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Proof Committee Hansard

SENATE

FINANCE AND PUBLIC ADMINISTRATION LEGISLATION
COMMITTEE

Estimates

(Public)

MONDAY, 12 DECEMBER 2022

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FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE

Monday, 12 December 2022

Members in attendance: Senators Colbeck [by video link], Liddle [by audio link], McGrath [by audio link], Nampijinpa Price [by video link], Pratt [by video link], Stewart [by video link] and Thorpe [by audio link]

CROSS-PORTFOLIO INDIGENOUS MATTERS**In Attendance**

Senator McCarthy, Assistant Minister for Indigenous Australians, Assistant Minister for Indigenous Health [by video link]

Department of the Prime Minister and Cabinet**Domestic Policy Group**

Ms Alison Frame, Deputy Secretary, Social Policy Group

Ms Genevieve Quilty, First Assistant Secretary, Social Policy Division [by video link]

Mr Richard Aitken, Acting Assistant Secretary, First Nations Policy Branch

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 and Chief Security Officer

Mr Neil Dawson, Acting Chief Financial Office

Mr Tom Allen, Acting Chief Lawyer

Social Policy and Programs Group

Mr Ben Burdon, Group Manager

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

Mr Jeremy Mickle, 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, Group Manager

Mr Carl Binning, Group Manager

Mr John Litchfield, Acting 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

Ms Kylie Jackson, Acting Branch Manager, Select Support and Report

Dr Jessica Hartmann, Branch Manager, Data and Evaluation

Ms Sarah Clough, Branch Manager, Grant Design

West and South Group

Mr Kevin Brahim, Group Manager [by video link]

Central Group

Ms Rachael Jackson, Acting Group Manager [by video link]

Mr Thomas Dyer, Branch Manager, NT Strategy and Policy [by video link]

Mr Byron Matthews, Regional Manager, Central Australia Region [by video link]

Eastern Group

Ms Marnie Wettenhall, Acting Group Manager [by video link]

Office of Township Leasing

Ms Pennie Talbot, Executive Director of Township Leasing

Ms Penelope Brown, Acting Principal Lawyer

Ms Annette Murtagh, Director, Township Leasing and Engagement

Department of Health and Aged Care

Mr Blair Exell, Deputy Secretary, Strategy, Evidence and Research Group

Dr Lucas de Toca, First Assistant Secretary, Vaccine Policy, Implementation and Primary Care Response Division

Mr Gavin Matthews, First Assistant Secretary, First Nations Health Division

Mr Ben Mudaliar, Assistant Secretary, First Nations Health Division

Ms Melinda Turner, Assistant Secretary, First Nations Health Division

Ms Lara Musgrave, Assistant Secretary, First Nations Health Division

Mr Mark Roddam, Assistant Secretary, Mental Health and Suicide Prevention Division

Attorney-General's Department**First Nations and Justice Policy Division**

Mr David Lewis, General Counsel, Office of Constitutional Law

Committee met at 09:02

CHAIR (Senator Pratt): I now declare open this hearing of the Finance and Public Administration Legislation Committee into the 2022-23 budget estimates. I begin, importantly, by acknowledging the traditional custodians of the land on which we meet today, and pay my respects to elders past and present. I extend that respect to Aboriginal and Torres Strait Islander peoples here today. The committee is due to report to the Senate on or before 22 December and has fixed Monday 16 January 2023 as the date for the return of answers to questions taken on notice. Today we continue our examination of the budget estimates for 2022-23 with a cross-portfolio hearing on Indigenous matters, as listed on today's program.

Under standing order 26, we will take all evidence in public session, including answers to questions on notice. I remind witnesses that in giving evidence to the committee you are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to a committee, and such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence. We as the Senate have endorsed the following test of relevance of questions at estimates hearings: any questions going to the operations of financial positions of departments and agencies which are seeking funds for the purposes of estimates hearings.

I remind officers that the Senate has resolved that there are no areas in connection with the expenditure of public funds where any person has the 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 a reasonable opportunity to refer questions asked of the officer to a superior officer or minister. This does not preclude questions asking for explanations of policies or factual questions about when and 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 some specific indication of the harm to the public interest that could result from disclosure of the information or the document.

Office of Township Leasing

[09:05]

CHAIR: I would now like to welcome the Hon. Malarndirri McCarthy, Assistant Minister for Indigenous Australians and Assistant Minister for Indigenous Health; Ms Pennie Talbot, Executive Director of Township Leasing; and other officers, as well as all senators here today. Ms Talbot, would you like to make an opening statement this morning?

Ms Talbot: Yes, Chair, if time permits.

CHAIR: Time does permit—just a couple of minutes.

Ms Talbot: First I would like to acknowledge the Ngunnawal and Ngambri traditional owners. I pay my respects to your families and elders and I thank you for allowing me to gather on your country with my colleagues Ms Annette Murtagh and Ms Penny Brown. I would also like to pay my respects to all other traditional owners who have walked this land before us and all of us that are now responsible for our ancestral lands, stories and

families across this nation. Furthermore, I acknowledge and pay my respects to my sisters and brothers and colleagues in the room today.

I thank you for the opportunity to discuss the township lease model and work undertaken by my office, the Office of Township Leasing. It is a privilege to be in a position of true partnership with traditional owners and one that I hold in the highest regard. I acknowledge the lasting influence of the late Mantiyupwi leader Mr Walter Kerinaiaua, the grandfather of township leasing. It is Mr Kerinaiaua's vision that inspired the township leasing model with his words, 'I want to empower my people by providing choices, choices that we in the bush have never had before.' We are instrumental in establishing the model and embedding a true and lasting partnership between the executive director and traditional owners. A leader before his time, his vision continues to have an intergenerational impact on his family and community. Importantly, it is this vision that underpins and influences the strong foundation of the township lease model, providing a platform to enable and drive choice for other Aboriginal traditional owners, families and communities. I would like to take a moment to thank the Kerinaiaua and Mantiyupwi families for leading the way in allowing us to continue to integrate Mr Kerinaiaua's vision.

The model is embedded in the Aboriginal Land Rights (Northern Territory) Act 1976, the strongest form of land rights and beneficial legislation across the nation. I acknowledge our elders, past leaders and the land councils for fighting for this right. The primary objective behind the section 19A amendment strengthens this right and is to enable Aboriginal people to have the same opportunities as other Australians living in towns, by providing this mechanism to establish secure, tradable land tenure for townships established on Aboriginal land whilst maintaining the underlying Aboriginal land title and ongoing cultural responsibilities.

Building on culturally legitimate decision-making structures and ensuring space and time for traditional owners to make free, prior and informed decisions is fundamental to the ongoing success of the model, whether it be through the governing arrangement of a community entity or the partnership approach of the consultative forum with the executive director. In this partnered decision-making environment, traditional owners are central to all decisions made in relation to land and economic development under their township lease. This has led to social and economic development based on cultural and environmental knowledge, established joint venture opportunities and embedded development based on planning principles. First and foremost, the governing environment supports choice, providing a trusted space to enable a robust discussion and informed decisions upheld by the office. Whether proposals are supported or not supported, I see my role to support and enable decisions, not be the decision-maker.

I see my role to support and enable decisions, building on culturally legitimate decision-making structures, ensuring space and time for traditional owners to make free and prior decisions. To achieve this, the office has developed a draft township leasing framework. The framework will ensure traditional owners are at the centre when implementing the model from the initial engagement through to agreement-making. With the delivery of land administration arrangements and realisation of economic development opportunities, traditional owners are empowered to make informed decisions through all stages of their township leasing journey.

As the model has established itself and as more traditional owners express an interest in the model, it is imperative that the office, alongside the land councils, continues to share this information and knowledge. In developing the framework and authorising environment, traditional owners will be supported to make a free, prior and informed decision if the objective of the township leasing model is something they desire. If traditional owners choose to partner with the executive director, building strong and sustainable foundations to empower traditional owners to govern and administer their traditional lands, if and when they are ready to transition, should be a central and positive obligation for the executive director.

The framework supports choice. Choice drives agency and self-determination, and create partnerships based on collaboration and trust. Each traditional owner group and township is different. However, through the model all traditional owner groups have been empowered by choice. Choice is fundamentally a human right. Mr Kerinaiaua has established the foundations. The Anindilyakwa, Gumatj, Mirarr, Anangu and Tiwi families have continued this legacy and lead the way. I encourage all stakeholders to follow and continue the partnership to realise an alternative future for our remote townships and Aboriginal people in the Northern Territory.

I thank my colleagues in the office for their ongoing commitment, and I look forward to continuing to work closely with key stakeholders, including traditional owners, the National Indigenous Australians Agency and land councils, to empower traditional owners to advance economic and social opportunities through the implementation of a robust township lease model.

CHAIR: Thank you very much. We will now go to questions.

Senator NAMPIJINPA PRICE: Thank you, Pennie, and to your staff who are also in attendance today. I have a few questions to go through. Can you please outline to me how the Office of Township Leasing determines who is a traditional owner for the purposes of negotiating leases and economic development opportunities?

Ms Talbot: My legislative function doesn't extend to determining who are Aboriginal and traditional owners. That legislative function resides with the Aboriginal land councils of the Northern Territory. That's something I would not be able to advise you on.

Senator NAMPIJINPA PRICE: That's a function of the Northern Land Council, and we would take advice from that entity with regard to who they are?

Ms Talbot: It's also the Tiwi Land Council, the Anindilyakwa Land Council and the Central Land Council, in the regions where we operate with them.

Senator NAMPIJINPA PRICE: Thank you. If the land councils have a meeting that has reviewed a proposal for an economic activity to take place, and all traditional owners and the executive of a land council have supported the proposal in principle, does the Office of Township Leasing then consult with traditional owners or is that already established and determined? I'm aware of the possibility of disputes in that area, so how can you be sure that you're dealing with the appropriate traditional owners? That's what I'm seeking to understand.

Ms Talbot: Sorry; is that at the negotiation or post the township lease being signed with the executive director?

Senator NAMPIJINPA PRICE: Post.

Ms Talbot: The initial process undertaken by the land councils through the township lease advises they will nominate traditional owners—an example being when the Mantiyupwi family group signed their lease in 2007; there were approximately five traditional owner members at the table with the executive director. At the recent consultative forum held earlier this year, there were 105 members in attendance. There is the ability post-signing to allow traditional owners to reflect the decision-making environments of their cultural decision-making processes. All our consultative forums are very unique in their own right.

I can advise you that in Mutitjulu there's a mixture both of traditional owners and community representatives who attend the consultative forum. It allows for open and transparent communication to take place, and then the decision-making structures, as appropriate, kick into that space. I'm guided by traditional owners and community when we go into those township leases.

Senator NAMPIJINPA PRICE: Can you describe to me what culturally legitimate decision-making is, and what that process looks like?

Ms Talbot: The office pivots to each cultural traditional owner group. How I apply the consultative forum mechanism in Tiwi to Groote Eylandt and into Mutitjulu looks vastly different and is based on the cultural constructs of each community.

I'm not in a position to determine what the cultural constructs are. I'm very much guided by each group. What establishes the primary thing is it's a traditional owner led process, and they are able to then guide me in that partnership and say, 'This is what we think it should look like.' By building that trusted environment, you start to see there's no, 'I'm a traditional owner and I should be at the table' and, 'I'm not a traditional owner and I shouldn't be'; there's this trust that starts to establish itself through the work of the office and traditional owner groups. When I say 'culturally legitimate', I'm adapting and pivoting to each traditional owner group. I don't apply a structured—it doesn't come from our office. We provide a systematic approach to say, 'This is the information that will go before traditional owners', but then, like I said, we pivot and adapt to each area.

Senator NAMPIJINPA PRICE: Do you maintain paperwork for the purpose of the OTL to have these processes on record?

Ms Talbot: At all our consultative forum meetings, the members receive a members' pack. They are minuted, and the members are fully informed on each process and they have all the documentation. We structure it like a meeting. We're guided by if we need an interpreter at the table or not, depending on the group and the language barriers that may exist.

Senator NAMPIJINPA PRICE: Do the traditional owner groups change at all over time—so one group transitions into another—for a particular area at all?

Ms Talbot: The footprint of the township lease is normally quite a micro environment. I'll refer to one of the Tiwi groups. In Mantiyupwi's area, they have five family groups that are represented, and there was a decision taken early on in the piece that all five families be represented at the table, even though the footprint of the

township may only include a couple of those family groups. We're guided by that. I would say traditional owners don't change through the process of engaging through the township lease model.

Senator NAMPIJINPA PRICE: Given the Office of Township Leasing is mandated by legislation to consult and bring parties together to negotiate leases for the express purpose of economic prosperity of remote territories and Aboriginal people, can you please outline how many inquiries and complaints you have received on not consulting with traditional owners, and how this has been managed?

Ms Talbot: I can advise you we haven't received any formal complaints to date.

Senator NAMPIJINPA PRICE: How important is Aboriginal governance and autonomy to the Commonwealth parliament? It appears as though it's possibly a loose sort of structure and you're relying on individuals, certainly traditional owners, but a system that you're not particularly—there's no real structure around the system of determination of traditional owners and you're relying on the honesty of those representing.

Ms Talbot: I am relying on the legislative functions of the land councils to guide me to the initial stages of signing the township lease, and traditional owners are very much at the centre of that discussion. I recently observed in one of the meetings, one of the quite larger ones, where members did ask the person in the room: 'You're in attendance today and you're not from this family group.' It was a question that was posed. They thought they could attend, from an organisational perspective, and they were politely asked to exit the room because the decision-making environment is reflective of their traditional structures.

It's not for me to question traditional ownership. I think if we were to have a question posed to us that traditional ownership was in question, then we would certainly work with the land councils and their statutory function to inform that process.

Senator NAMPIJINPA PRICE: Can you outline to me what percentage of traditional owner women you consult with and what men you consult with?

Ms Talbot: I could probably give you—and can take that on notice—a reflection of, probably the last calendar year of the consultative forums held, the percentage of women to men. I am really pleased to say to the committee today that there's a really strong representation of women in each of the consultative forums and the engagement of youth into those forums. That's created a trusted environment so that women are at the table and they are making decisions alongside of our men as well.

Senator NAMPIJINPA PRICE: Is it possible to get an idea—perhaps take this on notice—of the percentage of women representing?

Ms Talbot: Yes, I can take that on notice and get back to the committee.

Senator NAMPIJINPA PRICE: Thank you. In reports to parliament in the past, the Office of Township Leasing have admitted that they lack the expertise and skills to negotiate leases and that they have no skilled assets in Darwin. Can the minister describe the corporate capacity or competence of the OTL to manage commercial subleases in non-English-speaking remote Aboriginal communities?

Ms Talbot: Sorry, is that question directed at me or the minister?

Senator NAMPIJINPA PRICE: It has been directed at the minister, but you have the opportunity to answer that question.

Ms Talbot: So I can answer correctly, when you talk about commercial subleases, can I understand the context of that? I think there are two parts of the question. One is the negotiation to lead into a commercial sublease, not the township lease. Is that correct?

Senator NAMPIJINPA PRICE: Yes, that's correct.

Ms Talbot: Minister, are you okay if I answer that question?

Senator McCarthy: Yes go ahead, Ms Talbot.

Ms Talbot: There are a variety of different sublease arrangements or under-lease arrangements in the case of Mutitjulu, because I hold a sublease from the Director of National Parks, and we have a standard procedural environment that applies a methodology to assess the relevant applications that are received by the office. If there are more complicated commercial development type subleases that we receive as applications, we will look to buy in industry expertise to assist us with that preliminary assessment piece so that we're going to the table with traditional owners with an informed technical aspect to that proposal. We understand where our capacity sits. Like I said, if it's a very specific requirement to a specific development, certainly we would rely on industry experts to bring that knowledge to the table for traditional owners to discuss and consider the proposal. Does that answer your question?

Senator NAMPIJINPA PRICE: Yes, thank you. Whose names are the leases held in? The traditional owners'?

Ms Talbot: Are you talking about the township leases now rather than the subleases?

Senator NAMPIJINPA PRICE: Yes.

Ms Talbot: What I can advise is that I currently hold a number of township leases. Three leases cover four communities in the Tiwi Islands: Wurrumiyanga, Milikapiti, Warankuwu and Pirlangimpi. I also hold a lease in partnership over the Mutitjulu township. I recently transferred the one lease that covered the three communities in the Groote Eylandt archipelago: Angurugu, Umbakumba and Malkayubirra. That has been transferred to a community entity which is now governed directly by traditional owners. Then there are two other community entity leases held by traditional owner groups, and they are in Gunyangara, Ski Beach, in East Arnhem and by the Mirrar in Jabiru township.

Senator NAMPIJINPA PRICE: When you say 'you', is that the Office of Township Leasing or is that you personally?

Ms Talbot: I hold in partnership with traditional owners over the Tiwis and Mutitjulu, and there are three now community entities that are established under the Aboriginal Land Rights Act as entities, and, as of 1 October, they cover the townships of Groote Eylandt and Gunyangara, in Ski Beach, and Mirrar hold their lease in the township of Jabiru.

CHAIR: Senator Nampijinpa Price, I need to flag that I understand Senator Stewart has questions in this outcome. I will go to her and then ask for a reflection from you and any other coalition senators or senators online of how many more questions you have for the Office of Township Leasing. I just note that we are due to go to the next outcome. I do note that while we had half an hour planned for the Office of Township Leasing, at least 10 minutes of that were taken up by opening statements et cetera, so I envisage it's okay to go a little bit over. Did you want to conclude your questions or do a rotation?

Senator NAMPIJINPA PRICE: I have more questions to ask.

CHAIR: If that's okay, I will see if Senator Stewart wants to take the call now. I know she's got a bub with her, so she may not be able to jump in straight away. I just wanted to flag what progress we're making. I will let you continue now, and either I or Senator Stewart will take the call. Please keep going, Senator Nampijinpa Price.

Senator NAMPIJINPA PRICE: Thank you. Can you please just outline what the difference is between the economic development function of the Office of Township Leasing and the NIAA function, who also have an economic development office?

Ms Talbot: I might answer my part, and then Ms Broun may interject. My role is primarily focusing on enabling townships to secure tradable tenure, to secure subleases and to apply sound administrative process to that secure tenure. My other part of that role is to facilitate economic opportunities for Aboriginal landowners and communities. The fundamental difference there is probably that, should traditional owners see either an opportunity or an area that they would like to develop, I might go out to the markets for expressions of interest, saying that there may be land available for development for this purpose, or, where traditional owners decide that they want to proceed with or progress a specific economic activity, I can have touchpoints through my role where there may be funding available or opportunities through a joint venture with an alternative developer.

In saying that, I note that, where there have been development opportunities available for commercial or economic enterprises, we will support traditional owners if they want to go into that business themselves, with some advice to ensure that they are fully informed in making the decision. A recent example I can probably provide is the Milikapiti fishing lodge, which was recently placed under administration for sale. We saw an opportunity for the Wulirankuwu traditional owners to actually have first right of purchase of that facility, because there was also stimulus funding that was received by the land councils. So what we provided for the traditional owners of Milikapiti—the Wulirankuwu traditional owners—was to buy in independent expertise to allow them to do the financial analysis to establish if it was a financially viable project for them. They made a determination on that, they were able to purchase the facility, and I facilitated the land tenure arrangements for them to ensure that they had secure tenure. So that's my primary role. Senator, does that answer your—

Senator NAMPIJINPA PRICE: Thank you, yes. I can come back to NIAA with regard to that afterwards. In the *State of the service report* delivered by the Australian Public Service Commission, the OTL has the second-highest rate of unscheduled absence in 2021-22. Sorry, that's the NIAA.

Ms Talbot: I was going to say that's news to me!

Senator NAMPIJINPA PRICE: NIAA had the second-highest unscheduled absence rate, at 15.2 per cent in 2021-22. This might have to be taken on notice, but are you able to provide a breakdown of the rates for the Office of Township Leasing in terms of the retention rate for staff; the number of absent days with no notice, sick days with notice and sick days without notice; contract staff and terms of contract; how many staff have commenced and how many have left in the last 12 months; and if there are any cases of bullying that might have been lodged? That can be taken on notice.

Ms Talbot: Thank you. I'll take that on notice. What I can advise the committee straight up is that there have been no formal bullying cases received by my office, but I will take the other matters on notice.

Senator NAMPIJINPA PRICE: Thank you. There are two safe houses, one in Hermannsburg and one in Lajamanu. How many other government departments have leases with the Office of Township Leasing that occupy either of those centres?

CHAIR: Senator Nampijinpa Price, I'll jump in once you've asked these questions, because I have some questions on behalf of Labor senators as well. But please conclude this one, and then I'll jump in after that.

Ms Talbot: Just for the committee's information, I also hold, under my statutory function, section 19 leases over government assets and also housing precinct leases across the Territory on behalf of the Commonwealth. I can advise you that I hold a lease over Hermannsburg and Lajamanu for the purposes of a GEC. I also hold safe houses in both Hermannsburg and Lajamanu. The safe house arrangement is through an MOU with the NIAA. My primary function is to work with the land councils to ensure that the lease terms and conditions are met and, for any tenancy purposes, that the NIAA engage directly with the tenant that might be residing there for the purpose of providing safe house services.

It is important to note that my funding directly received out of the Aboriginals Benefit Account does not cover any of the Commonwealth assets. That is a cost-neutral process whereby I invoice the agencies that I hold those leases for to cover those costs.

Senator NAMPIJINPA PRICE: What I am trying to understand is this. I have personally visited some of the safe houses. I know that in Hermannsburg the safe house is quite a small facility and there are other government departments leasing the same asset. My concern is around it being a safe house but meetings are being held in that safe house through other members of the community and there is co-occupation taking place. I find it concerning.

Ms Talbot: Like I said, we don't run the program. It's as long as the lease is being used within the permitted use of section 19. I would probably have to defer that question to NIAA and Ms Broun because, like I said, we don't have primary responsibility for the delivery of safe house services.

Ms Broun: We might come back to that in our session, if that's okay.

Senator NAMPIJINPA PRICE: I want to know who has those subleases—that's all. Given it is a safe house, I think its primary purpose is taking care of the safety of vulnerable women and children in the community. So I would definitely like to get to the bottom of that when we can.

Senator STEWART: My apologies for needing to step away. Ari was telling me that he wanted to take a nap, like I am sure some of our contributors want to do given the early start this morning! I have some questions about the Office of Township Leasing and some of the models [inaudible] more than anything else. I saw the Groote Eylandt community had a ceremony [inaudible] one of your leases in their community in mid-November. Are you able to tell me what that means? I heard Senator Nampijinpa Price talk about economic development. What does that look like? If you have some examples that would be helpful.

Ms Talbot: I'm a bit tired, like Ari, as well—I'm still on Darwin time!

The legislative instrument establishes the Executive Director of Township Leasing as an entity under the Aboriginal Land Rights Act. In more recent times, there has been an amendment to enable traditional owners to establish a community entity function to manage and govern in their own right a township lease. All township leases that are in partnership with the executive director, bar one at this stage—even though we're in a process with the Mantjupwi family to ensure that that's inserted into their township lease—have a mechanism contained within the legal provisions to enable a transfer to a community entity when and if they desire that to occur.

The Groote Eylandt township lease covers the three communities of Umbakumba, Milyakburra and Angurugu. They requested that transfer to occur a couple of years ago. I and Chairman Wurramarrba addressed a whole-of-island consultative forum, representative of the traditional owners of Groote, whereby they expressed their support to transition that township lease from me to the Anindilyakwa Royalties Aboriginal Corporation, as the identified entity under the Aboriginal Land Rights Act. We successfully transferred that as of 1 October this year, and we recently had an event out there. We remain in partnership with the Anindilyakwa traditional owners.

I've also got to say that the entity then also brought four of their satellite communities, as they call them, in Groote Eylandt into the township lease that they now administer. The same tenure principles exist for all areas where the Anindilyakwa residents reside. So that's a real benefit of that transfer, as well. Also, the partnership continues with the Anindilyakwa families to ensure that we transfer knowledge and experience to continue to build on their capacity so that they ensure sound administration continues to occur for existing sublease holders.

Senator STEWART: What are some of the things that you look for to be able to transfer a lease over? What are some of the things—the strengths, I suppose—as far as the traditional owner communities are concerned that you look for to be able to do that? I really love it when we can celebrate our mob and the things that they are able to achieve, so I'm keen to understand what those things are. What are the real strengths that the community shows for that to happen?

Ms Talbot: It's quite a niche area of operation. A lot of knowledge exists between me and the land councils, because they also administer tenure. It's something that, some time ago, we recognised—how do we transfer that knowledge and experience, and safeguard that information and knowledge, that survives the people who operate in this space?

We have developed a draft township leasing framework that identifies key principles of the township lease model, from the agreement-making process to if and when a transfer may need to occur. There have been some lessons learnt, because this is the first transfer, and it was through a strong, partnered approach, where we identified some benchmark capabilities for the entity to establish to ensure the smooth transition. We obviously need to maintain the integrity of the secure tenure with third-party providers, but we need to ensure that this is a traditional owner led process. There are already good governing principles, particularly with the transfer, because they've been at the table for a long period of time. They know what they're talking about, and they know the business of land tenure arrangements, which is fantastic to be a part of and to watch and observe.

It's the administration where we have ensured that we provide that knowledge to enable that transfer to occur, so we create sustainable community entities now and into the future. These leases are intergenerational. They range between 80- and 99-year township leases, and sublease holders normally have anywhere between five- and 40-year subleases and have mortgages over that. It's the secure tenure principles that we transfer that knowledge and experience through. Like you, it's something that we—I and the office—want to see continue to occur, that we support community entities' establishment, again while ensuring that there are sound, sustainable, secure tenure principles that allow them to leave their governing and administrative environment. We certainly see that there's a lot of work to be done in that space in transferring that knowledge and experience.

Senator STEWART: I'm interested in self-determination of communities. Can you talk specifically to that transfer and how those principles were enacted for the Groote Eylandt community? How did you ensure that you didn't have any external interference in the process from people who didn't have the best interests of the community at heart?

Ms Talbot: It's a very partnered process that was undertaken with the Groote Eylandt township lease transfer. At Groote Eylandt, the Anindilyakwa families are probably in a unique position because they are establishing a very traditional owner led process to bring back some primary services, functions of service delivery like health, education, justice and housing. They've done a lot of work over 10 years to develop their local decision-making framework with the Northern Territory government and the agreement-making process there.

As part of their vision, the transfer of the township lease also was a part of that process even though it wasn't embedded into the local decision-making agreement process. We then worked very closely with—we are guided by the consultative forum group. They are central to the decision-making environment, so there's an established trust through those environments.

Like I said, there were decisions made at those forums, and then we took those decisions and worked with the Anindilyakwa Land Council and went into a heads of agreement with them to set out the principles to progress this body of work. They did also buy in a level of expertise on their side to engage and set the principles; they had proper legal advice as part of their statutory functions to represent traditional owners of that area.

I think the success of this, again, was the partnering of enabling and bringing into the vision of the Anindilyakwa people, building that foundation of trust and open and transparent processes. Lifting our information into a new entity requires, from our office, a lot of work, I'd have to say. But we wanted to ensure they had the information on hand to allow them to seamlessly transition to this environment and continue to manage those arrangements without interruption. Does that answer your question?

CHAIR: Before you continue, Senator Stewart, we now have Senator Thorpe online as well. Senator Thorpe, do you have questions for the Office of Township Leasing?

Senator THORPE: No, I don't. I'm in the next section.

CHAIR: That's fine. I'll allow Senator Stewart to keep going and then we'll conclude the Office of Township Leasing. Senator Nampijinpa Price has highlighted that she's able to put the rest of her questions on notice, so once Senator Stewart has concluded we'll move on.

Senator STEWART: I just have a couple more questions. What are some of the things that the community has told you have been benefits of the transfer?

Ms Talbot: With all cases amongst our people, there are varying different views. I think the main one to take away from this is that they are empowered through the decision-making environment, whether that's been through the consultative forum or now through the transfer to the community entity. I think, through the partnered approach and the open and transparent decision-making environment, this is a strength now that they'll take into the entity, which is a much more board-like structure. However, what they've done through that process is to establish community committees, which are very similar to the consultative forum mechanism. So the strengths of those decision-making environments have been reflected in the new arrangements.

I think there's a celebration from the Anindilyakwa people that this is a vision of theirs that is being led by their senior leadership, and it's the first to transfer through the agreement-making process. So the Commonwealth has obviously supported that, and the celebrations were well received on community. As with anything, I think time will tell and there will be different views that occur along their township-leasing journey. We've certainly committed that we won't just walk away from the process, so there's still a partnered approach, informally. Actually, there's still a heads of agreement in place, but I think it's just a celebration and something that we should all celebrate alongside them. They certainly have the capability structures in place to enable that to happen. It's probably important to note that it doesn't detract from, say, the Tiwi, who platform all or most of their conversations through the township lease and are quite comfortable in their structures at the moment and still see that as a traditional-owner-led process. So I think the ability to adapt and pivot to each area and each traditional owner group is the strength in the model.

Senator STEWART: Thank you. I have just one more question, Chair, if I can. I can see you're about to wrap me up. You've just touched on the next question that I wanted to go to briefly. Thank you for spending the time to talk about what some of the strengths of our communities are—in the Northern Territory in particular—because, if you look at all the headlines, you'd think that there weren't any. So I'm glad to have on record that our mob's gone from strength to strength in people's responsibilities in leading their mobs.

The last question I had was just about what your ongoing role is. You've mentioned it briefly, but I just want to know what that looks like as well.

Ms Talbot: Thanks, Senator. Obviously—

Senator NAMPIJINPA PRICE: Through the chair: can we stick to more specific questions, given we've had a briefing, or the briefing's been tabled, on the role of the Office of Township Leasing? I think the question being asked is more specific to Pennie's role, which she has explained in her opening statement and has tabled.

CHAIR: It's a legitimate question, and we will be moving on in very shortly in any case.

Senator NAMPIJINPA PRICE: I recognise that Senator Thorpe is also waiting for questions.

CHAIR: Thank you, Senator Nampijinpa Price. It's a legitimate question for estimates, and it's not for me as chair or for other senators to determine what other senators would like to ask.

Senator NAMPIJINPA PRICE: Sorry. Through the chair, I just note that it's already been answered. That's all.

CHAIR: So I will let Senator Stewart conclude her questions, and then you will have the call when we're able to move on to the next outcome.

Senator STEWART: I've concluded my question. I just wanted to understand what the ongoing role of the Office of Township Leasing is, and now I'm done.

Ms Talbot: Thank you, Senator. I'll make it quick. Obviously my role is embedded in a legislative instrument, and it's to hold township leases as the Commonwealth entity. The role—obviously described in what I've previously discussed and also within the opening statement—is there. What I'd just add in response to your question, Senator, is that the role of the executive director has evolved over 15 years, and I see the evolution of that continuing to happen alongside traditional owners. The role will be very much guided by what the aspirations of each traditional owner group are. So, whether they continue to see a partnered approach with the position of the Executive Director of Township Leasing or whether they see the supporting requirements through that community entity functionality, I think what is important—and I've described it in my opening statement—is that there should

be a positive role obligation on the executive director, by leases held in partnership with traditional owner groups, that this continuous work should take place to enable a transfer when and if traditional owners desire to transfer to a community entity. That is a critical function, and it's really starting to embed itself in the office, so going from an administrative environment to facilitating economic development to probably having a strong focus on building and developing capability structures to allow our people to go in and govern their own environments.

Senator STEWART: Thank you, Chair.

CHAIR: I thank all the officers from the Office of Township Leasing for their evidence today.

**Attorney-General's Department
Department of Health and Aged Care
Department of the Prime Minister and Cabinet
National Indigenous Australians Agency**

[09:57]

CHAIR: I welcome officers from the Attorney-General's Department, the Department of Health and Aged Care, the Department of the Prime Minister and Cabinet, and the National Indigenous Australians Agency. Ms Broun, would you like to make an opening statement, or would you like to table it for the committee?

Ms Broun: It's not very long, Chair, but I would like to make a statement.

CHAIR: Great, over to you.

Ms Broun: Good morning, Chair, and senators. Wanthiwa. I would like to start by acknowledging the Ngunnawal and Ngambri peoples, on whose the land we meet this morning, and pay my respects to elders past, present and emerging. I also extend that respect to all Aboriginal and Torres Strait Islander senators and witnesses here today.

I just have one question from our last appearance a few weeks ago that I wanted to follow up on, beyond those that we took notice. Senator Nampijinpa-Price, I was really reflecting on your question about the number of our senior executive service who speak their traditional language. I indicated to you that we don't capture or hold that information, and also that has not been something that has come up. We do, however, have some SES that speak their traditional language, albeit at varying levels of fluency. But it's not something we specifically ask for or aggregate in our workforce data. As you would appreciate, this is a sensitive area, as it can be upsetting the people who have lost or have had their language taken away in previous generations.

I will use my own case as an example. My own mother is a member of the stolen generations, so I will never be able to speak Yinjibarndi as much as I would like to. My mum was taken to an orphanage in Perth at age six, where she was punished if any of the children spoke their traditional language. So, while she now lives back with family in community and has learned some more of her language, my mum does not speak fluently, and, as a result, my brother and sister do not either.

I just want to make the point that having our language taken away or suppressed does not diminish our connection to country nor our identity as First Nations people. This is why the revitalisation of Indigenous languages is a priority for government and Closing the Gap target 16 goes towards a sustained increase in the number and strength of Aboriginal and Torres Strait Islander languages being spoken by 2031. This includes continued investments through the Office for the Arts Indigenous Languages and Arts program, for First Nations people to express, preserve and maintain their cultures through languages and arts. This includes operational and project funding for the peak body, First Languages Australia; the Australian Institute of Aboriginal and Torres Strait Islander Studies Indigenous languages dictionaries project; placing First Nations educators in 60 primary schools to teach First Nations languages; and a range of interpreting services, so that people have equal access to government and legal services and to provide employment opportunities for Aboriginal and Torres Strait Islander people who speak an Indigenous language. The government is also proud to be supporting the United Nations International Decade of Indigenous Languages.

Senator NAMPIJINPA PRICE: Through the chair—

Ms Broun: I thank the committee and welcome your questions.

Senator NAMPIJINPA PRICE: Thank you very much. I was happy for that one to be taken on notice. The point of my asking that question was my understanding that our most marginalised Indigenous Australians are first-language speakers and that it is helpful to know whether individuals like that are working in positions of higher management, because that, I think, is a really important target to reach for. That was the purpose for my line of questioning, because I'm fully aware that there are those first-language speakers, our most marginalised

Indigenous Australians, who don't have the opportunity to sit in such high leadership positions. Thank you, and I'm happy for all other questions to be taken on notice.

Ms Broun: Thank you, Senator. I'm happy to take questions.

CHAIR: Thank you. I'll take your previous remarks as a statement, Senator Nampijinpa Price. Senator Liddle, you have the call first.

Senator LIDDLE: I want to ask a question in relation to the response that was given, and it requires just a simple yes or no. When you are meeting in communities where English is not the first language, is there a translator and are the translated minutes of those meetings available to those who may have some interest in the meetings' outcomes?

Ms Broun: I will pass to my deputy, but I think it would depend on the community and the wishes of the community as well.

Mr Jeffries: Could you just repeat that question? Was it a question or a comment?

CHAIR: Senator Liddle? You're muted. There was a question asking you to clarify your question.

Senator LIDDLE: Okay. My question is: as you are the lead agency for Aboriginal affairs and therefore operate in areas where English is not the first language, when your department or agency meets with those communities, are meetings translated and therefore available after the meeting to those who may wish to see the minutes of those meetings?

Mr Jeffries: Yes, we are often aware of the requirements that we need in community meetings, particularly if we need interpreters or translators. We also have Indigenous engagement officers located throughout communities, particularly through the Top End, who are first language speakers and assist greatly with the conduct and flow of meetings.

Senator LIDDLE: So my question is: are they translated and available to other members of the community or only those who are attending that meeting?

Mr Jeffries: I'd have to take that on notice.

Senator LIDDLE: If you would please.

Mr Jeffries: Thank you.

Senator LIDDLE: I'd like to ask you a question about Stronger Futures, given I've just sat through a harrowing few days in the Northern Territory looking at the impact of the cessation of the stronger futures legislation on alcohol consumption in Aboriginal communities in the Northern Territory. Can you tell me what advice you have been given on the impacts as a consequence of increased alcohol consumption, and the other social consequences as a result of that.

Mr Jeffries: I might firstly refer to my colleague Tom Dyer, who is online in Darwin at the moment. Also, I think there will be a collaborative response with Mr Ben Burdon, the group manager of our social policy group. I'll firstly refer to Tom.

Mr Dyer: Could you repeat the question one more time? I apologise. There's an IT issue.

Senator LIDDLE: I asked, having spent a few days in the Northern Territory listening to the impacts of alcohol accessibility as a result of the sunset of the stronger futures legislation: what advice has the minister's office or the department had from key stakeholders about the impact, in relation to alcohol accessibility, of the cessation of that legislation?

Mr Dyer: We've had a variety of advice through various channels. We're involved in a couple of groups that look not only at the impact of alcohol but also at the rollout of the changeover of the legislation. We're currently engaged in a group called the alcohol aspirations committee, which the Northern Territory government convenes. That group not only updates the NIAA, the department of health and various stakeholders about the rollout of the changeover but gives updates as to the NT government's perspective on how that's going, which is a very broad-ranging result. With regard to that, we've been getting feedback that in the north—the changeover having had very little impact because alcohol prohibition was in place prior and is in place, immediately after—the impact is low.

We're also involved in a group that, hopefully, will be stood up soon. The Aboriginal Health Forum will be looking to convene a group to look at the specific data on the changeover from Stronger Futures to the NT Liquor Act. We should be holding a meeting this week where we will look at the logistics of pulling that group together. That will include ourselves, the NT government and the community controlled sector—mainly AMSANT, the Aboriginal Medical Services Alliance Northern Territory. So we are looking at such data and impact.

Senator LIDDLE: This may not be a question for you. Many of the Closing the Gap targets have not even been reported in the *Closing the Gap* report, because they're waiting on data to assess the progress from the ABS, but some data is available on the impact in the Northern Territory of the cessation of the alcohol restrictions without a proper transition plan. There were some really clear messages of urgency, including from key organisations advising that what's actually needed is special measures to reintroduce restrictions. This question might be for the CEO and the minister: does the department have the same level of urgency that those organisations repeatedly told us there is in terms of the consequences of the cessation in the way it happened?

Mr Dyer: If it's okay, I might take some detail on that before maybe handing over to my CEO. With regard to the data for impact, the NT government have been publicly producing data that everybody can see on their data portal. It's fairly accessible on the internet. It shows data for police, hospitalisations et cetera, across the Northern Territory that is alcohol related. It's showing trends that are mixed. For example, in Tennant Creek the trend is falling. With regard to lifting trends of alcohol harm, under the NT government's Liquor Act, the relevant minister for alcohol has the ability to prescribe alcohol prohibition on an area, should harm be seen as an issue, broadly speaking. I'm sure lawyers would have a more detailed version of that. So that mechanism is currently in place, and we have spoken to the Northern Territory government about the process to ensure, should harm lift, the responsible NT minister is able to put that measure in place. We have been assured that that process has been developed should it be needed to be executed. I thought I'd provide that bit of detail, but I will hand over to my CEO.

Mr Jeffries: As Mr Dyer indicated, the Chief Minister holds that responsibility to act, if required, for appropriate alcohol policies and measures, but I want to point out that, through the IAS, the NIAA will invest approximately \$13 million in funding in the 2022-23 financial year to 12 organisations to deliver 15 alcohol and other drug support and residential rehabilitation activities in the Northern Territory. Through the 2022-24 extension of the NTRAI, the National Partnership on Remote Aboriginal Investment, the NIAA will provide an additional \$11.72 million per year in funding for alcohol action officers and related harm minimisation programs. And the Australian government recently announced a \$3 million package to deliver more community safety patrols, youth services, and family and domestic violence support services in Alice Springs and surrounding town camps.

Senator LIDDLE: That's great to have the ambulance at the bottom of the cliff. You mentioned the Northern Territory is the relevant jurisdiction, but we were given really clear indications that there is also federal jurisdiction that would have the same effect. So are you understanding the urgency that is coming from those communities, including from the key Aboriginal community controlled health organisation that said that it's already put some of those Closing the Gap targets at risk? Have there been representations to any of the ministers, whether it's the minister for health or the minister for Aboriginal affairs, or communications that have asked for special-measures intervention from the Australian government or from the NIAA?

CHAIR: Senator Liddle, I need to make this the last question before I rotate the call, and then I will give the call to—

Senator McCarthy: Chair, may I respond?

Senator COLBECK: Chair, you can't cut off this line of questioning at this point. That is seriously not fair.

CHAIR: I'm not cutting off the line of questioning. I appreciate that it's important. That's why I'm—

Senator LIDDLE: Chair, it's not only important; every day that goes by is causing an issue.

CHAIR: Minister, I'm giving you the call so you can respond.

Senator LIDDLE: I'm looking for a wholesome response from the department to this.

Senator McCarthy: Sorry, I'm not sure if you can hear me, but I wanted to be able to respond to Senator Liddle, because I think her line of questioning is very important here. Firstly, to answer your question, Senator Liddle, of course we're very concerned about the alcohol situation across the Northern Territory, and it was certainly something that we looked into as soon as we got into government, with the expiry of the stronger futures legislation. I, Linda Burney and Marion Scrymgour, as the local member, met with the Aboriginal community health sector to find out what was going on. To answer your question about that sense of urgency, we are acutely aware of that, but we're also mindful that we have to go through the Senate processes of understanding what else in the stronger futures legislation also needs to be looked at. So, whilst your inquiry is ongoing and I know you're going to report in March, I guess the answer to your question is: we are very concerned.

Senator LIDDLE: Are you able to provide any correspondence that's been received by NIAA or the minister in relation to the reintroduction of restrictions or about a greater response than what was predicted in the budget, given what people are actually feeling and seeing on the ground every single day?

Senator McCarthy: I can certainly take your question on notice to have a look at any correspondence. I personally don't recall receiving any, but I will check with Minister Burney and take that question on notice. I also think your question about whether any correspondence focuses on the budget will be another element. So, yes, I can certainly take those questions on notice for you.

Senator LIDDLE: Thank you. Has the minister received any advice about using those Commonwealth powers, and can you table that if you've received that advice?

Senator McCarthy: I'll take those questions on notice.

Senator LIDDLE: Thank you. The data that's available that explains the impact is mixed, and we've obviously asked for an improvement on that. Is the department or the minister doing any additional work not just on the impact of the increase in drinking but on the impact of the increase in trauma on women and children—and men—as a consequence of the lifting, or the cessation, of those restrictions?

Senator McCarthy: We've certainly asked the Northern Territory government to assist with immediate data collation in terms of not only the alcohol but entry into hospital and all those concerns around women and children in particular. I will hand over to the department because I'm not sure where that has actually landed at the moment. Sam Jeffries, if you're able to finalise where that negotiation is at for Senator Liddle, that would be very helpful.

Mr Jeffries: I might go to Mr Dyer, to give us an update on that.

Mr Dyer: With regard to data and pulling together a group, we've tried to keep the group structured, as per our Closing the Gap governance structure, as we do have a variety of governance tables across the Northern Territory on Indigenous affairs. With regard to this, in the health sector we've proposed the Aboriginal Health Forum as the vehicle that this will move through, and this week there should be a meeting between the NT government, the NIAA and the community sector to put the detail around that group. The group will be looking at the movement in data as a result of Stronger Futures. Having said that, the Northern Territory government, at the same time, is making publicly available the trend data on alcohol harm in the Northern Territory, showing right back several years so people can see where that is at.

CHAIR: Senator Liddle, I'll let the officials finish but I will need to rotate the call.

Senator McCarthy: Can Ms Jackson complete that answer?

CHAIR: Yes. Please go ahead, Ms Jackson.

Ms R Jackson: I just want to add that, through the Indigenous Advancement Strategy, the NIAA will invest around \$13 million in funding for the 2022-23 financial year to 12 organisations to deliver 15 alcohol and other drug support and residential rehabilitation activities in the Northern Territory. Through the National Partnership on Northern Territory Remote Aboriginal Investment, the NIAA provides \$11 million per year for funding alcohol action officers and related harm minimisation programs. Recently, in August, the government announced a \$3 million package to deliver more community safety patrols, youth services and family and domestic violence support services in Alice Springs and surrounding town camps. We've progressed the negotiations for those contracts, and funding is due to be provided to those providers this year. That was just to answer your earlier question about the other activities underway.

CHAIR: I'll now move the call to Senator Thorpe.

Senator NAMPIJINPA PRICE: May I ask just one supplementary question, and then that's it?

CHAIR: That's fine—just noting, of course, that I'll have to balance the time out later.

Senator NAMPIJINPA PRICE: This might be for the minister and/or Mr Dyer, in terms of the response with regard to intervening. I'd like to understand, from your conversations with the Territory government, what the threshold is for a response to take place, given that, due to alcohol related harm in Alice Springs, our CBD has been closed down during the middle of the day on three separate occasions, and 40 police have been brought to Alice Springs. Personally, I've received phone calls from distraught individuals from communities where it is understood that adults are buying alcohol, drinking alcohol and dragging their children 500 kilometres from remote communities to Alice Springs to do that. They are then driving back out to community either drunk or with alcohol, and their children are missing out on school. Given that, what is the threshold for either the federal government or the Territory government to intervene to deal with this crisis?

Senator McCarthy: I'll certainly take that question first off, and then maybe the department might want to go into some of the details around the funding. On the face of it, the arrival of extra Northern Territory police into Alice Springs has been a critical point and an important one to at least try and bring about some calm. That is,

obviously, under the jurisdiction of the Northern Territory government. We certainly welcome what the Northern Territory government is doing in that space.

On the federal level, we are pushing for funding for the organisations around Central Australia youth programs and other programs to assist at the other end of this, and that's with parents and families. Clearly, there are sensitivities around interventions of any kind. We only have to look at the concerns around the intervention over the last 15 years, which is perhaps another reason why the inquiry of the Senate that's underway to look into the stronger futures legislation is going to lead to an important report in terms of the advice that that committee gives to the Senate as to what the next steps should be. At this point in time, we're wanting the Northern Territory to keep doing what it should do—and that is to keep Territorians safe.

Ms R Jackson: I would just suggest that the NIAA is a member of the social order response implementation council that is convened in Alice Springs and meets fortnightly. We're definitely listening to the views the members of that council, including traditional owners, and making sure that implementation plans are being actively managed, which informs our approach.

Mr Dyer: The question was, 'What was the threshold for the Northern Territory?' The threshold for the Northern Territory to implement prohibition through the Liquor Act is discretionary to the minister. So the NT Minister for Alcohol Policy can apply that measure as a discretionary measure, as we've been briefed on. With regard to Alice Springs, there are also by-laws in place that prohibit drinking in public places and, of course, there are laws under the application of the NT Liquor Act that prohibit consumption of alcohol on premises and also consumption of alcohol in the majority of remote communities around Alice Springs.

Senator NAMPIJINPA PRICE: Is it preventing alcohol from getting to places, because people now think that they can take alcohol out to those communities because of the end of it? Anyway, thank you very much.

Senator THORPE: My first question is: does the new Labor government have access to bureaucrats like yourselves to provide briefings and updates on request?

CHAIR: Did you hear the question, officials?

Ms Broun: We did hear the question, but can you repeat it again. I'm just trying to get the context right.

Senator THORPE: Does the new Labor government that is in government right now have access to the bureaucrats at the table upon request?

Ms Broun: I'm not sure what you mean by 'access'.

Senator THORPE: If the government say to government officials like you, 'We would like a briefing,' or 'We have questions on a particular project,' or funding, do you go and talk to the government upon request? If the government asks to see you about something, do you go?

Ms Broun: Yes.

Senator McCarthy: Chair, may I respond to Senator Thorpe?

CHAIR: Yes, Minister.

Senator McCarthy: Senator Thorpe, if there is a request from a Northern Territory government minister for a briefing from the Indigenous affairs area federally, that is usually a formal request that comes through. I certainly have received requests through ministers seeking a briefing. Then there is also another level of briefings, which could be department to department, between the Commonwealth and the Northern Territory—or any jurisdiction, for that matter. So it really is about which kind of briefing you want to better understand.

Senator THORPE: I'm talking about the amount of time that Labor use in estimates and how long it's taking to ask a question and how long it takes for the response to be given. I think it's very good strategic time-waster. I've been waiting on the phone for an hour to be able to ask my questions. So that is where it's coming from. Maybe the government need to use their time more wisely so that the opposition can ask questions for our community.

CHAIR: Senator Thorpe, Labor has taken just 10 minutes of the last 1½ hours, and so I would just remind you—

Senator THORPE: I've calculated more than that, with all due respect, Chair.

CHAIR: I have taken a record of all of that, and Labor senators have had about 12 minutes.

Senator THORPE: Well, I'll get on to my questions so we don't waste any more time, if that's okay.

CHAIR: Anyway, you make the most of your time by asking some questions, and I'll give the call back to you.

Senator THORPE: Okay. I just wanted to get that clear, because I have a number of questions from community, and I don't want to waste anyone's time. It has come to my attention that the NIAA will be conducting a review of Queensland South Native Title Services and other native title rep bodies in 2023. Is this correct?

Ms Hope: We're just getting the officer to come to the table.

Mr Litchfield: Could you just repeat the question, Senator, please?

Senator THORPE: Are you undertaking a review of Queensland South Native Title Services and other native title rep bodies in 2023?

Mr Litchfield: That's correct. It's a broader review of all the native title holder representative bodies and service providers that the agency funds. We fund 13 native title rep bodies and service providers, and there's a review commencing early in the new year.

Senator THORPE: Okay. Have you got the terms of reference there?

Mr Litchfield: I believe the terms of reference go to whether each organisation is performing its functions efficiently and effectively, has appropriate processes—

Senator THORPE: Could you provide that on notice?

Mr Litchfield: Yes, certainly, we can provide that on notice.

Senator THORPE: Thank you. And how are you going to get traditional owners involved?

Mr Litchfield: We haven't yet finalised the reviewer through the procurement process. However, a consultation plan for the review will be developed by the reviewer, once engaged.

Senator THORPE: So it won't be just the corporations or the prescribed body corporates; it'll be the actual traditional owners, who don't usually get a say around the table? You'll be getting those people involved as well; is that right?

Mr Litchfield: Ultimately, this will be a matter for the reviewer, but our expectation would be that—most reviews of this kind would allow the clients an opportunity to have their say in the review.

Senator THORPE: Is that in the terms of reference?

Mr Litchfield: I believe that the consultation plan will be finalised by the reviewer. I could probably take further detail on notice.

Senator THORPE: That would be great, thank you. It's also my understanding that some First Nations people are being disadvantaged in native title proceedings and there are complaints from First Nations people about unfairness, inequities, particularly funding research and legal assistance for native title proceedings, and some First Nations people are funding their own native title claims. What are you doing about that or are you investigating this is well?

Mr Litchfield: It's probably fair to say, at this point of the native title process, after 30 years, the remaining claims are more contested. Certainly, the agency is aware of dissatisfaction from clients of native title rep bodies and service providers. We have a very dedicated process to respond to that and we take it very seriously. We work very closely with the Office of the Registrar of Indigenous Cooperations, that the prescribed bodies corporate are regulated under, and also the National Native Title Tribunal in the Attorney General's portfolio on these matters.

Ultimately, once these matters are brought to the attention of the relevant native title representative body or service provider and they have finished their mandated internal review process, which is one of the things that we fund them for that they must have, there is provision for the agency under the Native Title Act, section 203FB, to appoint an independent reviewer, where the facts at hand can be independently assessed and then a decision made. We typically have one to three of those independent reviews every year.

Senator THORPE: Are you aware that actions of some native title rep bodies and their service providers are using taxpayer money to take legal action against First Nations people in native title proceedings?

Mr Litchfield: I'm not sure if I'd characterise it that way, but certainly there's the capacity for a native title rep body or service provider to brief out independent and separate representation for clients. To give an example, a generic example, if there's a claim on foot and the native title representative body or service provider is representing that claimant group or groups, there may be a further claimant group that comes forward. To ensure that that further claimant group gets the right representation before the courts, there's a practice called 'briefing out'. So if that's the characterisation or—

Senator THORPE: I understand that, with all due respect. I've also been part of native title for 30 years myself. My question is: has taxpayer money been used by native title representative bodies against other First

Nations in native title proceedings? Has taxpayer money been used against blackfellas in native title proceedings from the rep bodies that you fund?

Mr Litchfield: I'd probably have to take the actual detail on notice. Typically, at a native title proceeding—you're correct. Approximately \$120 million a year is provided to our network of native title representative bodies and service providers to represent claimants in the courts.

Senator THORPE: Yes, I understand that.

Mr Litchfield: If there's a briefing-out function, to have legal representation to another claimant group, potentially, that could be characterised—as you suggest—that there is IAS funding going to a native title repetitive body service provider who are engaging representation in court. There's separate government funding, through the funding that is provided to the native title rep body and service provider, to an independent law firm through a briefing-out exercise, and those issues are raised in court so that all clients and all claimants have their day in court and have fair representation.

Senator THORPE: So I'm correct in saying that taxpayer money is used by native title rep bodies to take legal action against other First Nations native title proceedings? Is that a yes or a no?

Mr Litchfield: I think it's important to note that each claimant group, once threshold levels are met, has their right to representation of their claims once they have met threshold tests before the courts, and that's to ensure that they can have their say before the courts.

Senator THORPE: I understand that. I think you are not answering the question, and the question is, again: are you aware of any taxpayers' money being used by native title rep bodies against other First Nations native title proceedings? Are you aware of any?

Mr Litchfield: I'd prefer to take that on notice. I gave a description earlier where that is part of the system before the courts, where you'll have Australian government funding to essentially all sides of a proceeding, and that could include various claimant groups, of which some claimant groups—

Senator THORPE: I'll get you to take that on notice. I get what you're saying. Thank you. Will you investigate complaints of conflict of interest of native title rep bodies and service providers in native title proceedings?

Mr Litchfield: I think you referred to the independent review that we'll be commencing early next year. That followed from a review of the sector—of the native title representative bodies service providers—over the last three years, which has informed the decision-making that the agency makes on their levels of funding, and the opportunity for the review that starts early next year is for all clients to be able to have their say. I'd make the point that the agency does receive representations and complaints, if you like, and all those ones that the agency receives at this point in time will be referred to the reviewer, once engaged.

Senator THORPE: Okay. Could we see the terms of reference for the independent reviewer?

Mr Litchfield: I think I earlier undertook to take as much information as possible on the review on notice.

Senator THORPE: Great, thank you. Those are all my questions there. I would like some questions on health to the Department of Health. Thank you for answering.

Senator STEWART: I'm sure Senator Thorpe will be pleased to know that my questions are to Health as well, so there hopefully won't be too much time in transition for moving chairs. A couple of weeks ago we had the Closing the Gap statistics reported, and, even though it pains me to talk about the gap and deficit that our mobs experience, it's important to spend some time focusing on it. One of the things that the opposition leader got up and said was that he's proud of their record while they were in government—their contribution to Closing the Gap objectives—which I find funny considering one of their first acts was to cut nearly a billion dollars from First Nations programs when they came into power nearly a decade ago, and they failed to deliver on a \$40 million promise for cultural water and cut over \$200 million from Aboriginal housing. So it's really no wonder that only three of the 17 Closing the Gap targets are on track. I do want to spend a bit of time unpacking what's in the budget and how that will go to achieving some of the outcomes we hope to see our First Nations mob get to over the next little while. The government has invested \$314 million over the next five years. I have some specific questions about some of the things in here, but are you able to speak broadly to what this budget does to address some of those measures, like the life expectancy gap measures?

Mr G Matthews: I think what you're referring to is that in the October budget there was \$314.5 million committed over five years for First Nations health outcomes. I think it will probably be safe to say that all of those would contribute strongly particularly to the health outcomes in the Closing the Gap agreement, but, of course, the targets are very interconnected across many of the fronts. I can sort of go through them.

The \$314 million probably breaks down into some reasonable things. There is \$45 million for a 30 four-chair renal dialysis units. Chronic kidney disease and dialysis is a major and significant issue for many Aboriginal and Torres Strait Islander people, unfortunately, so that will increase the capacity for renal dialysis. Probably the intention there is to get renal dialysis connected closer to people in outer regional and remote locations, where they often have to travel long distances to access dialysis, and quite often they don't undertake it at the frequency they need to, which increases hospitalisations and those sorts of things. It gives us a really good opportunity to have a look at how that model works and up the capacity, particularly in regional and remote. We think it will make a good difference there. That's quite a strong commitment there. There is also, in that theme, \$1.1 million for two dialysis treatment buses in the far western New South Wales region. It'll be mobile buses for similar reasons.

There is a fairly significant commitment for infrastructure in the budget as well. There's \$164.3 million for new and enhanced infrastructure. That will support about 17 health facilities across the country—urban, regional and remote. One of the commitments in closing the gap is to build and support the community controlled organisations, and of course the community controlled health sector is one of the larger sectors there. That will put in some very significantly upgraded, improved and new facilities in 17 places. That will definitely increase people's capacity to access quality health care, which builds on an earlier infrastructure commitment as well, which gives us a very significant investment in the ACCHO sector, which is a great thing. That's a fairly significant commitment.

There is also \$54.3 million over five years to provide up to 500 health worker traineeships in the Aboriginal community controlled health sector. There's a lot of narrative around workforce and pressures on workforce in the health sector generally, so this is a really significant outcome for the sector itself. The money will run through NACCHO, the National Aboriginal Community Controlled Health Organisation, which is, as you probably know, the central peak organisation for the ACCHO sector. The funding will go through them to provide Aboriginal health workers and practitioners over the five-year period. That will be a good thing about the sector growing and supporting its own workforce, and there's particularly a very strong Aboriginal and Torres Strait Islander employment outcome out of that.

There is also \$22½ million for a Birthing on Country Centre of Excellence at Waminda on the south coast of New South Wales, which will build a significant First Nations midwifery led birthing-on-country model for the south coast region of New South Wales—around the Shoalhaven region—which is part of an overall thing of slowly but surely building that practice of culturally appropriate birthing for Aboriginal and Torres Strait Islander people. The evidence is growing that the more we can do that, there are more positive outcomes and a positive start to life, so that's a very significant contribution as well.

There is \$14.2 million to increase funding for rheumatic heart disease, for screening, prevention and treatment services, which will go on top of existing investment for rheumatic heart disease and the rheumatic fever strategy. That will, again, run through the delivery mechanism we have through NACCHO. Double the funding that goes in through that. There's also \$1½ million to provide some portable echocardiography machines to increase detection and also, importantly, to provide the training for the sector to do that.

There are a couple of other things in that package as well. There's about \$10.1 million for a second CareFlight helicopter for the Top End of the NT, and about \$2.2 million for AFL in the Northern Territory that will go to support Aboriginal people's participation in AFL and sport in the Northern Territory. There is probably also one other relatively small one: there's about \$740,000 for renal and cardiac care services in two Aboriginal medical services in New South Wales: Tharawal and Aboriginal Medical Services Redfern. That will provide renal and cardiac facilities and training and machinery for those services, given that they're prime locations for high-needs populations. I think anything we get in the health space that we can provide from that will put a genuine lift into the health outcomes for Aboriginal and Torres Strait Islander people.

Ms Hope: If I can just add, to complete that very comprehensive package, there are also three additional measures: \$2.72 million to improve the quality of healthcare and wellbeing outcomes for First Nations people by enhancing the community amenities at Merana Aboriginal Community Association, the MINGALETTA Aboriginal & Torres Strait Islander Corporation, and The Glen for Women.

Mr G Matthews: Probably the only other thing I would add is that these measures, it's just important to note, will all be delivered consistently with the principles of the Closing the Gap agreement, so they will be done in a genuine partnership with the sector and Aboriginal and Torres Strait Islander health leaders, basically to work out the arrangements of those and deliver them. So they won't be just a normal process; they'll be done completely consistently with the principles of Closing the Gap.

CHAIR: Thank you, Senator Stewart. I'm going to rotate the call now. Who from the coalition is seeking the call, please? Otherwise, I'll go to Senator Thorpe and we'll come back to the coalition. Have you finished, Senator Stewart?

Senator STEWART: I did have a couple more questions, but I'm happy for it to—

CHAIR: Okay. Thank you. Senator Thorpe.

Senator THORPE: Thank you, Chair. I just have a couple more questions left on NIAA. What is your department doing with regard to the relationship between funding for native title claim groups and the outcomes for these claim groups?

Mr Litchfield: Could you repeat your question, please, Senator.

Senator THORPE: I'm just inquiring about what you're doing, or what you look into, in terms of the relationship between funding for native title claim groups and the outcomes for these claim groups.

Mr Litchfield: Building on the answers to your previous questions, we do a continuous review mechanism of our native title service providers and representative bodies. One of their legislated functions under the Native Title Act is to proceed with those matters, and certainly the reviews we conducted between 2019 and 2022 went to the progress of native title claims. It's fair to say, though, that every jurisdiction in Australia is unique in the way our claims are progressed, and it's difficult to make quantitative comparisons, so there's a lot of qualitative work done through that review to inform the decision-making around funding levels for the representative bodies and service providers. As I referred to in my earlier answers, that previous review was a rolling review of representative bodies over three years. It's probably fair to say that that makes it a little bit more difficult for officials to make judgements in our budget cycle, so what we've decided to do this time is to have the review of all our representative bodies and service providers next year in the one calendar year to inform future funding decisions on the outcomes of what those representative bodies and service providers are doing.

I should just make one clarification on that: we fund 14 native title rep bodies and service providers. One, GBK in the Torres Strait, is new; it commenced only on 1 July, so they won't be subject to the review next year. So it's a review of the 13 remaining bodies.

Senator THORPE: What pathways are available to traditional owners to pursue or dispute native title claims if they can't access representation or funding through native title rep bodies?

Mr Litchfield: The first step is for the particular native title representative body or service provider to conduct an internal review exercise if a prospective claimant has not been accepted in the first instance. Once that internal review mechanism has been completed at the representative body or service provider, a prospective claimant or client can come to the agency, and we have the ability under the Native Title Act to commission an independent review under section 203FB of the act. Earlier, I mentioned that, typically, it's about one to three times a year that those independent reviews are done, and I'd add that that's a decision of the CEO of the National Indigenous Australians Agency; it's something that the agency handles and not the minister, under the Native Title Act.

Senator THORPE: What avenues are available to traditional owners to appeal native title determinations?

Mr Litchfield: That's a difficult question to answer. There are provisions, which are more in the Attorney-General's Department, around the revisiting of native title determinations, and it's a matter for the jurisdiction of the National Native Title Tribunal and the Federal Court, which are both bodies in the portfolio of Attorney-General's, and I am probably unable to comment further on your question.

Senator THORPE: Does your department provide any support or assistance to those traditional owners who would like to appeal the native title determination?

Mr Litchfield: We are aware of at least one case along those lines that has emerged recently, and we're ensuring that those parties have appropriate lines of communication with the National Native Title Tribunal in the first instance.

Senator THORPE: The government has committed to abolishing funding for the Native Title Respondents Funding Scheme and the Native Title Officer Scheme from 2022-23. What support, financially and legally, will be available for native title respondents instead?

Mr Litchfield: The native title respondents scheme is in the portfolio responsibilities of the Attorney-General's Department, and questions around the change, or, as you say, the abolition of that scheme should be directed to the Attorney-General's Department.

Senator McGRATH: Isn't this cross-portfolio? Can't they answer Senator Thorpe's question?

Senator THORPE: It'd be great to get an answer if someone's got one there.

Ms Broun: We've just got someone to the table.

CHAIR: The official has just come to the table, Senator Thorpe. I know you can't see. I just want to remind senators that we have half an hour left; we have a hard deadline because senators have other commitments. Can people text me as to who is seeking the call, so I can divide up the remaining time? It is back to the witness now to answer the question.

Mr Lewis: Thank you for your question, Senator. I'm afraid I'm unable to assist you. I'm from the Office of Constitutional Law. It was only the Office of Constitutional Law that was called from the Attorney-General's Department today, and native title is dealt with by a different branch in our department.

Senator THORPE: Could you take that on notice and give it to the relevant person in your department?

Mr Lewis: I'm happy to take it on notice, and I'll see what they can provide.

Senator THORPE: Thank you. I have—

Senator COLBECK: Can I ask what part of the department it is?

Mr Lewis: There's a native title branch.

Senator THORPE: I have questions for the department of health now.

Ms Hope: The officials are at the table.

Senator THORPE: Has the department done any work with states around what it would cost to fully fund ACCHO offices in all public corrections centres and any cost-benefit analysis for this measure? This is regarding health care in prisons.

Mr G Matthews: The short answer is no. I don't believe we've done that in the way that you've characterised it. As you know, I think there's been a lot of discussion around health care in detention settings. The general provision of health care in detention centres, as you know, has been broadly under the responsibility of states and territories, who, through the distribution of GST and other things, are actually required to provide care in those settings. That is the main reason why the Commonwealth hasn't, from that point of view. As an emerging practice, there are a few ACCHOs providing services into prisons, which we're enormously supportive of as a direction, particularly for the states and territories, to pursue. It's happening in—Danila Dilba got involved in Don Dale in the NT. The congress in the Alice Springs youth facility—

Senator THORPE: Is that fundable?

Mr G Matthews: No. They're funded from the Northern Territory government.

Senator THORPE: There's no federal funding?

Mr G Matthews: What we do, from a federal point of view, is we obviously fund the core funding for the ACCHO services across the country. We are slowly but surely growing and lifting the funding into that sector to grow it as a sector over time. That really provides a very strong base and a view for the states and territories to increase their capacity and their role in detention centres, but, realistically, because the states are required to provide that care, they should provide the additional funding needed for that service. The NTG have funded Danila Dilba to provide that in the Don Dale facility and will provide some funding for congress to do that in Alice Springs. The ACT government provides reasonably significant funding, actually, for Winnunga Aboriginal health service to provide services in the—

Senator THORPE: Would you mind putting that on notice? I'm aware of the time. My time is probably running out, and I do have some other questions.

Mr G Matthews: We're happy to do so. We have answered this on notice before, and we're happy to provide a little bit more detail of what we know about that. There are a few smaller arrangements emerging in some other places as well, which are likely to come up under the justice policy partnership that's been set up under Closing the Gap as a piece of work across the Commonwealth and the states. There are a lot of interesting—

Senator THORPE: I have another question. What funds are available to ACCHOs to pay them for providing such care, given the exclusion of inmates from the Medicare levy?

Mr G Matthews: Are you talking about care in a justice setting, in a detention setting?

Senator THORPE: Yes. What funds are provided to our Aboriginal health services to pay them for providing the services that they are providing to inmates, who can't access Medicare?

Mr G Matthews: We don't fund ACCHOs. As I said, we fund Aboriginal community controlled health services. Effectively they get funding in two ways. We give them what's called block funding: we provide core funding into the ACCHO sector, and then we allow the sector, under what's called a 19(2) determination, to bill

Medicare in addition to the core funding, which is different to what happens in a normal, mainstream GP context. They're block funded and they pick up MBS to provide comprehensive care. ACCHOs do not have the capacity to bill if they provide services in detention settings. That goes back to my earlier answer that the states are responsible for providing and funding health care in detention centres. Those examples that I gave were examples of the state governments providing funding for the services to go in. Generally speaking, it is state funding that goes into those ACCHOs that are going in to do it, in the way that they've reached arrangements, because, of course, the ACCHO also has to make arrangements. There needs to be pressure from the state to effectively marshal its corrections system to allow the ACCHO to provide care in that setting as well.

Senator THORPE: Yes, okay. Has your department spoken to the states about conducting a comparison between, on one hand, what this would cost and, on the other, the legal costs that the Commonwealth and states incur appearing at inquiries into deaths in custody and the coronial inquest costs?

Mr G Matthews: Again, I wouldn't characterise the discussions as having been like that. One of the things I would say is that around October there was a six-hour Aboriginal and Torres Strait Islander health roundtable of all of the state and territory health ministers, the Commonwealth health minister and about 90-odd representatives from the Aboriginal health sectors. They absolutely had discussions about the issue of health care in detention settings, so that's been extensively discussed in that way.

As to the cost comparisons and those things, there isn't a specific piece of work on hand at the moment to look at it that way. There have been numerous studies over the years, as I'm sure you're aware, arguing for prevention and early intervention as opposed to that, but not in the context of that. Probably the reason for it is that we wouldn't necessarily look at it that way, because it's not necessarily a cost of Medicare doing it; it is a cost of providing health care, which the states and territories should be providing now because they are responsible for it.

Senator THORPE: Thank you. What steps has the department taken to address the well-known limitations of throughcare—for example, prisoners leaving prison with inadequate medication and throughcare support, with no referrals to community health services and, essentially, with a lack of treatment for that period post release? What's going on there?

CHAIR: We will need to rotate the call shortly, but I'll give you a couple more questions, and then I need to go to Senator Liddle. Please continue, officers.

Mr G Matthews: Again, it's probably less directly specific. There have been past efforts around what was called 'prison to work' that put some effort into the process of leaving prison—probably more from a prison-to-work point of view, but that did have some aspects in health and trying to coordinate a little bit more effectively. There are quite a few ACCHOs that do look to provide—

Senator THORPE: But what's the department doing?

Mr G Matthews: What we're doing, Senator, is—

Senator THORPE: I know what those folks are doing. I want to know what you're doing.

Mr G Matthews: Our prime focus is really on building, supporting and growing the Aboriginal community controlled health service overall, to increase its capacity to provide for all Aboriginal and Torres Strait Islander people. That's really the prime thing that we have been doing in that space. The capacity for the ACCHO sector is our core piece of work that we're doing to contribute to that aspect. It is an emerging area where, as I said before, there was a significant discussion also with the states and territories to get it on the agenda and to prioritise this as an issue for health ministers nationally to look at more actively, which is underway at the moment. That will link up with what's called the Justice Policy Partnership that's been established under the Closing the Gap framework, which will also have an aspect of increasing that asset. So there are probably three parts of that answer.

Senator THORPE: Thank you. I just want to respond. It's not an emerging issue. We've had over 500 deaths in custody. This has been an issue for decades and decades. We have heard from the community that people are leaving prison or detention very, very unwell, with no-one looking after them. If the department doesn't take responsibility for that through leadership or through funding these ACCHOs accordingly, I'd like to know what else you're doing.

Mr G Matthews: I definitely wouldn't characterise my answer as saying it's an emerging issue. Obviously it's been a longstanding issue that people have been aware of. What I'm trying to say is that to do that effectively we need to grow the Aboriginal community controlled health network. It needs to grow and get larger. It probably services about 40 to 50 per cent of the Aboriginal population at the moment, so we need to increase that capacity. We've been increasing the funding to the ACCHO sector to grow it from that point of view so its capacity grows overall.

I was talking about it more as an emerging issue on the health ministers' landscape, as something that they will actively look at and follow through on. The roundtable that happened earlier—a couple of months ago—definitely lifted the profile of it and the focus on it for all health ministers, and it will now be a focus through subsequent health ministers meetings. Then of course, as I said, the Justice Policy Partnership has also been raised in that context as a place to pursue that issue and actively look at what can be done from here.

Mr Exell: Senator, I would just add that Mr Matthews's previous examples of the work we're doing in the NT and ACT go to very specific encouragement and support—practical examples of strengthening the care in corrections centres to strengthen the support for Indigenous Australians in those facilities. I think there are actually four or five different paths that are actively being pursued here.

Mr G Matthews: With most jurisdictions, we also have formal partnership meetings between the ACCHO sector, the state government and the Commonwealth from a health point of view. Obviously, this issue is also something we'll pursue through those. So we have a range of mechanisms.

Senator THORPE: Excellent. Great that you have all the partnerships. Let's make it happen.

Senator LIDDLE: My questions relate to the Voice and constitutional recognition. What does a bipartisan position on the Indigenous Voice look like, and will it include consultation with the parliament?

Ms Guivarra: As we indicated before, consultations with community on the Voice have commenced, through a range of different mechanisms. The primary focus, obviously, has been on First Nations engagement, and the First Nations working group and engagement group, which I've spoken about previously, are our principal means of communication, discussion and consultation. I did, I think, indicate at our previous hearing that the minister, the special envoy and the assistant minister have all been involved in discussions across parties and across jurisdictions, in fact. You may be aware that the minister had a meeting with her state and territory counterparts last week, where they once again reiterated their support for the government's process towards a referendum on the Voice. Of course, that consultation with other jurisdictions is, in fact, across different parties as well, in terms of the lead ministers in different states and territories. So there are different mechanisms currently underway to have consultations to try to gain bipartisanship support. Indeed, I think the minister, in some of her recent interviews with the media, has indicated her desire to secure bipartisanship support for the referendum process.

Senator LIDDLE: Thank you. Minister Burney has said the government will not fund a 'yes or no' public campaign. What are the rules for NIAA employees, and contractors who are on NIAA business, in advocating a position?

Ms Guivarra: NIAA's role in the process towards the referendum on the Voice is indicated in our corporate plan. NIAA's role, obviously, is to assist with consultations with First Nations organisations and groups across Australia to ensure there is awareness and understanding of the process. We also have a role in coordination across the Australian Public Service and supporting the government in the processes. That's all indicated, as I've mentioned, in our corporate plan.

Senator LIDDLE: I want to go to a question about the draft words to be put to the Australian people in a referendum of this parliament. Did the Prime Minister or any of his ministers conduct any public consultation to develop that wording?

Mr Lewis: I think officials here are unable to comment on exactly what the Prime Minister or ministers have done. But it is certainly true that the words that the Prime Minister announced at Garma were the process of a long period of public discussion about constitutional recognition of First Nations people, including a voice to parliament and to the government. In fact, those words that the Prime Minister announced were quite similar to different formulations that have been proposed by a range of people in public, in the past, including in submissions to the 2018 joint parliamentary enquiry.

Senator LIDDLE: Are any officials of the department aware of who wrote those words? I know there's been a lot of discussion but are you aware of who wrote those words?

Ms Guivarra: I think, as my colleague from the Attorney-General's Department has indicated, there have been formulations very similar to that wording in the public domain for quite a few years, post the Uluru statement in 2017. If you look at institutions like the University of New South Wales, I know various constitutional academics, including Anne Twomey, have written on suggested wording for what the alteration bill would look like. I think, as the Prime Minister indicated when he presented those words at Garma, it was intended to be a starting point for consultation with the broader community.

There is a specific process underway at the moment with a constitutional experts group, which has been formed under the work of the referendum working group. That group of constitutional experts—there are eight of them—

are specifically tasked with providing advice to government and the working group on the constitutional amendment.

Senator LIDDLE: This is of a more general nature, in relation to that work. It relates to the Broome office of the Special Envoy for Reconciliation and Implementation of the Uluru Statement from the Heart. Have there been any changes to that office to accommodate that work?

Mr Jamble: There has been some work undertaken at that office to support engagement with cabinet engagement.

Senator LIDDLE: What's the nature of that change?

Mr Jamble: There have been some IT changes that have been supported by the NIAA and also the Department of Finance.

Senator LIDDLE: No resourcing changes?

Mr Jamble: No resourcing changes.

Senator LIDDLE: Alright, thank you.

Mr Jamble: Sorry, can I correct that? Two advisers have been afforded to Senator Dodson, one at the adviser level and one at the assistant adviser level.

Senator LIDDLE: And their role is just to do that particular work.

Mr Jamble: Correct.

Senator LIDDLE: I have a question on closing the gap and the data. It's in relation to the impact of lifting alcohol restrictions in the Northern Territory on the health and wellbeing of Aboriginal people in the Northern Territory. There are seven targets in the *Closing the gap* report that have no new data to assist programs. Given the prediction that that data is going to be impacted by decisions, when are you expecting to have the new data available?

Mr Bartholomew: If I heard your question correctly, you were asking about when data would be available next for particular targets. Is that right?

Senator LIDDLE: That's right. In the *Closing the gap* report, there are a lot of outcomes that have no progress update because there is no new data.

Mr Bartholomew: We can take you through those target by target if that's most constructive.

Senator LIDDLE: Are you suggesting that there is actually data to update those outcomes? That report says that there is no new data.

Mr Bartholomew: No. The manner in which the Closing the Gap socioeconomic outcomes are measured is primarily through the Productivity Commission dashboard. The requirements of the national agreement are that that dashboard is updated at least annually. The last update was provided in July this year, so we envisage a similar update no later than the middle of next year. It is possible that there could be interim updates provided in the meantime. I'm aware that the Australian Bureau of Statistics has published some information, including through census data. So, subject to the validation processes of the Productivity Commission, that data could be updated in the coming months.

Senator LIDDLE: Given one of the data outcomes is on track, which is the enrolment of children in schools—but I've always argued that the more important indicator is actually participation, and there's a low level of participation in many schools in remote and regional areas—has there been any consideration given, by the group that identifies those targets, to including data that tells you that kids are actually at school and not just enrolled?

Mr Bartholomew: One aspect that could be considered would be exploring additional targets. There is certainly the ability for all parties to the national agreement, given the partnership context, to explore additional targets. That would be a matter for the parties to consider more broadly. The other aspect is that, under the existing targets, there is a data development plan which was endorsed by joint council in August this year. Whilst there are aspects of data across the country that require further refinement, where there might be a need for additional data development or in the way that data is shared between the parties, there is actually a plan in place to prioritise those actions as well.

Ms Guivarra: Obviously, all of the targets for the 17 socioeconomic outcomes need to be looked at in their intersectionality because they are actually all related. There is the target on early childhood education enrolments, and from the latest results it looks like that is on track. If you look at early childhood development and the attainment of year 12 and higher education, early childhood development is certainly not on track currently and

we are yet to get additional information on year 12 attainment and higher education completion. There are information points to look at in terms of not only, as you said, getting children enrolled but also whether that leads to better longer term outcomes in the educational area as well.

Senator LIDDLE: Chair, this is my last question. I'm not sure who can answer this—maybe they can elect who is appropriate—but we've heard that \$2 million was given to the AFL and that there's a whole lot of money given for sports participation. Is there a criterion in that funding that those sports organisations should not visit those communities during the school term to avoid disruption to the school curriculum, for those children who only attend for a very small amount of time anyway? We also hear that a real gap in those communities is school-holiday programs. Is there a criterion, when you give money, that those organisations that are involved in sport do not deliver their programs during the school-year term?

Mr G Matthews: I think you might be referring to the initiative we talked about earlier, which is the \$2 million to the AFLNT—

Senator LIDDLE: It could be anything.

Mr G Matthews: There was \$2 million provided to the AFL Northern Territory as part of the budget for participation in the Northern Territory. It's not a program I run directly, so I will need to go and find some of the detail. Generally speaking, for the Commonwealth, if we've funded sports programs they're generally done in a way to try and increase participation of youth or whatever, whether it's Aboriginal and Torres Strait Islander kids or others generally, rather than being structured in a way that reduces the likelihood of that happening. I would imagine that's the case for this, but I'll probably need to check. We're very happy to get that on notice for you and find out whether there's anything specifically built into it. Generally the aim is to try to do it to increase engagement and participation.

Senator LIDDLE: It's a more specific question across NIAA programs that fund activities in sport. Please don't give me an answer that says 'sport is important to education'; I get that. I'm asking: are they discouraged from delivering sports programs to avoid disruption to the normal school curriculum, given the low attendance of kids in regional and remote areas?

Mr Burdon: Similar to Mr Matthews, I will go and check the details. I'm not sure there's a specific instruction to providers to not disrupt schooling. Our work with providers on our programs would be to make sure that the programs we're offering in communities are done, and that they are mutually supporting and reinforcing each other across their objectives—be it sporting or education or community safety or general youth engagement activities. We would be trying and working with communities to make sure that the programs we're offering to deliver what the community wants are actually reinforcing each other and working together.

Senator LIDDLE: I'll keep pursuing that matter in other areas. Thank you.

Senator STEWART: I have a couple of questions about the Voice; I feel like I'm going to run out of time, with our 11.30 finish. I'm wondering if someone is able to talk me through what the consultation process has been for the Voice. We've heard people involved in the dialogue talk about a five-year process. Can someone explain to me what that looks like, please?

Ms Guivarra: As I indicated, since the government came to power it's put in place a number of different processes towards the referendum on the Voice. As I said, the primary process for First Nations engagement has been through the referendum working group and referendum engagement group. The referendum working group has now met three times, and, in fact, will meet again today. The referendum engagement group, which is a larger group, designed to do outreach to—

Senator STEWART: Sorry; my question related to the work that happened before the Albanese government.

Ms Guivarra: Sorry. There's been extensive work undertaken on looking at the Voice since the Uluru Statement of the Heart back in 2017. You may be aware there was a joint select committee back in 2018 which made a number of recommendations, including to undertake work on the Voice design. That led to the co-design process, which was undertaken between 2019 and 2021. Consultations on that were quite extensive; there were over 9,400 organisations and individuals who were consulted as part of that process. It is interesting to note that, despite the fact it was not in the terms of reference to consider constitutional recognition of voice, in the order of about 88 per cent of those who engaged in those consultations indicated their support for a referendum.

Senator STEWART: Thank you. I can see time is up.

Ms Hope: Chair, I beg your indulgence; I just need to make a correction to a question Senator Stewart asked earlier. I believe I said \$2.72 million. What I meant was \$0.272 million—so \$272,000 is the correct number for those health measures I outlined.

CHAIR: Thank you. That is all the time we have available—

Senator COLBECK: Chair, just one final thing.

CHAIR: Senator Colbeck?

Senator COLBECK: I want to go back to a question Senator Liddle asked about the Prime Minister's consultation. One of the officials said that the officials at the table couldn't answer it.

CHAIR: Are you raising a point of order?

Senator COLBECK: I will raise it in the context of a point of order, then. The question was about consultation with the Prime Minister or any of his ministers in relation to draft wording. We were told that none of the officials could answer that question. I don't accept that response. I would like the question taken on notice, please.

CHAIR: Thank you, Senator Colbeck; you've now put that question on notice. I thank everyone for their participation today. I want to conclude today's hearing with thanks from all senators and members. Thank you, Hansard and Broadcasting, for your assistance, and I thank the minister at the table.

Committee adjourned at 11:32