I think it's a question we would need to take on notice to get that level of detail you've just outlined.

Senator NAMPIJINPA PRICE: In terms of incarceration, can you provide the numbers of Indigenous males, females and youth held in remand in each jurisdiction?

Mr Jeffries: Again, we would have to take that on notice. That is the responsibility of jurisdictional governments, and we would need to work with them to get access to that information.

Senator NAMPIJINPA PRICE: Can you provide details on justice reinvestment initiatives that may have been implemented by state and territory governments since 2022?

Mr Jeffries: I don't have intimate knowledge but I am aware of the Justice Reinvestment program in Bourke, in western New South Wales. I know there are a couple of others; I'm just not quite sure what they are.

Ms Hope: In terms of what's happening across justice, I'm happy to talk you through what's been announced in the Commonwealth budget. There is \$99 million over four years, where the Attorney-General's Department and the NIAA are working together on these measures. There has been \$81.5 million announced for justice reinvestment. Of that, \$69 million over four years is to expand local tailored initiatives to look at the underlying causes of incarceration. There is \$12 million over four years to design and establish an independent unit to support justice reinvestment. There are a range of other measures I'm happy to walk you through in terms of the total justice package. The work happening across justice is a bunch of system work happening at the moment. The Commonwealth is working very closely across both its partners in the Commonwealth portfolios, state and territory jurisdictions and with our partners in the Coalitions of Peaks and First Nations people. There is the Justice Policy Partnership under the Closing the Gap framework. That partnership is looking at a range of issues across internally into the criminal justice system, where the responsibility sits in the states and territories, but also around social determinant areas that lead to contact with the justice system.

Senator NAMPIJINPA PRICE: In that case, I might also get this taken on notice. I'm looking for the total investment from NIAA to the Northern Territory government with regard to justice, community safety, law and order initiatives and any details of grants, and their budgets, if that's possible.

Ms Hope: I think we have people at the table. Mr Dyer can talk to you about the specific measures in the Northern Territory.

Mr Dyer: Yes, we do have a variety of measures that we implement in the Northern Territory. Across the board, we provide \$438 million of grants funding through the IAS. On top of that, we provide money through national partnership agreements.

Senator NAMPIJINPA PRICE: Would you be able to provide a spreadsheet with that information for me, going forward, on notice?

Mr Dyer: On notice, yes.

Senator NAMPIJINPA PRICE: Thank you. And the budget deliverables on those and on contract end-dates, if that is possible, as well.

Mr Dyer: Yes.

Senator NAMPIJINPA PRICE: Thank you. In terms of health, what are the details of NIAA's investment into state and territory governments for health and wellbeing programs and suicide prevention initiatives, and any sorts of contributions from those states or territories?

Senator McCarthy: Senator Nampijinpa Price, we do have the department of health, who will hold all the First Nations' dollars in relation to the questions I think you're wanting to ask. I'm not sure whether officials feel there's anything extra they can say now before we get to Health.

Ms Hope: That is really an area for the department of health, Senator, unless you wanted to talk around social and emotional wellbeing programs, which are really around the social determinants, and then we can go into that space.

Senator NAMPIJINPA PRICE: Yes, no problem.

Ms Hope: I believe Health is appearing with us a bit later on this afternoon.

Senator NAMPIJINPA PRICE: That's right; they are as well. I will move on to child protection. Can you provide any data for each jurisdiction on the number of Aboriginal and Torres Strait Islander children known in the child protection system? And is it possible to have that by town or community, urban or regional?

Ms Hope: Child protection sits within the remit of states and territories. As we discussed a little earlier, we do have a justice policy partnership that works across states and territories with First Nations representatives in the Coalition of Peaks and a range of Commonwealth departments. It is led by the Attorney-General's, and the NIAA is an observer. In the policy partnership space, conversations around child protection and some of the system work that needs to happen do occur, but I believe that data on child protection in jurisdictions would be a jurisdictional issue.

Senator NAMPIJINPA PRICE: Okay. Are you able to provide for me the number of services that are engaged within the Territory to work with families on this basis, in terms of child protection?

Ms Broun: We can certainly take on notice—

Ms Hope: Yes, we can get that information for you on notice.

Ms Broun: When you say 'work with families', Senator, just for our benefit, could you define what you mean by those services?

Senator NAMPIJINPA PRICE: I guess within the child protection area, services that provide support or are engaged with families, in all jurisdictions, if that's possible.

Ms Hope: Sure. We can take that on notice, but I'm certainly happy to ask officials behind me to come and talk around family safety measures that we have, which I think might get to the answer that you're looking for.

Ms Carolyn: On the questions that you're asking in relation to child protection, the child protection systems are state and territory systems, so they hold that data. There is a dataset held by the Australian Institute of Health and Welfare on child protection, so we can get that information for you. That does have a breakdown of data at the state and territory level, but it won't go down to the regional or local community level that you're after. I think if you wanted it at that level, you'd have to ask the state and territory governments.

Senator NAMPIJINPA PRICE: Okay. In relation to the needs of Aboriginal children in terms of upholding their human rights, safety, health and education, can you tell me how the NIAA measures success and service gaps across those areas?

Ms Carolyn: Senator, are you still talking in relation to child protection, or just safety in general?

Senator NAMPIJINPA PRICE: Safety, health, human rights.

Ms Carolyn: I think there are probably a number of ways that we look at this. In terms of out-of-home care and child protection, we would be looking at that through the lens of outcome 12 under Closing the Gap. That target is held by Minister Rishworth and the Department of Social Services, with the key Commonwealth plan being *Safe and supported: the national framework for protecting Australia's children*. On your question, I think our colleagues at DSS might be able to help in terms of how that outcome is measured. More broadly in terms of community safety, I think there are a range of programs and initiatives to support community safety delivered by a range of agencies across the Commonwealth and states and territories. Certainly the NIAA delivers community safety through, say, community night patrols and youth diversion activities. Mr Dyer might want to add a few more there. The Northern Territory government would deliver most of those community safety activities.

Senator NAMPIJINPA PRICE: Can I have a list of those organisations as well?

Ms Carolyn: That the NIAA funds? Yes, certainly. We can take that on notice.

Senator NAMPIJINPA PRICE: Thank you.

Mr Burdon: Senator, on your question about measuring outcomes for children, as Ms Carolyn has mentioned, Closing the Gap provides the targets and outcomes that we're aiming for. I'd also just add to that, if I may, that the Treasurer announced in the budget commitments for looking at measuring what matters, so we are doing some work with Treasury on how to bring a First Nations lens to that and to look at connection of self and connection to country and culture and community, and how we might bring a First Nations lens into the health and wellbeing budgeting framework that the Treasurer spoke of in the last budget.

Senator NAMPIJINPA PRICE: And obviously NIAA is privy to that data that's generated within states and territories with regard to child protection, health and well being, those sorts of issues?

Mr Burdon: As Ms Guivarra mentioned earlier, the Productivity Commission brings together that data in the Closing the Gap dashboard. And it comes from a variety of different sources.

Senator NAMPIJINPA PRICE: For NIAA to be able to understand the need?

Mr Burdon: Yes. That provides one dataset, which is helpful for us and for the public at large, the community at large, given it's a public database. Then for us, with our offices across the country and our engagements with community, if community comes to a regional office and identifies that they have a particular need for a service, then we are able to respond to that.

Senator NAMPIJINPA PRICE: Has NIAA provided any additional support for the community of Wadeye following the unrest?

Mr Jeffries: Yes, the NIAA has. We've provided some support services to Wadeye, to the total amount of \$825,000. There was \$50,000 for the latter parts of COVID, as a COVID response. There was \$150,000 to establish and operate a mediation engagement group from 1 July through to 30 September. There was \$225,000 for vehicles to support continued delivery of youth services and for displaced residents, up until the end of this calendar year. And there was \$400,000 for infrastructure to be placed outside of the Wadeye township, at Kudantiga and Fossil Head homelands, to provide support service provision for those displaced residents up until the end of the next financial year.

Senator NAMPIJINPA PRICE: Can you repeat what the \$825,000 was?

Mr Jeffries: There was \$50,000 for community emergency for COVID, \$150,000 to establish and operate a mediation engagement group, \$225,000 for vehicles to continue to support the delivery—

Senator NAMPIJINPA PRICE: That's all part of the \$825,000? That's the breakdown?

Mr Jeffries: Yes, that's the breakdown.

Senator NAMPIJINPA PRICE: Has there been any additional funding for the rebuild of some of those houses that were destroyed?

Mr Jeffries: There has not been any additional funding coming from NIAA, but the Northern Territory government has been doing a lot of work bringing houses back onto line to bring displaced residents back into their houses. There is a fair bit of, you could say, community cohesion starting to abound there. There's still unrest, but it's a much better situation than it has been in the past. There is a fortnightly task force which is being led by the Northern Territory government. NIAA participates in that. We continue to work with the Northern Territory government to see where we can provide assistance to them, ensuring that we can get people rehoused as soon as possible.

Senator NAMPIJINPA PRICE: Has NIAA contributed to, or supported in any way—there are certainly community members I know of in communities such as Yuendumu and Nyirripi where there has been unrest. Alcohol is now available back out in those communities. Has NIAA provided any additional support for some of those family members who have fled those communities?

Mr Jeffries: To the detail of those families fleeing those communities, I'm not quite sure of the support services from our perspective. We have been doing some work in Yuendumu to support some of the unrest that's happening in there. We do fund the Tanami-Gurindji team for \$1.3 million for culturally led mediation and a community justice program. There's \$1.7 million for night patrol services. There's \$45,000 for a junior community safety patrol and \$178,000 for Yuendumu peacemakers. That's a project that's supported cultural exchange between Anindilyakwa and Warlpiri communities regarding community safety.

Senator NAMPIJINPA PRICE: In terms of the Remote School Attendance Strategy, can I get a list of names of participating schools by jurisdiction and community; the investment initiatives, including the total expenditure per year; and when the provider contracts expire? Is it possible to provide that?

Mr Burdon: Yes, it is. Let me pull up the headline figures for you. We can provide the full list, but it might be easier to do so by taking that on notice. For RSAS at the moment, we are funded at \$28.6 million for calendar year 2022. Contracts are due to expire at the end of this year, and providers are in the process of being notified of arrangements for extensions of those contracts. Broadly speaking, there are 39 providers, which support attendance at 84 schools with enrolments of around 12,800 students. The breakdown is 41 schools in the Northern Territory, 14 in Queensland, 12 in Western Australia, 14 in South Australia and three in New South Wales. We'll provide a detailed list for you, if that would be helpful, afterwards.

Senator NAMPIJINPA PRICE: Thank you.

CHAIR: Senator Thorpe.

Senator THORPE: Thank you. I'm interested in the work around the makarrata commission and, particularly, whether there is a plan to legislate the makarrata commission.

Ms Hope: As you know, the government announced \$5.8 million in the October budget to commence establishing work for the makarrata commission. That was around enabling truth-telling and treaty-making. At this particular point in time, the government is in the process of taking that work forward and doing the design work around the scope and the way they will take that work forward. You're asking me about the broader remit, but I think the design work hasn't been completed yet.

Senator THORPE: So how, if not through legislation, will you prevent future governments from abandoning the truth-telling and treaty process?

Senator McCarthy: I'm enjoying listening to all of this, but that may be more of a question for me. Could you please repeat the question?

Senator THORPE: If we don't legislate in the time that you guys are in—for however long that might be—how can we ensure that truth is told in this country and treaty is delivered?

Senator McCarthy: To be frank, we went to the election very focused on supporting the Uluru Statement from the Heart in full—certainly in regard to makarrata, which is an area of the Uluru statement. We know that that has to be a part of all of this, but we're also mindful that we've got to take all Australians with us on the journey and understand the Voice itself. The Minister for Indigenous Australians has appointed three groups: the working group, the engagement group and the legal experts group. We are seeking their advice on how to progress things. We are ever conscious of the fact that, as you pointed out, we're only in government for three years before we go to an election. By putting our commitment to makarrata in the budget, we wanted to be very clear that this is the direction we're going in. So, first up, our work will be on the Voice, but there will be some undertakings in preparation of the makarrata commission as well.

Senator THORPE: Will that include legislation?

Senator McCarthy: For the makarrata commission? There hasn't been a decision in regard to that at the moment. We're not that far down the track to be able to make a decision on that. We are clearly seeking the advice of the experts and the elders and the wisdom of others to guide us. I would certainly like to make sure that the makarrata commission, in whichever form it takes, is there well beyond any of our times in the Senate and any other politician's time in the parliament—so it is there, truthfully, for generations to come.

Senator THORPE: Thank you, Minister. What is the breakdown of the makarrata funding?

Ms Hope: It might be helpful if I draw your attention to Budget Paper No. 2. from the October 2022-23 budget:

The Government will provide \$5.8 million over 3 years from 2022-23 to commence work on establishing an independent Makarrata Commission to oversee processes for agreement making and truth telling. This is part of the Government's \$27.7 million election commitment to establish a Makarrata Commission.

Senator THORPE: In terms of consultation—and I would like to remind everyone that consultation is not consent—how are you consulting with Aboriginal and Torres Strait Islander people around this country, firstly for Voice, and secondly for makarrata?

Ms Hope: There are a range of things. As I said before, the work on the makarrata commission—the way government and we on behalf of government are going to implement that—is still under consideration in the minister's office, so the design work about how that is going to go forward is still being worked through. In relation to Voice, I might ask Ms Guivarra.

Senator THORPE: So the consultation process is still being worked through for makarrata?

Ms Hope: For the way that makarrata would be implemented and what would be within makarrata, in terms of that \$5.8 million that I talked about, we're still working with the office around how to take that forward.

Senator McCarthy: Can I just add there: my previous response—which I know Ms Hope is also aware of—was about the three groups that we have which are the First Nations people. We have the working group of 20 people, the engagement group of about 50 people and then the legal group. They are the ones who are guiding and directing us already, in terms of consultation with First Nations people.

Senator THORPE: In terms of free, prior and informed consent and self-determination—the United Nations Declaration on the Rights of Indigenous Peoples, which the Uluru statement is prefaced on, based on all the reports that have come out—how does that fit if you're getting hand-picked blackfellas? Labor is hand-picking their mates, basically, and setting up these three groups. How does that fulfil the obligation of self-determination and free, prior and informed consent if the rest of the people don't get a look-in or a say? I've got thousands of

blackfellas contacting me, saying: 'We're not consulted. We haven't been consulted on Voice. We haven't been consulted on anything. These fellas have just hand-picked their mates, and they're steamrolling ahead.' What can we say to the mob out there that haven't been part of any dialogues or any consultation? And when I say consultation, that is not consent. What do we say to the mob out there who are feeling frustrated that this is steamrolling ahead without their free, prior and informed consent?

Senator McCarthy: I'm not quite sure if it's steamrolling ahead at the moment. I think what we've certainly tried to do is keep a fairly slow pace to really work with and listen to these groups that have been established—yes, appointed by the Indigenous affairs minister, obviously in discussion with the First Nations caucus of the federal Labor caucus as well. We have contributed to those names. We are mindful that these are representatives of organisations and also of individuals, jurisdictions and different groups. We're very mindful also that we will never please everyone. This is a huge project, and we not only have to work with all the First Nations groups across the country; we also have to work with all of Australia and Australians to be able to do that.

Senator THORPE: That wasn't my question, Minister. My question is: how does it fit with self-determination and free, prior and informed consent? Government hand-picking their mates flies in the face of self-determination and free, prior and informed consent. So, in the Uluru statement and the process around that, I'd like it demonstrated or proof provided that there is free, prior and informed consent and self-determination, because the groups that you've mentioned fly in the face of our people out there who have not provided consent. They may have been consulted, but that doesn't mean consent. So how do we tell our mob out there that their representation that is providing advice to the government, which the government hand-picked, is free, prior and informed consent?

Senator McCarthy: I think there are a couple of positions there that I'll try and go through with you now. One is that, in terms of government appointing committees or working groups to be advised, that's a very natural part of any government across the country. So that's not unusual. The Uluru Statement from the Heart is not from government or from parliament. The Uluru Statement from the Heart is from people who gathered together on Anangu country. Excuse me, Senator Price, I just need to respond in silence. I think I've listened all day in silence.

CHAIR: You can return to the call later, Senator Price, and ask questions—

Senator NAMPIJINPA PRICE: I'll be happy to.

CHAIR: but it's Senator Thorpe's call.

Senator McCarthy: Senator Thorpe, as I was saying, the Uluru Statement from the Heart was a gathering of hundreds of First Nations people on Anangu country.

Senator THORPE: I was there.

Senator McCarthy: And so that statement belongs not to the parliament, and it certainly doesn't belong to the Labor Party, but we took it, on good faith, that this was something that could change our country for the better.

Senator THORPE: That still doesn't answer the question that's in the Referendum Council's report that, also, the statement is to be underpinned by the United Nations Declaration on the Rights of Indigenous Peoples.

Senator McCarthy: We're going to have to agree to disagree, because the actual process of self-determination began very much in the early days of how the gathering occurred. Again, that process belongs to the Uluru statement. Now, in terms of what we have done as government—to try to progress our policy that we took to the election, and our commitment—it is to engage with First Nations people, who we know have expertise in areas that we don't, and ask their guidance, but it goes even one step further than that. Even in my travels across wherever I'm going, I will talk to people to understand where they're at. I am hearing the same things that you've suggested earlier—that people don't know what's going on—and that just shows how much work we've got to do in order to be able to get this out there.

Senator THORPE: Thank you, Minister. Do you acknowledge that the Uluru dialogues are underpinned by free, prior and informed consent? Is that what you're saying?

Senator McCarthy: We've talked about the UNDRIP in terms of self-determination—that's what you're asking me about?

Senator THORPE: Yes, in terms of the dialogues there were a number of dissenters that were part of the dialogues. What about their self-determination?

Senator McCarthy: Yes, I certainly know quite a few of them.

Senator THORPE: Well, I'm one of them. What about their self-determination and the mobs that they represent? Where's their free, prior and informed consent? Where is their self-determining—

Senator McCarthy: I've certainly had people engage with me who dissented during those discussions, but I guess the reality here for where we are is that our reason for being in government is that we took a policy to the Australian people that we would follow through on this, and that's exactly what we're doing. It was our commitment in being elected, and we stand by that.

Senator THORPE: So was it clear at the Yulara meeting that Voice was going to be the priority?

Senator McCarthy: I wasn't at the Yulara meeting; I understand you were. What I'm going on is the basis of the outcome, and that is the Uluru Statement from the Heart.

Senator THORPE: With all due respect, that's not answering the question.

Senator McCarthy: But I wasn't there—you're asking me about a meeting I wasn't at.

Senator THORPE: How did Labor base their decision on going with the Voice first, without Truth?

Senator McCarthy: It's in the statement, the ongoing statement. We also had inquiries of the parliament post the Uluru Statement from the Heart being released, as you may recall—or it may be before your time—but Senator Pat Dodson and Julian Leeser, who's now the shadow Indigenous affairs minister, both co-chaired that. And, clearly, the discussions, the submissions and the evidence that were shown through that joint parliamentary committee also concluded this was the direction to go in.

Senator THORPE: Could we put that on notice in terms of how the priority, the No. 1 outcome of the Yulara meeting, was Voice, and that we don't know where Truth and Treaty are at, and there's no process around progressing with that. I would like that taken on notice, because that's been a question coming to me quite a lot from the people who it's going to affect most. So that would be appreciated—how the government or Labor, or whoever's waving the power around, determined that the Voice comes first. I will quickly go to the IAS.

Senator NAMPIJINPA PRICE: Can I ask a couple of supplementary questions on the Uluru statement?

Senator THORPE: I'm happy with that.

Senator NAMPIJINPA PRICE: With regard to the Uluru statement: who does it represent?

Senator McCarthy: The Uluru Statement from the Heart has been taken on by so many organisations and Australians across the country. I think it's an incredibly important statement and quite a significant one.

Senator NAMPIJINPA PRICE: But who does it represent?

Senator McCarthy: It represents First Nations people.

Senator NAMPIJINPA PRICE: No, it doesn't represent First Nations people. There were 250 signatories of unelected individuals who signed on to it. It was done at Uluru, which is significant to those from there. My great-grandfather, who connects my family to the people of Uluru—we did not give any consent. Our signature does not exist on there. I'd like to understand how the government is using this as justification in terms of representation of Indigenous Australians, how it has been sold to the Australian people as if this statement is representative of Indigenous Australians when it only represents 250 signatories of unelected individuals, and how they are being passed off as representative of all Indigenous Australians at this point for all these organisations to now sign up to.

Senator McCarthy: In terms of those organisations and individuals who have signed up, that has been their choice. Your questions around who signed it and who didn't are very valid questions. But there also comes a time in decision-making in politics where you see something that is an important opportunity to make things better in our country. This is a very real message from the heart, from those people who gathered wanting to send a message that I think was certainly done in good faith, and certainly done with a sense of strength, that things had to change in our country, to bring about a better understanding not just between black and white Australians but also amongst ourselves as First Nations people. Something better has to come of it. I respect the fact that you don't agree with this. I respect the fact that others don't agree with it. But I am such a firm believer that we have to now do the best we can for those of us who do believe in it and take it to the Australian people, and see how we go.

Senator NAMPIJINPA PRICE: That's all very good, warm and fuzzy, and largely your opinion, Minister.

Senator McCarthy: No; it's actually our government's duty to pursue this in the right way.

Senator NAMPIJINPA PRICE: But it hasn't been instigated in the right way; that's what I'm trying to get at.

CHAIR: Senator Price, you're no longer asking a supplementary.

Senator NAMPIJINPA PRICE: Just finishing off that supplementary: can you please tell me, then, that this doesn't in fact represent all—I won't use the term 'First Nations' because that's a Canadian term—Aboriginal Australians?

Senator McCarthy: I can speak from a very personal level now. I will say the Uluru statement is a beautiful statement, and I certainly thank all those who have been very much a part of this statement. And, yes, as far as the Albanese Labor government is concerned, we are taking it to the Australian people and seeing what they think.

Senator NAMPIJINPA PRICE: But does it represent all Aboriginal people or is it evident that it doesn't in fact represent all Aboriginal people?

Senator McCarthy: It represents hope for First Nations people.

CHAIR: I did interrupt Senator Thorpe's questioning; you have a couple more minutes.

Senator THORPE: Michael Mansell is putting forward an idea of having dedicated seats in parliament, like in New Zealand with the Waitangi Treaty. Do you believe that having seven Aboriginal and Torres Strait Islander senators in the Senate is more powerful than an advisory body that has complete parliamentary supremacy over it?

Senator McCarthy: We might have to separate those two questions there. Firstly, in regard to representation in the parliament of First Nations men and women, it is absolutely wonderful for our country, whether it is at the federal or the state and territory level. I believe, certainly as far as the Northern Territory is concerned, we need to have more senators represented in the parliament, along with the ACT. I have no qualms about wanting to see extra representation of individuals or party members who are Indigenous standing up, whether it be at a local government level, the state or territory level or the federal level—

Senator THORPE: Sorry; I don't have much time to ask questions. I understand that wholeheartedly.

Senator McCarthy: I agree there should always be that.

Senator THORPE: Going back to the question: do you agree that having seven seats dedicated to Aboriginal and Torres Strait Islander people in the Senate, compared to an advisory body that provides advice—the parliament can choose to take the advice or not, and this advisory group will have parliamentary supremacy over it at all times. Is having seven seats in the Senate dedicated to blackfellas more powerful for blackfellas in this country—

CHAIR: You're also protected by the Constitution and parliamentary privilege, I would expect.

Senator THORPE: I'm not asking you.

CHAIR: Sorry; I won't interject from the chair!

Senator THORPE: You've got the chair's role today; you're not the minister.

CHAIR: Thank you, Senator Thorpe.

Senator THORPE: Do you understand what I'm saying? Which one is more powerful?

Senator McCarthy: Why should we be choosing between them?

Senator THORPE: Because we want power.

Senator McCarthy: Why should we be choosing between them?

Senator THORPE: I'm asking which one's more powerful.

Senator McCarthy: The more First Nations people we can get into every area possible in this country, the better it is—whether it's health, education, jobs, parliament.

Senator THORPE: Okay, you're not going to answer it; thank you. I have to go on to IAS funding. Have we got a list of IAS funding, and of how many blackfellas are getting IAS funding and how many whitefellas are getting IAS funding? It's been a big problem in the past where mining companies are receiving our money for employment programs and so forth. We had the Northern Territory pay for a dog squad for the police out of black money, and we also had a police station built in Western Australia out of black money. Is this continuing, and can you please provide evidence that it's not?

Ms Broun: Thanks for your question. There has been a significant increase over time in the amount of IAS funding going to Aboriginal organisations right across the country. I will hand over to my colleagues to give details. Out of the IAS and the Aboriginals Benefit Account for this financial year, the funding will be for 1,641 organisations. In terms of the funding going to Indigenous organisations, it's sitting at 71 per cent—so it is significant. I will hand over to my colleagues.

Senator THORPE: Before we do that, can you take on notice the amount the 1,641 funded organisations, the 70 per cent—how much does that equate to, compared to the 30 per cent—

Ms Broun: Yes, we have those figures.

Senator THORPE: of whitefellas that are cashing in on black money.

Mr Khan: When we break it down, 71 per cent, or \$816.63 million, of IAS funding is going to Indigenous organisations this year. Non-Indigenous organisations represent 16 per cent, or approximately \$188.66 million, and a further 13 per cent, or \$150.21 million, is going to government organisations or government accredited organisations.

Senator THORPE: So the government is paying themselves \$152 million of black money; is that what you just told me?

Mr Khan: Government organisations include a number of organisations: the land councils and other statutory bodies around the Commonwealth.

Senator THORPE: So it just goes from one bank account to another, in terms of your government process? Why is the government paying themselves all that black money that's meant for our communities out there that are struggling to have a home, to have a feed and to even participate in all of this? Don't you have enough stolen land to take it from?

CHAIR: Senator Thorpe, I need to transfer the call now. Did you finish getting the data that you wanted?

Senator THORPE: I just asked a question and I'm waiting for the response.

Mr Khan: Some of those Commonwealth entities include the Torres Strait Regional Authority, Indigenous Business Australia, the Australian Institute of Aboriginal and Torres Strait Islander Studies and the six land or community councils. If you would like, I can table the figures as to how much goes to those Indigenous organisations. They are Indigenous owned and controlled, but they're listed as Commonwealth entities. That is why they're categorised under the 'government' category.

CHAIR: Senator Liddle.

Senator LIDDLE: I'm going to go to questions related to the food security response post the removal of alcohol restrictions in the Northern Territory and the removal of the cashless debit card, including governance that impacts service delivery. I want to go to food security first. You would have seen a story way back in, I think, July about a jar of coffee that cost something like \$85. I went to the APY Lands recently, and I kind of suspected what I was going to see: at the same time as people in Alice Springs were paying \$2.70 a lettuce, people out there were expected to pay \$12.60 for a head of lettuce. Coke products were everywhere and available. I've been around long enough to know that there are subsidised agencies or organisations that either are funded by the Australian government or occupy the space of a not-for-profit that deliver supermarkets and retail services in these communities.

We don't pay prices like that in our own places, and I would expect that we would complain very quickly. There are no prices on significant products like bread and eggs. People were paying \$12.60 for lettuce, and milk was just outrageously priced compared to the cities and compared to Alice Springs. I don't believe that's about transport. I'm interested to know two things: what have you done to look into what's actually going on in those places to make a difference; and how quickly are we going to see some action to change the model that exists so that the poorest people in the country are not paying those kinds of prices?

Mr Jeffries: We have been actively involved in the provision of food security, or in the work associated with food security, for remote communities across Australia, particularly through the pandemic. I'll ask my colleague Mr Thomas Dyer to talk to some of the detail of what we have done. In particular, some recommendations came out of a joint standing committee inquiry on third pricing that was held previously. Mr Dyer can talk to the specifics of that.

Senator LIDDLE: Please don't talk too much about something that happened a little while ago, because I'm interested particularly in the increase in the cost of living more recently. What are you doing?

Mr Dyer: The House of Representatives inquiry into food security in 2020 did find that there were high prices in remote stores as a genuine and direct result of the significantly higher cost involved in operating in the remote context. The inquiry also found there's no evidence to support the existence of systematic price gouging in remote communities. With regard to the Australian government, it has the Australian Competition and Consumer Commission, the ACCC, which continues to monitor the potential price gouging and notes any misleading claims about reasons for price increases that may breach the Australian Consumer Law.

With regard to what we are doing now, currently we're aware that there are inflationary pressures across the nation. They're being pushed right across urban, remote and regional areas. We do have in place at the moment a remote Food Security Working Group that brings together industry, suppliers and wholesalers.

Senator LIDDLE: This can probably be tabled as background information. Maybe the question I need to ask is: when was the last time you went to the ACCC and said, 'Have a look at this'?

Mr Jeffries: We haven't raised any issues with the ACCC in regard to asking them to have a look at prices in communities. They do, however, monitor the Food Security Working Group meetings to ensure that there's no collusion between the retailers and the wholesalers that participate in that working group, particularly around price. There were, as I said, the recommendations of the food pricing inquiry, which the ACCC is fully aware of, and at this stage they haven't raised—and we haven't raised with them—any need to be looking at the cost of food in remote communities.

Senator LIDDLE: Do you know if contracts for managers of those supermarkets in those communities have clauses in them aligned to a base salary plus a profit proportion?

Mr Jeffries: I'm unaware of the detail of those contracts. Mr Dyer? We're not aware of what the details of those contractual arrangements are.

Senator LIDDLE: But these are the people that you are representing. Why wouldn't you look at that? Why wouldn't you ask to look at those things?

Mr Dyer: The Commonwealth doesn't own any stores itself. It has a stores management company, Outback Stores. Stores are, in a sense, privately owned, so, with regard to employment contracts, they would be a matter for the organisations.

Senator LIDDLE: So you don't see that you've got any responsibility to inquire further into the cost of living for the poorest people who are represented under the National Indigenous Australians Agency?

Mr Dyer: We take food security very seriously, and we're currently working with several states and the Northern Territory to develop a national food security strategy. The strategy will look at supply chains; supply chains, as we know, in remote areas are long and expensive. It will also look at things such as the ability to store volumes of fresh food, vegetables, to reduce the costs with regard to deliveries. It will be a broad strategy, and we're currently at the stage of preparing it for consultation.

Senator LIDDLE: Let's move on to governance. I mentioned before, when we were talking to ORIC, that ORIC shouldn't be the first port of call for good governance. Money for programs that are delivered either directly from the Australian government's coffers or to the states and territories through the Australian government coffers often has clauses with it that actually require people to demonstrate good governance—that they're using the money effectively. How many investigations have you done into clauses of your funding arrangements with these entities, and how many have led to prosecutions?

Ms Broun: Thanks for the question, Senator. We're just waiting for my colleague to get seated.

Mr Nunn: Sorry, I missed the question coming in.

Senator LIDDLE: Under funding agreements for the delivery of programs—I don't care whether they're not-for-profits or who they are, or whether they're Aboriginal community controlled—how many times have you investigated noncompliance with the clauses in the contract, and how many have led to litigation?

Mr Nunn: Over what period of time?

Senator LIDDLE: Let's just say 12 months.

Mr Nunn: We currently have 44 matters altogether. They're made up of 18 matters of what we call intensive compliance support matters. They're matters that involve more assistance and are a bit more complex than day-to-day activities, but they don't meet the threshold of serious noncompliance or fraud. We have 13 serious noncompliance matters that we're currently looking at, and there are 13 fraud matters that are active cases at the moment. Out of those 13 fraud cases, there are three matters currently before the courts. Those matters have been remanded over to next year to set hearing dates.

Senator LIDDLE: So they might relate to potential allegations of criminal misconduct or fraud or whatever. What about good governance? Would you consider a board that had people on it who were all immediate family members is good governance, and that it would be worthy of funding or would it raise alarms about funding, and if that was so, what would you do about it?

Mr Nunn: Similar to the comments made by ORIC earlier today, there's no law to prevent family members being in charge of an organisation. Like all organisations, their performance is reviewed. The things that we look at in relation to their performance are governance, financial management and service delivery, and their adherence to the terms and conditions of relevant funding agreements.

Senator LIDDLE: Is it acceptable that an organisation that is receiving taxpayer money, and has the expectations of its memberships and of future generations, would allow people to sign off on financial statements without any reference to whether or not those people actually understood what they were signing?

Mr Nunn: I can't say across the board, but my understanding of entering into a funding agreement is that it is negotiated by the region areas with the NIAA, and my understanding is that it can be a person in authority—either a CEO or the directors of an organisation. My understanding is that a meeting is held with community members, or the key personnel involved with a provider organisation that enters into that agreement. One of the things that we pick up on over time is that, if there's a turnover of staff and new people come on board, that can be sometimes a bit of a problem.

Mr White: Just a point there which refers back to the evidence provided by ORIC earlier: our role, when we are looking at whether organisations are meeting the terms and conditions of their funding agreement, is about the contractual arrangements we've got with those organisations. ORIC's role is about ensuring the organisation is doing what it should be doing in terms of governance and those sorts of things. So our focus is very much on delivery of our agreement with the delivery of those services that the organisation is required to deliver under the contract.

Senator LIDDLE: But you've got a very important role there in actually managing that before they become major issues.

Mr White: That's right. A lot of our work is making sure that we can help organisations to comply with the terms and conditions of the program agreements. We do that in a number of ways. We can probably take the details on notice.

Senator LIDDLE: Okay.

CHAIR: Senator Liddle, I'll have to rotate the call very shortly.

Senator LIDDLE: I just have a couple more questions. This is around the impact of the removal of alcohol restrictions in the Northern Territory. I understand I'm a senator for South Australia, but a lot of people would know that the border is irrelevant. A lot of people from the APY lands in South Australia are in Alice Springs at the moment—I can confirm that, having been there last week—including the impact since the removal of the CDC, and people who are aware and actually live and understand, in those communities, the impact of people who moved to town and now are trapped there because of the impact of the fuel prices and getting home. What's happening to those services to actually respond to what we heard was going to be an expectation of an increase in violence and antisocial behaviour as a consequence of those things clashing? I'm not asking what's going to be planned. What's happening right now?

Mr Jeffries: Thank you. I'll get my colleague, Mr Dyer, to respond to your question.

Mr Dyer: With regard to the sunseting of the Stronger Futures act, the Commonwealth's investment with regard to drug and alcohol support has not adjusted. It is still staying at the levels it was. Maybe we will also talk about, Mr Burdon, the investment that we are providing in that space?

Mr Burdon: Mr Dyer, you were referring to our investments in the Northern Territory? Is that what you wanted me to comment on?

Mr Dyer: Across the border. I can take the question, if you like, Mr Burdon. With regard to our investment in the Northern Territory, we currently invest \$13 million in funding for the 2022-23 financial year, in 12 organisations, for 15 alcohol and other drug support services. Through the 2022-24 extension of the National Partnership Agreement on NT Remote Aboriginal Investment, NTRAI, we're also providing an additional \$11 million per annum in Alcohol Action offices and harm-related mitigation programs. The Australian government also recently announced a \$3 million package to deliver more community safety patrols, youth services, and family and domestic violence services in Alice Springs and surrounding town camps.

CHAIR: Thank you, Senator.

Senator LIDDLE: I've just one more question that might be for Minister McCarthy, and she might have to take this on notice. Minister McCarthy, when Minister Burney went to Ceduna, can you provide information on exactly who she met with as part of that exercise, and exactly how long she was in Ceduna for?

Senator McCarthy: That was in opposition, as shadow minister.

Senator LIDDLE: No, that was more recently, just prior to the removal of the cashless debit card.

Senator McCarthy: I'll certainly take that on notice, Senator Liddle. I did think it was in the pre-election stage.

Senator LIDDLE: No. I would like the organisations and the individuals that she actually met with.

Senator McCarthy: I certainly know that Minister Rishworth was there.

Senator LIDDLE: Probably include both of those.

Senator McCarthy: Yes. Look, I can certainly take on the question in relation to Minister Burney and see what we can get back to you.

Senator LIDDLE: Are you able to provide an answer relating to Minister Rishworth as well?

Senator McCarthy: I'll have a look into that.

CHAIR: Thank you. Senator Bilyk.

Senator BILYK: Thank you very much. I'd like to ask a few questions regarding the Territories Stolen Generations Redress Scheme. Are you able to tell me how many people have applied so far under the scheme?

Ms Kelly: Yes, the scheme opened for applications on 1 March this year. To date we have received—

Ms Hope: I think the answer that Ms Kelly is looking for is 583.

Ms Kelly: That's what I'm looking for.

Senator BILYK: Can you tell me how many payments have been finalised?

Ms Selmes: We have made 265 payments.

Senator BILYK: Can you tell many how many applications or how many people were estimated to be eligible?

Ms Selmes: Between 3,000 and 4,000.

Senator BILYK: Can you tell me why there has been such a low, or lower than expected take up rate?

Ms Selmes: I wouldn't say it has been lower than expected. This is something that is not easy, and whilst we've done everything that we can to simplify and provide support for applicants in applying, they will come forward in their own time and when they are ready to apply. We're on par with where we think we would be this early in the commencement of the scheme.

Senator BILYK: You said you are doing everything you can. Can you tell me what you are actually doing to make sure that members of the Stolen Generation are aware of the scheme?

Ms Selmes: We have an engagement program that is tailored to address regional, rural and remote community needs. It includes visits to a variety of settings and to a range of jurisdictions where applicants may be living. We are working in partnership with a range of Stolen Generation organisations and support providers as well. We've met with land councils, Aboriginal controlled organisations, community organisations, and also we have met with individuals in community who are likely eligible to apply.

Senator BILYK: Can you remind me of the timeframe of the scheme? When's it due to end?

Ms Selmes: The scheme will close on 30 June 2026.

Senator BILYK: Is that the last date for applications?

Ms Selmes: We will have applications until 28 February 2026, and then we've got some time to finalise delivery of one component of the scheme, which is the personal acknowledgement.

Senator BILYK: I have some other questions—I might put them on notice, I'm just aware of the time—but my last question in this area: is there any support for families on behalf of the Stolen Generation members who have passed away?

Ms Selmes: There is. The scheme will accept applications from estates or family members for those who have passed on after the announcement of the scheme and while the scheme is in operation. We also have independent and scheme funded support services providing legal and financial assistance. Part of that legal assistance is to work with those families where there's no will in place going through the probate process and letters of administration so we can still have the benefit paid.

Senator BILYK: And they get trauma support and things as well?

Ms Selmes: They do. There is social and emotional well-being support.

Senator BILYK: I accept what you said about people needing space and that sort of thing. But I really want to make sure that people who are eligible to apply know. When will you know whether you need to do anything else to spread the word?

Ms Selmes: Our engagement program will run for the entire time the scheme is open. We will continue to monitor that, and we will continue to work with our partners and our external advisory board on any additional measures we need to put in place.

Senator BILYK: I'm not sure whether you want to add anything there at all, Minister?

Senator McCarthy: Thank you.

Senator BILYK: My next questions are about the National Partnership for Remote Housing NT. I don't think I'll call it by its acronym because it's easier to actually call it the national partnership for remote housing in the NT. Ms Fulton, are you able to tell me how many Commonwealth funded bedrooms were delivered by the national partnership for remote housing in the NT under the previous government?

Ms Fulton: I don't have a date up to the election, but I have latest verified figures for delivery. They go up until the end of June this year. At 30 June, 609 Australian government funded bedrooms had been delivered. The target is based on bedrooms rather than houses.

Senator BILYK: Yes, I'm talking about bedrooms. Are you able to tell me how many are supposed to be delivered by the end of the agreement in mid-2023?

Ms Fulton: By the end of the partnership we have a target of 1,950 Australian government funded bedrooms.

Senator BILYK: So that's a shortfall of—

Ms Fulton: The agreement continues until the middle of next year.

Senator BILYK: I understand that, but there obviously has been a bit of a shortfall. I think we all accept that, don't we?

Ms Fulton: That's right.

Senator BILYK: There has been some delivery that has been accelerated recently— I correct in saying that?

Ms Fulton: I think what has happened, if you look over the life of the partnership, it was slow to start from the Commonwealth government contribution side. The Northern Territory government, who is the delivery partner, had a period of putting in place procurements. They've now got quite a lot of contracts either in place or under procurement at the moment. That has enabled some acceleration in recent months.

Senator BILYK: I don't live in the Northern Territory, but I understand we are heading towards the wet season—correct? How is that going to impact? Are we going to have enough bedrooms then?

Ms Fulton: At the moment the Northern Territory government has forecast what they think they will be on schedule to deliver by the end of the partnership. It does mean that if they deliver as forecast there would be a shortfall, which at the moment could be in the order of 210 bedrooms. There is of course always fluctuation between schedule and delivery, so some months they may exceed targets, some months they may be later. We have a joint steering committee where we look collectively at progress. The next one is at the beginning of December, so that will be the next point at which we jointly review progress with the NT government and the land councils.

Senator BILYK: Am I correct in thinking that the audit office did a review or an inquiry?

Ms Fulton: Yes.

Senator BILYK: Did they identify any problems? What do you see as some of the shortcomings of the present agreement?

Ms Fulton: The ANAO did do an audit, which was tabled earlier this year. It was an audit of the NIAA's administration of the partnership. That is a distinction to the delivery of the partnership overall. They made five recommendations, which mostly went to issues of the risk based assurance mechanisms that were in place, the clarity of the arrangements around the partnership and joint delivery. We agreed with all recommendations all and have completed three of them. Two are still under way. They went to issues of the nature of reporting, the level of detail, so transparency and accountability and a risk-based approach.

Senator BILYK: Thank you.

Senator THORPE: I had a call from the Walgett community earlier today saying they are in absolute dire straits. They haven't received any flood relief. There are 20 plus homes affected by the flood, particularly Namoi reserve. It is anyone doing anything about that? The community is watching right now.

Mr Jeffries: Our office in Dubbo has been working right across the flood affected areas right throughout New South Wales and Victoria, and making sure that people get access to the services that are being provided either through state government arrangements or through Commonwealth emergency relief efforts.

Senator THORPE: With this community?

Mr Jeffries: I'm not sure if it is specific to that community, but I know that our staff have been engaged quite a bit, making sure that people are getting the right access, or getting access—

Senator THORPE: If they don't feel they have access, can you advise what they should do? Can you follow them up? They need help. They are screaming out for help. They are desperate. That's your job.

Senator ROBERTS: Thank you all for appearing today. Senator Liddle raised a topic that I want to raise. A staffer in our office visited Mornington Island some time ago. Can you tell me what more needs to be done to ensure food security, including prices, in Australia's remote Indigenous communities?

Ms Wettenhall: In relation to Mornington Island, I'm aware of the store there. That's a privately owned store. I understand that we are working with them through—they are part of the broader remote food security group, or they are captured in part of the broader remote security group. They have approached us and they have approached the Queensland government in relation to some of this work. We are working in partnership with the Queensland government in that space.

Senator ROBERTS: So there's nothing concrete at the moment. Is the Australian National Audit Office doing an audit on this topic?

Ms Broun: On food security?

Senator ROBERTS: Yes.

Ms Broun: I think prior to you joining us there was quite a lot of conversation about food security. Over the whole area there is a remote security group that we're working with with states and Territories more broadly, making sure that we're working with retailers, wholesalers about what are those distributions and what's the service that First Nations people are getting. So there is that, and we're also working on a national strategy for food security in First Nations communities as well. There is a range of work going on that we take very seriously, bit obviously it impacts more than one community. It is about what does the whole system look like and keeping an eye on that. NIAA are doing that.

Senator ROBERTS: So the ANAO is doing that? Is it involved in an audit?

Ms Broun: There was an inquiry into food security in 2020. But not that I'm aware of in terms of ANAO.

Mr Jeffries: That was the House of Representatives Standing Committee on Indigenous Affairs. It conducted a food pricing inquiry. To go to the point of the question about high prices in communities, we have been very well aware that the inquiry picked up on the cost of food in remote stores. The idea we are working through now, as the CEO, Ms Broun, advised around a national food security, is to try and look at other ways to bring food relief and food at a cheaper price to communities, particularly those in remote locations. We're dealing with some 200 stores across four or five different jurisdictions, not just necessarily in the Northern Territory. Where we have remote stores we are working with jurisdiction to try and alleviate what would potentially be the high cost of food processing.

Senator ROBERTS: Just coming back to ANAO—

Ms Hope: With the brilliance of technology we have just looked at the ANAO website. Of course the forward schedule for audits is a matter for the ANAO, but I can tell you that there is a potential audit in 2022-23 on food scarcity in remote Indigenous communities.

Senator ROBERTS: Anything more you want to add?

Ms Hope: I could read the scope out for you.

Senator ROBERTS: That would be good.

Ms Hope: It says:

This audit would assess the effectiveness of initiatives to ensure food security for remote Indigenous communities.

Food security falls within the United Nations Sustainable Development Goal 2 and is critical to improve the nutrition of people worldwide. The Australian Government contributes to food security in remote communities through a number of measures, including: the community stores licensing scheme, legislated through the Stronger Futures in the Northern Territory Act 2012 and administered by the National Indigenous Australians Agency (NIAA); and Outback Stores, a Commonwealth-owned company within the Prime Minister and Cabinet portfolio that supports retail services for 42 remote communities across the Northern Territory, Western Australia and South Australia.

In December 2020, the Standing Committee on Indigenous Affairs released the report of its inquiry into food pricing and food security in remote Indigenous communities. The inquiry concluded that despite three previous recent examinations of food security, concerns remain and there is an opportunity to learn from the measures put in place to address the COVID-19 pandemic in remote communities. The Australian Government responded to the inquiry in December 2021, supporting or providing in-principle support to 10 of the 16 inquiry recommendations.

As I said, it is listed on the ANAO website as a potential audit.

Senator ROBERTS: Thank you for that. That's exactly what I was coming to. I'm glad you anticipated it. Is the cost of transport and the effect of consumer prices part of the ANAO's audit?

Ms Hope: It is listed as a potential audit. I think the scope of that would be within the remit of the ANAO, so I couldn't answer that for you, I apologise.

Senator ROBERTS: Thank you for your frankness. What solutions have been considered? I have heard a lot of talk. That's not being disparaging. What solutions have been considered so far? What are some concrete things that are happening in the remote Indigenous communities?

Mr Jeffries: I might get Mr Dyer to talk about the recent things that NIAA have done previously in regard to supporting stores to try and alleviate some of those issues.

Mr Dyer: Firstly, as we raised before, stores are independent entities. With regard to the food security working group, we do have conversations about solutions that stores and suppliers are implementing. A lot of the conversation so far has been about maintaining pricing with regards to staples. Some of the management companies such as Outback Stores and CEQ, the Queensland state owned enterprise, are trying to maintain the price of staples and pass the price on to non-discretionary items. With regard to action by the Commonwealth government, we maintain a strong presence in the store management space, through Outback Stores and underpinning stores that have issues of viability through an underpinning fund. We also have provided the funding scheme, with regard to \$8 million.

Senator ROBERTS: Is that like a subsidy?

Mr Dyer: No. Unfortunately we don't do subsidies, but we are looking at how to put additional resilience in the supply chain.

Senator ROBERTS: But what does that mean?

Mr Dyer: So that stores can engage with larger components of the supply chain. A simple example would be providing a forklift so a small store can move from small deliveries to palletised deliveries, allowing them to access bulk purchasing discount prices. That kind of thing.

Senator ROBERTS: I asked particularly about subsidies, because my conclusion from seeing subsidies is that wherever they are implemented, they raise prices. Whether it is child care or anything, they just raise prices. That's basic economics.

Ms Broun: A lot of the grants that were provided through that scheme actually went to things like storage, for instance—so cold storage, solar power, those sorts of things that smaller stores might struggle with keeping enough food fresh and being able to get it in bulk. Obviously solar is a cost benefit as well, and that might be able to flow through in terms of the cost pricing structures. But there was a whole range of grants given to stores through that process that actually went to the viability as well as the quality of the food they were providing.

Senator ROBERTS: We will get onto the details of solar in some other time. I don't agree with you on that. The figures don't bear it up. Is there a need to come up with some way of improving competition, or is it even possible in the remote communities? Certainly not in some, I guess.

Mr Jeffries: I think you raise a good point, Senator. The size of communities will determine if there is the necessity to have competition. Invariably, if the community is small, if there is competition, one, it will close out one shop against the other, and then we see things start to come back into that again. So competition is probably unlikely in a lot of these communities, just because of the sheer fact of the site, also in some of the bigger the communities, where there is a population of more than 1,500 or 2,000 people, there are three or four stores in the community for choice for people to go to.

Senator ROBERTS: That's encouraging. But there aren't that many communities that are over 1,500.

Mr Dyer: There aren't that many communities with that size of population. So either they have one store or they have to travel to a community that's in close proximity to access the store, because they may not be big enough to have a store themselves.

Senator ROBERTS: What's being done to encourage communities to grow their own food, fruit and vegetables and raise herds of meat-producing animals or dairy herds to provide locally produced food? I understand the climate we're talking about is not like here in Canberra, or in Brisbane even; it's quite difficult. But what is being done so that communities become more independent, rather than dependent?

Mr Dyer: Quite often we respond to communities who want to take on things like market gardens, or working with groups like Food Ladder, that kind of stuff. So we work with communities who want that. We understand that the production of food locally can bring cost relief to households, particularly those that are on fixed income. Any way that we can try and bring down the cost of food or access to food at a cheaper price, certainly we respond to that. My colleague Ms Wettenhall can talk a little bit more about market gardens, particularly in the gulf country, in Queensland.

Ms Wettenhall: In Mornington Island, we are working with the council there in relation to establishing a market garden. We've provided some funding to start a feasibility study. We expect that feasibility study to conclude in November, this month, so we're waiting to see what the next steps are. In Doomadgee the community development provider has been working with community there and established a market garden or an aquaponic centre there. That is moving forward. We also doing some work with the Yarrabah community and have completed a feasibility study there.

Senator ROBERTS: Mornington was going to be further down my questions. I understand there is a proposed market garden there?

Ms Wettenhall: Yes. That's what we're working with.

Senator ROBERTS: That's something we've been told about for a couple of years now at least. All we understand now is that it's still an overgrown field with no plan, no overseer. You mentioned a feasibility study.

Ms Wettenhall: That's correct. There's also some work that the community development provider has been doing. They actually have established a small market garden there that is selling a number of commercial plants. So there is some action on Mornington Island. It's small, but there are also plans for a larger one, and we're working through. There are some complexities around soil and water and things that have be considered. That's all being worked through as part of a feasibility study.

Senator ROBERTS: What about something like a fishing industry?

CHAIR: Thanks, Senator Roberts. I really do need to wind you up, this is your last question, then I'm going to the Coalition and then back to Senator Pocock.

Senator McGRATH: Just so people who are watching are aware, it's the Coalition's view that we need a spillover because of the seriousness of the issues that are being discussed here. We will be calling for a spillover. We were told in Legal and Constitutional affairs that the NIAA are the lead agency for all aspects of the Voice. To date, what is the total budgetary expenditure of the Commonwealth on the Voice?

Ms Guivarra: As you may have seen, the budget allocated \$75.1 million to preparations for the referendum. A large proportion of that, of course, is going to the AEC for their preparations for conducting the actual referendum. There was \$6.5 million allocated to the NIAA. The NIAA corporate plan indicates what our responsibilities are in relation to the referendum. That is obviously to raise awareness amongst First Nations people on the referendum and to co-ordinate the whole-of-government processes in terms of conducting the referendum.

Senator McGRATH: So it was \$6.5 million to the NIAA. How much to the Electoral Commission?

Ms Guivarra: They have \$50.2 million specifically for preparations for the referendum. They do have an additional \$16.1 million, which is basically to encourage First Nations enfranchisement.

Senator McGRATH: Is that part of the \$75 million?

Ms Guivarra: Yes, indeed.

Senator McGRATH: Are there any other components of that total \$75 million?

Ms Guivarra: There are details on page 170 of Budget Paper No. 2. There is, of course, some additional funding for both Attorney-General's Department and the Department of Finance.

Senator McGRATH: Can you answer how much of the expenditure has been incurred since the election?

Ms Guivarra: Yes. I might hand to my colleague.

Mr Gordon: We haven't got the figures on the total expenditure across all of those measures since the election, and we can take that on notice.

Senator McGRATH: If you could, thank you.

Mr Gordon: On at least one of the measures that has been referred to, the \$6.5 million, that does include \$4.8 million to support engagement with First Nations people through the Referendum Working Group and Referendum Engagement Group, as well as the Constitutional Expert Group—the three groups that have been set up. To date, for those three groups, expenditure has been just over \$90,000.

Senator McGRATH: Have any external consultants been engaged to advise on the Voice? What is the total cost associated with their services?

Mr Gordon: No external consultants have been brought on board to advise on the Voice.

Senator McGRATH: What work is being undertaken to prepare the legislation that is required to implement the national Voice body?

Ms Guivarra: Broadly speaking, there are two main bodies of legislation in preparation for any referendum. One, of course, is the Referendum (Machinery Provisions) Act, which falls under the responsibility of the Department of Finance, and the other is the constitutional amendment bill, which falls under the responsibility of the Attorney-General's Department.

Senator McGRATH: Has any work commenced in preparing the two pieces of legislation?

Ms Guivarra: I think, more specifically, in relation to the Referendum (Machinery Provisions) Act, that's probably a question for the Department of Finance. You may have observed that there were comments made by the Minister for Indigenous Australians, who had indicated the intention to have a bill for the Referendum (Machinery Provisions) changes by the end of the year.

Senator McGRATH: But you are the lead agency, though.

Ms Guivarra: We are the lead agency for coordination across all of the agencies, so we have essentially what works as a sort of a virtual task force across various agencies. That includes, of course, the Department of Finance, the Attorney-General's Department, Prime Minister and Cabinet, and the Australian Electoral Commission.

Senator McGRATH: What form will the national Voice body take?

Ms Guivarra: There are discussions going on at the moment. Several of the previous statements have been made in respect of the Referendum Working Group. Work is underway in that working group on this issue. Obviously there had been work conducted under the previous government in relation to a co-design report on design elements for a Voice. You would have seen the Referendum Working Group, in one of their communiques from the two meetings that they've conducted to date, indicated a broad range of principles associated with the Voice.

CHAIR: Senator McGrath, I'll need to give the call to Senator Pocock. As you've indicated you want to spill over, I don't see that we need to go past 3:30.

Senator McGRATH: Just one point, Senator Pocock, if you don't mind. You said that I should refer questions to the Attorney-General's Department or the Department of Finance. My understanding is that the Attorney-General's Department did say that questions in relation to the construction legislation actually should be handled by you, and indeed that the Office of Constitutional Law has seconded teams to the NIAA for this reason. Is that correct?

Ms Guivarra: There are a number of secondments from the Attorney-General's Department that are currently with the NIAA. They in fact help support the Constitutional Experts Group. So, as indicated and as is articulated in the communique from the last Referendum Working Group, there has been a group of eight constitutional experts constituted to provide advice to the Referendum Working Group and to the government on the proposed constitutional amendment.

Senator McGRATH: I think that this is why we do need a spillover, because there are so many issues to discuss here. Thank you, Senator Pocock, for allowing me that.

CHAIR: Senator Pocock.

Senator DAVID POCOCK: Thank you, Chair. I've got a question about Closing the Gap. I am after an update for priority reform 4. How are you tracking it, and are you able to share what progress has been made to date?

Ms Broun: All the priority reform areas are actually really important. It is an area we're putting a lot of focus on, but I'll hand to my colleagues for the specifics.

Mr Bartholomew: The priority reforms are the fundamental foundations of the national agreement. I can talk about several different categories of projects for information. The two categories I'd mention are firstly our community data projects, and then secondly, work under the data development plan. First and foremost, under the national agreement, there's a commitment for all parties to establish six community data projects under clause 74. At this stage, community data projects have been nominated in the following locations: Western Sydney, the Kimberley region, Maningrida, and the western suburbs of Adelaide.

Then, in terms of the important work on data development, there's a data development plan which has been agreed by joint council in August. That goes to prioritising all the many different areas of work needed to build the data that's needed to measure the progress, ultimately, for the outcomes.

Senator DAVID POCOCK: So you're out to, or just after, the planning stage?

Mr Bartholomew: Yes, that's right. In existence at the moment, there are nine of the 18 targets where there's still a need for greater data development, so there is a key piece of work in terms of those data development actions.

Senator DAVID POCOCK: What sort of public reporting is happening on those? How can we keep track of what's happening in that space?

Mr Bartholomew: Beyond the Productivity Commission dashboard?

Ms Guivarra: There are two publicly available key pieces of information. One is that the Productivity Commission, of course, has a dashboard which is available to the public and you can access it at any time. There is also what's referred to as an 'annual compilation report' from the Productivity Commission, and that tracks how we're progressing across all of the 17 socioeconomic outcomes envisaged under the agreement. The most recent annual report came out in July. Of course, it indicated that we are on track, at this current stage in time, on only four of those 17 socioeconomic outcomes. It also indicated, of course, that we're off track for five of those, so clearly, as Mr Bartholomew indicated, there is still a lot of work in terms of trying to ensure that we have sufficient data. You would notice from the Productivity Commission's latest data compilation report, there's actually quite a lag time as well in relation to data. So some of those pieces of data and information haven't been updated since the new national agreement has come into force, which was, of course, in 2020.

Senator DAVID POCOCK: Thank you. Thank you, Chair.

CHAIR: Senator Nampijinpa Price. And I will note that we'll be finishing at 3.30 sharp.

Senator NAMPIJINPA PRICE: No problem. I have some questions with regard to the cessation of the Stronger Futures legislation. I know that the Minister for Indigenous Australians met with the Northern Territory Chief Minister in August and discussed the end of the Stronger Futures legislation. Can we be provided with the agenda and the minutes of that meeting, and who was in attendance?

Mr Jeffries: I'm not sure if we've got access to those details for that meeting, Senator.

Senator NAMPIJINPA PRICE: Can I ask what actions have been taken by the federal government as a result of this meeting?

Mr Jeffries: The provisions that were discussed around the sunset of the Stronger Futures Act were in relation to alcohol matters and how we can support the Northern Territory government to implement their alcohol arrangements after the sunset of the legislation. That's my understanding of the outcome of that conversation. We're continuing to work with the Northern Territory government to support the implementation of their alcohol arrangements.

Senator NAMPIJINPA PRICE: What has been the impact observed in Indigenous communities in the Northern Territory as a result of the cessation of this legislation?

Mr Jeffries: I'll get my colleague, Mr Dyer, to try and answer that question. At the moment, we are working with the Northern Territory government and seeking data from them around what the impact of that is. At the moment we're not sure about access to that data, but I'll get Mr Dyer to answer that.

Mr Dyer: Thank you. Senator, with regard to alcohol or the aspects of Stronger Futures?

Senator NAMPIJINPA PRICE: The impacts of alcohol now being available back in communities.

Mr Dyer: With regard to measuring the impact of the NT's alcohol legislation which is now in place, that'd be a matter for the Northern Territory government. However, the Northern Territory government are working with us in a collaborative way, and with the community sector through several forums, not only to look at engagement and how to work best with communities with regard to alcohol management, but also with regard to coordination of alcohol and other drug services.

Senator NAMPIJINPA PRICE: Has the minister been briefed by the Territory government in recent times with regard to the impact of alcohol being back in communities?

Mr Jeffries: I'm not sure of that at this point in time. We can take that on notice and table that.

Senator NAMPIJINPA PRICE: I know that the minister was in Alice Springs last week. Were any meetings held with regard to this particular issue with the minister at all?

Mr Jeffries: I'd have to take that on notice as well.

Senator NAMPIJINPA PRICE: Has the minister been advised of any changes to the rates of violence against women and children in these affected communities?

Mr Jeffries: Not that I'm aware of. Again, we could take that on notice.

Senator NAMPIJINPA PRICE: How about rates of crime in these affected communities? Has there been any advice to the minister on this?

Mr Dyer: If I can, Senator, the rates of crime, such as alcohol related domestic violence, are actually publicly available on the Northern Territory government's websites.

Senator NAMPIJINPA PRICE: There have been no specific briefings to the minister? I mean, this is a particularly important issue that a lot of people are suffering from in these communities, and the Minister for Indigenous Australians hasn't been briefed specifically on these issues? I note that the member for Lingiari has spoken openly about her deep concerns with regard to these issues. I just wanted to understand whether the Minister for Indigenous Australians has shown much interest in these particular concerning issues.

CHAIR: That'll have to be the final—

Senator McCarthy: Sorry, Chair, can I answer the final question? I have tried to just let the officials answer most of today. Yes, Minister Burney was in Central Australia last week, and also South Australia through the APY Lands. She definitely still hasn't been to Ceduna, I'm informed, Senator Liddle, since she was a minister, just to put on record to your question. She travelled through APY. She was at Mutitjulu and Watarrka with the Central Land Council, and then in Alice Springs she met with quite a few organisations. At the meetings that I attended with her, people were asking—and this was with the Central Land Council—about their homelands and outstations and health issues which we were able to inform them on. In terms of briefings around children, she certainly had meetings—which I was not a part of; I had left by then—with the Tangentyere men and women's safety groups, and also, I understand, with the children's services there in Alice Springs.

Senator NAMPIJINPA PRICE: Can we get a copy of those briefings?

Senator McCarthy: They're not briefing notes. They're the interactions she's had with people. I can certainly take on notice the outcome and also those meetings that she did have.

Senator NAMPIJINPA PRICE: I have just one last question which is particularly important to this particular issue. I just wanted to know if the minister has received any advice about utilising Commonwealth powers to re-establish alcohol bans in communities where these bans have been removed.

Senator McCarthy: I can take that on notice.

CHAIR: Thank you, everybody. I'm disappointed that we haven't been able to get to the department of health. I thank them very much for being here this afternoon and waiting diligently. I do note that there may be an opportunity to canvass these issues in the spillover that's happening in the Community Affairs Committee, and we'll wait and see what happens within Financial and Public Administration as to any further hearings. I want to thank very much all of the witnesses today, and I want to thank our secretariat and Broadcasting.

Committee adjourned at 15:32