

## **QUESTION TAKEN ON NOTICE**

**BUDGET ESTIMATES HEARING: 29 May 2003**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(120) Output: Aboriginal and Torres Strait Islander Commission**

Senator Ludwig asked:

### **Aboriginal Benefits Account**

1. Confirming that ABA will remain with ATSIC following the split of the elected and administrative arms and that payments will continue to be administered by ATSIC?
2. Regarding the recent ANAO report of the Northern Territory Land Councils and the ABA, has the ABA taken steps to address criticisms made of it by the ANAO and to implement change along the lines recommended by the ANAO?
3. Can you provide details of those steps?
4. Can you detail the distributions under s. 64(4) made since 1997 by Land Council region?
5. On what basis was the grants program suspended in 2000?
6. On what basis have funds been distributed since that time?
7. Why is it proposed by the Minister that the new ABA body only have discretionary powers of allocation of the returns from investments of the reserve, and not the full amount of funding under s64(4) - " for the benefit of Aboriginals living in the Northern Territory".
8. What is the recommended "floor" level for the ABA reserve?
9. What is the current holding in the reserve?
10. What is the Management Plan for the reserve?
11. Who developed the Plan? Has there been any external review of it? Have key stakeholders/clients; had an opportunity to comment?
12. What led to the recent decision to disband the Sub-committee to the Advisory Committee? How will this affect the decision-making of the Advisory Committee, given the purpose of the sub-committee as recommended in the 1984 Altman Review?
13. When is the next meeting of the ABA Advisory Committee? How many meetings were held in 2002? How many in 2001? How many so far this year?
14. What focus areas did the ABA Advisory Committee decide to allocate the 64(4) monies to at its meeting in November 2001? What was the Minister's response?
15. Were the four NT land councils specifically encouraged to facilitate the development of community projects, and submit those projects on behalf of their region, in lieu of a competitive grants program?

*Answer:*

1. The appropriation for the Aboriginals Benefit Account (ABA) will be made to ATSIC in 2003-04 as an administered item rather than to Aboriginal and Torres

Strait Islander Services (ATSIS). In fact, the appropriation for the ABA has always been made to ATSIC on the basis that it is administering this special account on behalf of the government, which retains ultimate control over its disbursements. Officers in ATSIC who have been responsible for administering the ABA on a day to day basis including processing payments will be transferred to Aboriginal and Torres Strait Islander Services (ATSIS). Those officers will remain public servants and perform the same duties. Accordingly, the transition to ATSIS should not affect the administration of the ABA.

2. Significant progress has already been made by ATSIC officers responsible for administering the ABA in implementing relevant recommendations of the ANAO's Report No. 28 of 2002-03 in relation to the Northern Territory Land Councils and the Aboriginals Benefit Account. Those officers recently appeared before the Joint Committee of Public Accounts and Audit to report on progress.
3. A table is attached setting out the steps that have been taken.
4. To detail distributions under Subsection 64(4) across the four Land Council jurisdictions in the Northern Territory from 1996-97 would be resource intensive and time consuming as records have not been kept on this basis. However, the Annual Reports of the Aboriginals Benefit Account from 1996-97 to 2001-02, tabled in the Parliament, list the name of each Aboriginal recipient of a grant from the ABA (although not by Land Council region), and the amount and purpose of each grant. If the Senator requires more information, ATSIC will endeavour to provide it but more time will be required.
5. The grants program was suspended after considerable discussion with the ABA Advisory Committee, principally made up of members of the four Land Councils. There were a number of reasons why it was considered necessary to suspend the grants program including:
  - Concern that the majority of Aboriginals across the Northern Territory were not benefiting from the grants program (it was usual that only 100 of over a 1000 applications received in each grants round were successful);
  - Frequent complaints from Aboriginal people (justified or not) that only a few groups, associated with Committee members, were benefiting;
  - That the grants program was not well targeted and was not achieving any significant outcomes;
  - The excessive administrative workload for ATSIC and Land Council officers associated with administering the grants program;
  - Legal advice from the Australian Government Solicitor, that the Minister had nil power to impose conditions on payments from the Aboriginals Benefit Account, under Subsection 64(4) of the Aboriginal Land Rights (Northern Territory) Act 1976;
  - Legal advice given to ATSIC officers which indicated that the Minister, who

must approve payments under subsection 64(4), could not make grants with conditions under that provision.

6. The Minister approved a limited number of payments to Land Councils since 2000 on the basis that:
  - The Financial Management Plan he had approved for the ABA allowed for some expenditure on projects which would support economic development on Aboriginal land, improve land management practices, and to offset costs for funerals and large ceremonies;
  - Payments should be able to be safely made to Land Councils, even if grant conditions could not be made, because Land Councils are statutory authorities which have to report annually to the Parliament and whose accounts are audited by the Australian National Audit Office;
  - The proposed payments had been considered by members of the Advisory Committee;
  - Satisfactory outcomes being achieved and there being an appropriate level of accountability;
  - These arrangements for making payments to Land Councils were only interim, not the means that the legislation envisaged for distributing payments under subsection 64(4) and had not been used in the past by either Coalition or ALP Governments;
  - A new legislative framework would be developed after consultation with affected parties which would allow funds to be distributed in a targeted, cost-effective, transparent and fair manner.
7. It is not clear what the Senator means by the term “the full amount of funding under s64(4)”. The Aboriginal Land Rights (Northern Territory) Act 1976 is silent as to the proportion of the ABA to be available for payments under subsection 64(4) (whereas the Act provides that 40% of the ABA’s revenue is to be distributed to Land Councils to meet their administrative costs and 30% to be distributed to those affected by mining).

It is the case that the Minister’s discussion paper on strengthening the role of the ABA Advisory Committee in making decisions does propose that the Committee only approve the expenditure of interest payments received by ABA from investing its accumulated reserve. ATSIC understands that this is because the Minister wants to ensure the viability of the ABA over the longer term and so it can benefit future generations. Maintaining and not disturbing the capital base is consistent with that objective. Of particular concern to the Minister is that the ABA may not be viable over the longer term if there are not restrictions placed on expenditure. The ABA’s revenue comes from the Commonwealth and is equivalent to the amount of royalties paid by miners on Aboriginal land. That revenue is volatile and is expected to decrease with the expected closure of the Ranger Uranium Mine within nine years (a major source of royalty related

revenues).

8. Under the Plan of Management for the Aboriginals Benefit Account, the minimum level of the equity of the fund is \$46 million.
9. As at 31 May 2003, the Statement of Financial Position of the Aboriginals Benefit Account discloses equity of \$81.8 million.
10. The Management Plan for the Aboriginals Benefit Account is a policy mechanism first introduced by former Minister Tickner in 1993-94 to assist with the ABA remaining viable over the longer term. Minister Tickner decided to introduce the Management Plan in the face of a sharp decline in royalty equivalent revenue at that time. On the basis of advice from consultant accountants, it was decided by the Minister that the best means of securing the ABA over the longer term in the face of a volatile revenue base (outside the control of ATSIC, the Minister or the Parliament) was to build up a significant capital reserve which could be called upon to meet the ABA's obligations to all its beneficiaries including Land Councils should there be a fall-off in revenue, and to restrict ABA's expenditure. Successive Ministers have continued with the Plan. Minister Ruddock in the latest 3 year Plan he approved, changed the settings to among other things allow for an increase in the payments for the Northern and Central Land Councils.
11. The latest Plan of Management for the Aboriginals Benefit Account was developed by ATSIC officers, at the request of the Minister, and in concert with the ABA Advisory Committee and officers of the Land Councils.

The Plan was reviewed by the Australian National Audit Office in the course of its Performance Audit of the Land Councils and the Aboriginals Benefit Account.

The key stakeholders are the Land Councils, and the Aboriginals Benefit Account Advisory Committee on behalf of Aboriginals across the Northern Territory. These parties were consulted throughout the Plan's formulation in 2001. The Minister approved the latest three-year Plan in August 2001.

12. The Sub-Committee emerged from a review of the activities of the (then) Aboriginals Benefit Trust Account in 1984. It has no basis under the Aboriginal Land Rights (Northern Territory) Act 1976, or any other legislation. Its composition was principally Chief Executive Officers of the Land Councils and a senior ATSIC officer and its role was to assist the Advisory Committee in reaching decisions about the merits of grant applications.

The Minister decided not to continue with the ABA Sub-Committee in September 2002, following representations from the Chairperson of the Aboriginals Benefit Account Advisory Committee, Ms Miriam-Rose Baumann AM. She was concerned about undue influence of staff in the deliberations of the Committee, uncertainty about the role of the Sub-Committee and possible duplication between the Sub-Committee and the Advisory Committee.

The Minister and the ABA Chairperson are of the view that the existence of the Sub-Committee, which has no legislative basis, created confusion and

uncertainty for the Advisory Committee. Noting that the Sub-Committee had not met for nearly three years before the Minister decided to dispense with it, it is not expected to have any impact on the decision-making of the Committee. It should be noted that the Chairperson and members of the Aboriginals Benefit Account can still invite non-members to meetings on a needs basis.

13. The Chairperson of the Aboriginals Benefit Account Advisory Committee has not called a meeting of the Committee at this time. The last meeting was in February 2003.

For calendar year 2002, the Aboriginals Benefit Account Advisory Committee met on one occasion only.

For calendar year 2001, the Aboriginals Benefit Account Advisory Committee met on three occasions.

14. The Aboriginals Benefit Account Advisory Committee met in December 2001, and made a recommendation to the Minister that its priority areas for funding were ceremony funding, economic development, land management and community development.

The Minister responded to the Chairperson of the Aboriginals Benefit Account Advisory Committee on 8 February 2002, and:

- (a) advised that he was prepared to approve payments under Subsection 64(4) of the Aboriginal Land Rights (Northern Territory) Act 1976, for soundly based proposals in respect of land management, economic development, and ceremonial activities which meet the requirements of the Plan for the Aboriginals Benefit Account;
- (b) noted that he would prefer not to have to consider applications for a purpose described as community development; and
- (c) stated that he was prepared to approve payments for soundly based and properly administered Aboriginal youth activity programs.

15. ATSIC officers are not aware that the four Land Councils were encouraged to facilitate the development of community projects. In fact, ATSIC officers had argued to the ABA Advisory Committee and Land Council officers that the notion of community projects was too broad and insufficiently targeted, and that priority should be given to economic development and land management activities. Nonetheless, if community projects is taken to mean projects managed by communities for any of the priorities of the ABA Committee, it is the case that ATSIC officers did discuss with Land Council staff the development of community based projects and suggested options. That was done in good faith by the officers concerned on the basis that the grants program had been suspended and as a means of allowing some payments to be made from the Account under subsection 64(4) where there was going to be a demonstrable benefit to Aboriginal communities.

**AUDIT REPORT NO. 28, 2002/2003, NORTHERN TERRITORY LAND COUNCILS AND THE ABORIGINALS BENEFIT ACCOUNT1**

STATEMENT OF PROGRESS ON ACTION TO IMPLEMENT:

- (1) RECOMMENDATIONS FROM AUSTRALIAN NATIONAL AUDIT OFFICE (ANAO), FOLLOWING THE PERFORMANCE AUDIT OF THE ABORIGINALS BENEFIT ACCOUNT (ABA); AND
- (2) BETTER PRACTICE WHERE ANAO IDENTIFIED OPPORTUNITY FOR BETTER PRACTICE BY ATSIIC.

<b>ISSUE</b>	<b>ATSIIC RESPONSE</b>	<b>ACTION TAKEN TO DATE</b>	<b>ACTION OUTSTANDING</b>
<p><b>(1) ANAO Recommendations</b></p> <p>1.1 ANAO recommends that, following consultations with the Land Councils, ATSIIC amends its financial plan for the ABA to include a clear statement defining the objective of the plan, and the purposes of the minimum level of equity</p>	<p>ATSIIC agrees.</p>	<p>1. Engagement of Financial Advisor, Frank Russell Co. P/L, to</p> <p>(a) build a Financial Management Model to quantify a long-term level of equity for the ABA, that would provide stability for the ongoing operations of the ABA and, if feasible, quantify a range within which the optimum equity level of the ABA would rest; and</p> <p>(b) provide an overall analysis of appropriate investment performance benchmarks, formulating specific performance benchmarks and performance measurement, for the ABA investment portfolio.</p> <p>2. Discussion of draft report by Frank Russell</p>	<p>1. Implementation of key Performance Indicators (KPI's) for ABA investments.</p> <p>2. Examination of Financial Management Model developed by Frank Russell Co. P/L, briefing of Minister on the model and possible options, having regard to future of the ABA.</p> <p>3. Consultation with Land Councils concerning the minimum level of the equity of the ABA under the Plan for the ABA, and statement of objective of the Plan, having regard to the Financial Management</p>

		<p>Co. P/L with the firm, noting sensitivity analysis of movements in revenues and payments, and agreement reached on finalisation of report for presentation to ATASIC in Darwin, on 23 May 2003  <b>(Note that this initiative was commenced by ATASIC in April 2002).</b></p>	<p>Model above.</p> <p>4. Brief for Minister on desirable amendments to the Plan for the ABA.</p>
<p>1.2 ANAO recommends that ATASIC revise its investment strategy and investment operations to better identify opportunities for improved investment returns on ABA moneys. Performance indicators should also be developed that would provide benchmarks to assess the performance of ABA investments, for the benefit of all stakeholders.</p>	<p>ATASIC agrees</p>	<p>1. See paragraphs above.</p>	<p>1. See paragraphs above.</p>
<p><b>(2) ANAO Identified Better Practice</b></p>			
<p>(2.1) Independent third</p>	<p>ATASIC agrees</p>	<p>1. ATASIC officer consultations held with</p>	<p>1. Follow up with ANAO whether</p>

<p>party verification of the royalty receipt advices forwarded from the Northern Territory Treasury to the ABA (i.e., that royalties received from Northern Territory Treasury from mining interests on Aboriginal land, are those amounts that are correctly receivable).</p>		<p>Auditor-General of the Northern Territory (AGNT), concerning non-uranium royalties received by Northern Territory Treasury (NTT).</p> <p>2. ATSIC officers ascertained that whilst nil material issues have arisen from AGNT's audit of NTT's internal audit procedures and systems for auditing the royalty returns of mining interests, AGNT is not in a position to certify that royalties received by NTT are the amounts correctly receivable under the relative mining legislation and mining agreements.</p> <p>3. AGNT has found nil information from its audit of NTT's internal audit procedures and systems for auditing the royalty returns of mining interests, however, to suggest that NTT's procedures and systems are deficient in protecting the royalty revenue (<b>note that this was resolved in October 2002</b>).</p> <p>4. ATSIC wrote to the Australian National Audit Office (ANAO) in October 2002, to seek its advice concerning the scope of the Financial Statement Audits of the Department of Industry Tourism and Resources (DITR), undertaken by the Australian National Audit Office (ANAO). DITR receives the uranium royalties from mining on Aboriginal land in the</p>	<p>the scope of the Financial Statement Audits of DITR, undertaken by ANAO, provide independent third party verification that the uranium royalty receipts of DITR, are those amounts that are correctly receivable.</p> <p>2. From time to time liaise with AGNT, concerning NTT's internal audit procedures regarding non-uranium royalties.</p>
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		Northern Territory.	
<p>(2.2) Application of performance measures to activities of the ABA work unit of ATSIIC.</p>	<p>ATSIIC agrees</p>	<p>1. Work unit activities identified are:</p> <ul style="list-style-type: none"> <li>(a) Grants completed/acquitted per monthly officer reports;</li> <li>(b) Investments (see action by Frank Russell Co P/L);</li> <li>(c) Processing of Subsection 64(3) payments;</li> <li>(d) Completion of Ministerial briefings;</li> <li>(e) Completion of monthly Whole of Government Financial Statements for submission to ATSIIC Budget Branch;</li> <li>(f) Archiving of files;</li> <li>(g) Completion of AFS for audit opinion and submission to Minister for tabling in annual report;</li> <li>(h) Monthly cash flow spreadsheet;</li> <li>(i) Requirements under guidelines (estimates approval, 1/4ly releases); &amp;</li> <li>(j) Subsection 64(4) payment processing.</li> </ul> <p>2. Work unit activities have been aggregated under the Output Groups below.</p> <ul style="list-style-type: none"> <li>(a) Output Group 2.1 Advocacy</li> <li>(b) Output Group 2.2 Ministerial Services</li> <li>(c) Output Group 2.3 Professional Services to Native Title Claimants</li> </ul>	<p>1. Follow up views of ANAO on Output Groups and KPI's.</p> <p>2. Refine and install performance measures.</p>

		<p>(d) Output Group 2.4 Advancement of Rights to Land and Sea</p> <p>3. Key Performance Indicators (KPI's) have been drafted against the Output Groups.</p> <p>4. Views of ANAO have been sought on the Output Groups and KPI's above, prior to adopting their use as performance measures.</p>	
<p>(2.3) Further development of longer term projections and outlook for Statutory Royalty Equivalent Revenues into ABA</p>	<p>ATSIIC agrees</p>	<p>1. ATSIIC has sought longer term, macro outlook of mining interests on Aboriginal land in the Northern Territory, of royalties payable.</p> <p>2. As expected, responses to date from mining interests, are heavily qualified and thus are of limited use, albeit that they caution future expectations of ABA Statutory Royalty Equivalent revenues.</p> <p>3. ATSIIC has commenced consultations with the Policy Development and Coordination Division of the Northern Territory Department of Business Industry and Development (DBIRD), concerning the impact expected on Aboriginal interest holders in the NT, of future mineral developments.</p>	<p>1. Follow up responses outstanding from mining interests.</p> <p>2. Maintain liaison with DBIRD.</p> <p>3. Liaise with mining officers in Land Councils, to ascertain their mineral royalty projections.</p> <p>4. Brief Minister and ABA Advisory Committee on longer term SRE revenue outlooks for ABA.</p>

## QUESTION TAKEN ON NOTICE

**BUDGET ESTIMATES HEARING: 29 May 2003**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(121) Output: Aboriginal and Torres Strait Islander Commission**

Senator Ludwig asked:

Specific questions in relation to recent tranches of ABA applications from the Central Land Council region.

1. Aside from money distributed by the CLC for funeral and ceremony funds, when were ABA 64(4) funds last released for community projects in central Australia?
2. When were proposals from the CLC received, and how long has it taken to process these submissions?
3. Have these proposed projects been assessed and approved by the ABA Advisory Committee?
4. Were these projects assessed by ATSIC and recommended?
5. When will the Minister respond to the request for funding for central Australian projects, submitted in December 2002?

*Answer:*

1. Payments to grantee associations/groups in the jurisdiction of the Central Land Council, under Subsection 64(4) of the Aboriginal Land Rights (Northern Territory) Act 1976, other than moneys distributed by the Central Land Council for funeral and ceremony funds, were last made in 2002/2003, as set out below.

<b>Grantee</b>	<b>Purpose</b>	<b>Amount of payment</b>
Sixteen Mile Creek	Equipment	\$3,477.40
Ngintaka Women's Council	Cultural activities	\$12,500.00
Jangankurlangu Aboriginal Corporation	Historical recording	<u>\$17,200.00</u>
Total		\$33,177.40

2. The most recent tranches of applications from the Central Land Council for payments under Subsection 64(4) were received by the Native Title and Land Rights Branch of ATSIC in Darwin on 8 January 2003.

These submissions were processed for tabling at the meeting of the Aboriginals Benefit Account Advisory Committee of 27 February 2003.

The Native Title and Land Rights Branch of ATSIC holds the view that further information is required from the Central Land Council and the beneficiary organisations identified by the Central Land Council in its applications before the proposals can properly be considered for funding approval.

However, the additional information has not been sought by officers to date as the Minister advised the Aboriginals Benefit Account Advisory Committee at its meeting of 27 February 2003 that he did not propose to continue the interim arrangements of making subsection 64(4) payments through the Land Councils and instead would prefer to settle on a new framework for distributing payments.

3. The funding proposals lodged by the Central Land Council were considered at the meeting of the Aboriginals Benefit Account Advisory Committee of 27 February 2003, and recommended for payment by the Advisory Committee.

Under Section 65 of the Aboriginal Land Rights (Northern Territory) Act 1976, the Aboriginals Benefit Account Advisory Committee has the role of advising the Minister on payments from the ABA. It is not able to approve payments, which is a matter for the Minister (or his delegate). This has been the case since 1976 when the Aboriginal Land Rights (Northern Territory) Act 1976 was passed by the Federal Parliament.

4. The applications lodged by the Central Land Council were summarised for the Committee by ATSIC officers. However, it was not possible for ATSIC officers to complete an assessment or make a recommendation before the Committee's meeting of 27 February 2003.
5. The Minister has already responded to the Central Land Council, and the Northern, Tiwi and Anindilyakwa Land Councils, and the Chairperson of the Aboriginals Benefit Account Advisory Committee, on 30 May 2003.

The Minister advised that he had carefully considered the funding submissions lodged by the four Land Councils, including the submission from the Central Land Council, but that it would be preferable not to consider the submissions for the time being. The Minister did not want to agree to any arrangement that would envisage Land Councils distributing grants considered contrary to the Aboriginal Land Rights (Northern Territory) Act 1976.

The Minister advised that he seeks a framework for payments under Subsection 64(4) of the Aboriginal Land Rights (Northern Territory) Act 1976, developed around competitive contracting and grants, with a view to convening a funding round in 2003/2004. ATSIC officers have engaged a firm of professional consultants to facilitate the development of this framework, before consulting the Advisory Committee.

## **QUESTION TAKEN ON NOTICE**

**BUDGET ESTIMATES HEARING: 29 May 2003**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(122) Output: Aboriginal and Torres Strait Islander Commission**

Senator Ludwig asked:

Specific questions in relation to recent tranches of ABA applications from the Northern Land Council region.

1. In December 2001 the NLC drafted and lodged with the Minister suggested guidelines for the running of the 64(4) program in respect of land and sea management? What was the Minister's response? What reasons were provided?
2. Notwithstanding the rejection of the guidelines, did the Minister approve 16 community group applications from the NLC region for land and sea management to the value of \$700,000?
3. What are some of the imperative land and sea management issues in the Top End and how could they effect the environment?
4. Did the 16 applications come from a competitive application system?
5. What is your understanding of how the applications were facilitated?
6. What do you know about the NLC Caring for Country Unit (CCU) and how it goes about its work?
7. What did the recent ANAO report have to say about the CCU?
8. Were there any problems relating to the implementation of the 16 2001/02 projects?
9. Another tranche of 24 community-based applications have been lodged with the Minister/ABA, this time with a total ABA request of around \$900,000? When were they lodged? How long have they been in the system?
10. Were these projects approved by the ABA Advisory Committee?
11. Were these projects assessed by ATSIC and recommended?
12. What do you understand to be the implications for the land and sea programs of funding being delayed by up to six months?
13. How will the Minister's recent drive for a competitive system of applications strategically address the imperative land and sea management issues across the

Top End?

*Answer:*

1. It is the case that on 17 December 2001, the Northern Land Council lodged with ATSIC's Native Title and Land Rights Branch a funding proposal in connection with its Land and Sea Management program under Subsection 64(4) of the Aboriginal Land Rights (Northern Territory) Act 1976.

The Northern Land Council subsequently lodged with the ATSIC Native Title and Land Rights Branch, a package of information headed "ABA 64(4) Land and Sea Country Management Fund", which included a document headed "Draft Guidelines for project funding".

The Minister's response to the funding proposal, on the basis of a briefing by ATSIC, was to approve a payment of \$700,000 to the Northern Land Council for its Land and Sea Management program on 26 March 2002. The amount of \$700,000 was released by ATSIC to the Northern Land Council from the Aboriginals Benefit Account on 15 April 2002.

On 19 July 2002, the Northern Land Council wrote to the Minister proposing new funding arrangements whereby an allocation of funds from the Aboriginals Benefit Account would be provided in advance to the Northern Land Council, for its Land and Sea Management program. The new arrangements proposed drew on the guidelines referred to above.

On 27 September 2002, the Minister wrote to the Northern Land Council and advised that:

- (a) The Aboriginal Land Rights (Northern Territory) Act 1976 did not envisage the new arrangements proposed and in particular that a Land Council would make grants;
  - (b) Uncertainty over the arrangements for payments under subsection 64(4) demonstrated the need for an overhaul of these provisions of the Aboriginal Land Rights (Northern Territory) Act 1976;
  - (c) A clearer framework for release of payments under Subsection 64(4) of the Aboriginal Land Rights (Northern Territory) Act 1976 is needed;
  - (d) The Performance Audit Report on the Land Councils by the Australian National Audit Office was still outstanding and he was, therefore, reluctant to make decisions concerning long-term commitments of funds;
  - (e) Consistent with normal practice in the public sector, prior year allocations of moneys would not be "rolled-over",
  - (f) he was not prepared to agree to the proposed new arrangements put by the NLC.
2. The Minister approved the payment of \$700,000 for the 16 discrete projects under the Northern Land Council's Land and Sea Management program, as set out in the answer to Question 1 above.

However, the Minister's approval and release of funds preceded his advice to the

Northern Land Council of 27 September 2002, at the answer to Question 1 above.

3. Some of the key environmental issues in the Top End include infestation by *mimosa pigra* and *salvinia molesta*, two noxious strains of flora that spread and threaten native flora.
4. The 16 projects comprising the NLC's application did not result from a competitive application system supervised by ATSIC.
5. ATSIC officers understand that the 16 projects were developed amongst community groups, with the assistance of the Northern Land Council's Caring for Country Unit.
6. ATSIC officers understand that the Caring for Country Unit was established by the Northern Land Council to promote better environmental management of Aboriginal land. The Unit has supported the development of community based groups to achieve this objective. In 2001-02, when ATSIC officers were assessing the first application from the Land Council for its land and sea management program, other funding agencies commented that the Caring for Country Unit is effective in managing small scale environmental projects, and accountable in administering grant moneys.
7. The Australian National Audit Office (ANAO), in its Report No. 28 of 2002-03, Northern Territory Land Councils and the Aboriginals Benefit Account, found the Northern Land Council's Caring for Country Unit represents an example of better practice for other areas within the Northern Land Council and other Land Councils.

The ANAO noted, however, that the Unit will need to consider the development of specific quality, quantity and price indicators that tie land management projects together, in order to be able show an effective contribution towards the Northern Land Council's agreed outcome.

8. ATSIC officers are unaware of any problems relating to the implementation of the 16 separate projects that comprised the program of \$700,000 from the Aboriginals Benefit Account.

ATSIC is aware, however, from the Northern Land Council's 2001-02 Annual Report, that of the \$700,000 released in April 2002, an amount of \$289,809 remained unexpended as at 30 June 2002.

9. The Northern Land Council wrote to the Minister on 20 December 2002, proposing funding of \$912,755 for 24 discrete projects under its Land and Sea Management program.

On 27 January 2003, the Minister wrote to the Northern Land Council advising that he had requested ATSIC to consult the Council to assist it in prioritising and developing the proposal further (and others it had lodged on the same date) within funds allocations he had approved.

The Land and Sea Management funding proposal was submitted to the Aboriginals Benefit Account Advisory Committee meeting of 27 February 2003 and the meeting recommended a payment of \$974,255 for the 24 projects in aggregate, under Subsection 64(4) of the Aboriginal Land Rights (Northern Territory) Act 1976.

The Minister attended the meeting of the Advisory Committee on 27 February 2003 and informed the Committee, principally made up of Land Council members, that making subsection 64(4) payments to the Land Councils was a stop-gap measure only. He said he would seek further legal advice about his capacity to approve grants with conditions under subsection 64(4) and that in the meantime he did not want to approve further payments to Land Councils.

The Minister wrote to the four Land Councils and the Chairperson of the Aboriginals Benefit Account Advisory Committee, on 30 May 2003. In that letter, he advised that he did not wish to consider the submissions of the Land Councils for the time being. In particular the Minister advised he did not want to agree to the arrangement proposed by the Northern Land Council that it distribute grants to communities.

The Minister also advised that instead of funding going to Land Councils, he sought a framework for payments under Subsection 64(4) of the Aboriginal Land Rights (Northern Territory) Act 1976, developed around competitive contracting and grants, with a view to convening a funding round in 2003-04. ATSIC officers have engaged a firm of professional consultants to facilitate the development of this framework, and in consultation with the ABA Advisory Committee.

10. The funding proposals lodged by the Northern Land Council were considered at the meeting of the Aboriginals Benefit Account Advisory Committee of 27 February 2003, and recommended for payment by the Advisory Committee.

Under Section 65 of the Aboriginal Land Rights (Northern Territory) Act 1976, the Aboriginals Benefit Account Advisory Committee has no power to approve payments. Instead, the Aboriginals Benefit Account Advisory Committee has powers to recommend payments to the Minister.

11. ATSIC officers assessed the project documentation for completeness, consulted the Northern Land Council to obtain further information on the funding proposals, and submitted summaries of each of the Land Council proposals to the meeting of the Aboriginals Benefit Account Advisory Committee on 27 February 2003.
12. A delay in funding for a specific purpose may result in that purpose not being fulfilled until a later date, unless funding is found from another source. The information provided by the Northern Land Council in support of its Land and Sea Management program discloses significant levels of funding from other agencies of Government.
13. A framework for payments under Subsection 64(4) of the Aboriginal Land Rights (Northern Territory) Act 1976 developed around competitive contracting and



grants could include targeting funds to the support of land management projects.

A program of payments under this framework would be expected to attract funding proposals for environmental programs on Aboriginal land in the Northern Territory, from organisations with the capability of effectively implementing these programs, which would be measured against key performance criteria.

## **QUESTION TAKEN ON NOTICE**

**BUDGET ESTIMATES HEARING: 29 May 2003**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(123) Output: Aboriginal and Torres Strait Islander Commission**

Senator Ludwig asked:

### **Tent Embassy**

Last Estimates, Senator Ludwig referred to a report on the tent embassy that had been commissioned by ATSIC's Regional Council in Queanbeyan. The report was due to be completed by the end of April 2003.

1. Is it possible to receive a copy of that report?
2. What is envisaged will happen following the completion of the report?

*Answer:*

1. ATSIC expects a final draft of the report to be presented to the Queanbeyan Regional Council during June.
2. The Queanbeyan Regional Council will then conduct a series of forums on the findings of the report and its recommendations with key Indigenous stakeholders, such as the traditional owners and the 1972 original occupants of the site.

## QUESTION TAKEN ON NOTICE

**BUDGET ESTIMATES HEARING: 29 May 2003**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(124) Output: Aboriginal and Torres Strait Islander Commission**

Senator Ludwig asked:

ATSIC is in partnership (via MOUs) with some State Governments for the delivery of services.

1. Can you explain ATSIC's current role i.e. ATSIC would be involved in both a policy and a funding sense would it not?
2. How will this change on 1 July?
3. What if any regulative or legislative changes have been made or are being made to facilitate this ATSIC/ATSIS split?

*Answer:*

1. ATSIC has numerous MOUs and agreements with State and Territory Governments for the provision or joint provision of services to Indigenous people and or their organisations. The legal impact of the ATSIC/ATSIS split has been considered for each of these MOUs and agreements and appropriate action will be taken after 1 July 2003.

The role of ATSIC in the jurisdictions is two-fold and has both policy and service delivery responsibilities. This includes the accessibility and impact of both Indigenous specific and mainstream policies and programs.

An important focus in the State/Territories is the development and maintenance of state-level relationships and partnerships with other Commonwealth and State Government agencies and peak organisations. Through these strategic partnering relationships, ATSIC aims to facilitate Aboriginal peoples and Torres Strait Islanders involvement in the planning, development & monitoring of policies and programs through the devolution of decision making functions to the regional and local levels.

At the service delivery level, most of ATSIC's funding goes to Indigenous community organisations to achieve ATSIC's strategic outcome of economic and social equality for Indigenous Australians. Funding decisions are based on the Regional Plans which are completed cyclically (as outlined in the legislation) and identify the key priorities in each ATSIC region.

ATSIC's current role is reflected in the functions as set out in section 7 (1) of

the *Aboriginal and Torres Strait Islander Act 1989*. This involves ATSIC setting national policy frameworks, objectives and guidelines for all program outputs, and funding activities for the social cultural and economic advancement of Indigenous Australians.

2. After 1 July, ATSIC's functions as described in section 7 (1) of the ATSIC Act will continue. However, many of the functions ATSIC currently administers will be performed by Aboriginal and Torres Strait Islander Services (ATSIS). ATSIS is to be a new Executive Agency established under the *Public Service Act 1999*, and will act as agent for ATSIC in relation to certain other functions of ATSIC.

Minimal alterations will be made to the existing agreements between ATSIC and other bodies as these partnership arrangements will continue post 1 July 2003. In some cases amendments to agreements may include clauses that make specific mention of the role of ATSIS in relation to ATSIC.

In relation to funding contracts between ATSIC and Indigenous funded organisations, the necessary changes will be made to ensure that as the agent for ATSIC, ATSIS will take over all legislative responsibilities as the contractor of services.

3. On 17 April 2003, the Minister for Immigration and Multicultural and Indigenous Affairs announced that the Government would implement an interim separation of powers within ATSIC through the Budget. On 30 May 2003 the Governor-General signed an order to establish Aboriginal and Torres Strait Islander Services as an Executive Agency to commence on 1 July 2003.

**QUESTION TAKEN ON NOTICE**

**BUDGET ESTIMATES HEARING: 29 May 2003**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(125) Output: Torres Strait Regional Authority**

Senator Ludwig asked:

Given Minister Ruddock acted in April to remove what he called “the potential for conflicts of interest in decision making over funding” why is it that he has only done so for ATSIC and not TSRA?

*Answer:*

On 1 May 2003, Mr Ruddock wrote to the TSRA advising of the government’s decision in regard to ATSIC and requested a response on how the TSRA would ensure a clear separation of policy setting and funding decision-making roles. The TSRA responded on 19 May 2003 explaining how policy setting and funding decision making roles were already separated within the TSRA and proposing that a Charter of Representation, Performance and Accountability be developed. Mr Ruddock accepted the TSRA’s explanation and agreed that it would be good corporate governance to develop the Charter as proposed.

## **QUESTION TAKEN ON NOTICE**

**BUDGET ESTIMATES HEARING: 29 May 2003**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(126) Output: Torres Strait Regional Authority**

Senator Ludwig asked:

### **Native Title**

Last Financial Year, \$1.2m was spent on Native Title. This year's Budget features an estimate of \$1.4m for 2003-04 to be spent on Native Title.

- Can you outline why the extra funds are required?

*Answer:*

The actual appropriation for Native Title for 2003-04 will be \$1.36m, which is actually a decrease in appropriation from 2001-02 of \$1.67m and 2002-03 of \$1.43m. This has eventuated mainly due to a review of the method of allocating overhead costs to TSRA's outputs, and a reduction in overheads due to discontinuation of the Capital Usage Charge. It is expected that with the TSRA Native Title Office (NTO) progressing the Sea Claim in 2003-04, continuing to negotiate 5 Land Claim determinations and with the usual increase in costs from year to year, the total spending on NTO for 2003-04 will be around \$1.42m, including other revenue. Thus the answer is that TSRA is not actually receiving extra funding for NTO in 2003-04.

## **QUESTION TAKEN ON NOTICE**

**BUDGET ESTIMATES HEARING: 29 May 2003**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(127) Output: Torres Strait Regional Authority**

Senator Ludwig asked:

### **Housing and Environmental Health Infrastructure:**

Last financial year, \$8.7m was spent on housing and environmental health infrastructure. Estimated spending in 2003-04 appears to be more than \$700,000 less than 2002-03.

- Can you outline reasons why?

*Answer:*

The estimated actual for 2002-03 includes revenue, outside of the appropriation from DOFA, of \$700,000 from FaCS for the Fixing Housing for Better Health 2 (FHBH2) program. At this stage it is not known whether further funding for this output will be forthcoming from FaCS in 2003-04.

## QUESTION TAKEN ON NOTICE

**BUDGET ESTIMATES HEARING: 29 May 2003**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(128) Output: Torres Strait Regional Authority**

Senator Ludwig asked:

### **Policy and Information:**

Last financial year, \$2.2m was spent on policy and information. Estimated spending in 2003-04 appears to be almost \$800,000 less than 2002-03.

- Can you outline reasons why?

*Answer:*

The figure for estimated spending for this output in 2002-03, including a proportion other income, is \$2.25m, with the estimate for 2003-04 being \$1.49m, thus the difference is approximately \$760,000. This is mainly due to 2002-03 being a year of high activity in this output, e.g. increased involvement in regional fisheries issues, TSRA Chair now a permanent member of the PZJA, formation of Torres Strait Fisheries Committee, APSC training for TSRA Portfolio Members and policy staff, formation of policy unit, TSRA Portfolio Members have been active in the areas of Housing, Infrastructure, Regional Governance, Native Title and Women's Issues, update of the TSRA Development Plan and Service Charter by policy staff, thus spending will most likely exceed actual revenue received from appropriation. However, it is estimated that up to \$235,000 of this spending will have been funded by revenue from outside sources. In addition the total appropriation required for this output will decrease due to an overall decrease in total overheads resulting from the discontinuation of the Capital Usage Charge (CUC). This output is a big consumer of general office overheads, thus the demise of the CUC will have a significant impact on its total price.



## QUESTION TAKEN ON NOTICE

**BUDGET ESTIMATES HEARING: 29 May 2003**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

### **(129) Output: Indigenous Land Corporation**

Senator Crossin (L&C 407-409) asked:

- (1) Can you advise when the ILC purchased the pastoral area known as Boona, which is in south-west Victoria?
- (2) Do you know which companies, corporations or community groups have been involved in the leasing of land from the ILC in the Boona property since its purchase?
- (3) Has the Boona property ever been leased to the Kirrae Whurrong Community Corporation? If so, is it still leased to the corporation?
- (4) Is the Aboriginal corporation that runs the Boona dairy different to the Boona Pastoral Company—the corporation and company are two different entities?
- (5) Are you aware of any connection between the corporation and the company?
- (6) Was Mr Clark required to declare an interest to the ILC in any negotiations about any leasing arrangements of the Boona property? Would Mr Clark have been on the board when the leasing arrangement was being finalised?
- (7) Can you also check for me whether Jeremy Clark, the chairman of the Kirrae Whurrong Community Corporation, is also listed as a director and secretary of the Boona Company?
- (8) Would you know how many private companies have leasing arrangements with the ILC to use ILC properties?
- (9) How many Aboriginal corporations and community groups have leasing arrangements with the ILC to use ILC properties?
- (10) Do you have any current or past members of the ILC board that have any direct interest or indirect interest regarding leasing arrangements of land owned by the ILC?
- (11) Can you provide the names of past and present board members and the properties leased?

*Answer:*

(1) The ILC purchased Boona (Vol 9661, Folio 325, Memorial Book 901 No 353) on 10 June 1997. The ILC granted the whole of its interest in Boona to Kirrae Whurrong Community Incorporated by deed of grant dated 22 September 1997.

(2) The ILC entered into a licence agreement with the Kirrae Whurrong Community Inc on 3 July 1997, in force until the ILC's interest in Boona was transferred to Kirrae Whurrong Community Inc by deed of grant dated 22 September 1997 (which was registered on 22 September 1998 in Dealing No V524078S).

Since the date of grant of the property, Kirrae Whurrong Community Inc bears responsibility as landowner for leasing the property. The ILC retains no interest in

the property that would require it to consent to a lease of the property.

(3) See answer to part (2) above.

(4) Boona Pastoral Company (registered on 7 May 1999) is the Aboriginal corporation that operates the dairy.

(5) See answers to parts (2) and (4) above.

(6) Mr Geoff Clark was not on the ILC Board at the time of the acquisition or grant of Boona.

(7) To the ILC's knowledge, Mr Jeremy Clark is currently the Public Officer of the Kirrae Whurrong Community Inc, not the Chairperson, but not a Director of the Boona Pastoral Company.

(8) The ILC currently holds fifty (50) properties pending transfer to Aboriginal corporations. Eighteen (18) of these properties have current lease arrangements. The lease arrangements range from share-farming to leasing properties to conduct commercial activities to residential tenancy agreements. As a result, the ILC engages in leasing arrangements with various types of legal entities, individuals, partnerships, trusts, private companies and Aboriginal corporations or groups.

As at 17 June 2003 there were 31 different lease agreements across the 18 properties. Only one of these was with a "private company".

(9) As at 17 June 2003, ten of the 31 different lease arrangements were with Aboriginal corporations and community groups.

(10) Not to the ILC's knowledge.

Past and present Board Members:	Shirley McPherson	Present
	Clem Riley	Present
	Norma Ingram	Present
	David Baffsky	Present
	Kevin Driscoll	Present
	Geoff Clark (ATSIC Chair)	Present
	Steve Gordon (ATSIC Commissioner)	Present
	Sharon Firebrace	Past
	Lois Peeler	Past
	David Ross	Past
	Peter Yu	Past
	Penny Morris	Past
	Gatjil Djerrkura (ATSIC Chair)	Past
	Lawrie Willett	Past
	Lois O'Donoghue (ATSIC Chair)	Past
	Noel Pearson	Past
Properties leased:	Culpra Station	NSW

Eurool	NSW
Weilmoringle & Orana	NSW
Old Homebush Road	Qld
Menera	NSW
Alice Springs Railway Yard	NT
Nenen Station	NT
Cape Elizabeth	SA
Former Pumphouse	SA
River Road	SA
Murrayfield (parts thereof)	Tas
Boundary Bend	Vic
Falballa Farm	Vic
Fords Road	Vic
Wurdi Youang	Vic
Dowrene Farm	WA
Gwambygine Estate	WA
Womens Place	WA

## QUESTION TAKEN ON NOTICE

**BUDGET ESTIMATES HEARING: 29 May 2003**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(130) Output: Indigenous Land Corporation**

Senators Scullion & Payne (L&C 409) asked:

Re the Rogers Report:

- (1) Senator Scullion: Can a copy be provided—if not, can you demonstrate why, if there is no criminality involved, the board would be concerned that somebody would perhaps litigate the board because of issues of fact that may be in the report?
- (2) Senator Scullion: Provide information to the committee which goes to the basis upon which the report was commissioned and whether it indicated it was to be a confidential report.
- (3) Senator Payne: We would also like to know the process by which the report was compiled and whether it was put together in a confidential manner.
- (4) Senator Payne: What was the extent of the distribution of the report to date—for example, has it only been released to board members of the ILC board? And any other matters that go to its current status that you think may be of assistance.

*Answer:*

- (1) The ILC Board is considering this question at its meeting of 25 June 2003.
- (2) The Report was commissioned by the ILC Board at its meeting in June 2000 to inquire into all the events and circumstances surrounding the acquisition and management of Roebuck Plains Station. The Board requested the inquiry examine all allegations in relation to such matters as 'secret commissions, serious conflicts of interest, improper conduct by Board Members and staff, tax evasion, conspiracies on an international scale' and other similar allegations.
- (3) Evidence from witnesses able to assist in the inquiry was taken on a confidential basis by Mr Andrew Rogers QC with the assistance of Corrs Chambers Westgarth Solicitors. All witnesses who provided evidence in the course of the inquiry were informed of the strictly confidential nature of the inquiry and were required to keep matters concerning the giving of their evidence confidential between them and their legal advisers. Witnesses, on a confidential basis, were given the opportunity to comment on those parts of the inquiry that concerned them, but were not provided with the whole of the report.

The ILC Board is considering the matter of the Report's confidentiality at its meeting of 25 June 2003.

(4) Members of the ILC Board have been provided with a copy of the Report in absolute confidence on condition it could not be disseminated or provided to any other person or organisation to view, read or copy.

At the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund on 18 March 2003, the Report and associated documents was tendered by the ILC at an in-camera hearing.

Subsequently, the Committee finalised its consideration of the matter at a meeting on 28 March 2003 and agreed that it would not receive the Report into evidence as it was neither commissioned nor received by the Board within the reporting period under the Committee's current consideration. Accordingly, any copies made for members of the Committee were destroyed in accordance with the classified waste provisions.

## QUESTION TAKEN ON NOTICE

**BUDGET ESTIMATES HEARING: 29 May 2003**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(131) Output: Refugee Review Tribunal**

Senator Sherry (L&C 412) asked:

There is a very significant reduction in the forward estimates on infrastructure plant and equipment. Is that related to the change in Location? If not, what is the reason for that?

*Answer:*

In addition to the response provided at the hearing, the reason that infrastructure plant and equipment values decline is directly related to the effects of depreciation. The Tribunal assets, which are included below, incorporate old office furniture and fittings some of which becomes fully depreciated in the out years.

The balance of the assets are made up of IT plant and equipment such as desktop PCs, printers, servers, photocopiers, all of which have a short depreciable life of 3 years, and this is the principal reason for the rate at which asset values diminish in the out years.

### INFRASTRUCTURE PLANT & EQUIPMENT

Reference(s): Portfolio Budget Statements, Immigration & Multicultural & Indigenous Affairs, Budget Related Paper No 1.12, page 342

#### **Statement of Financial Position**

2002-03 Estimated Actual \$000	2003-04 Estimate \$000	2004-05 Estimate \$000	2005-06 Estimate \$000	2006-07 Estimate \$000
754	896	572	378	265

## **QUESTION TAKEN ON NOTICE**

**BUDGET ESTIMATES HEARING: 29 May 2003**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(132) Output: Migration Review Tribunal**

Senator Sherry (L&C 412) asked:

In relation to 'Total revenue from other sources' on page 315: 'The actual figure in 2002-03 was \$62,000 with a budget estimate of \$23,000. It is a significant drop on what I have to say is a modest figure. Is there any particular reason for that?

*Answer:*

The reason for the \$39,000 reduction in revenue from other sources between 2002-03 and 2003-04 relates to the receipt of an FBT refund of \$39,000 in 2002-03. The Tribunal does not forecast a similar refund in 2003-04 and hence the reduction.

The Tribunal is required to make FBT instalments every quarter based on budgeted results for the current FBT year. When there are variances between actual FBT incurred and the quarterly progress payments made either a refund or payment is due. As the reconciliation of actual to budget performed showed actuals owed to be \$39,000 less than owed, the Australian Tax Office issued a refund.

The FBT budget estimate for 2003-04 has been adjusted down in light of this.

## QUESTION TAKEN ON NOTICE

**BUDGET ESTIMATES HEARING: 28 May 2003**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

### (133) Output 1.3: Enforcement of Immigration Law

Senator Kirk (L&C 355) asked for an updated comprehensive set of statistical tables on detention.

*Answer:*

The statistical tables are attached.

<b>DETENTION OPERATIONS STATISTICS PACKAGE</b>			
2.1			
<b>Overall</b>			
	<b>Age / Gender</b>	<b>Detainees</b>	
	Adult Female	193	
	Adult Male	903	
	Minor Female	46	
	Minor Male	64	
	Total	1206	
2.2			
<b>Location</b>			
	Centre	Detainees	
	Baxter IRPC	300	
	Port Hedland IRPC	123	
	Woomera IRPC	7	
	Maribyrnong IDC	74	
	Perth IDC	25	
	Villawood IDC	588	
	Other Facility	89	
	Total	1206	
<b><u>Numbers of Detainees taken into Immigration Detention</u></b>			
2.3			
<b>Arrivals - 02/03 Financial Year to Date - 16/05/2003</b>			
	<b>Location</b>	<b>Arrivals</b>	
	Baxter IRPC	0	
	Port Hedland IRPC	1	
	Maribyrnong IDC	761	
	Perth IDC	308	
	Villawood IDC	3065	
	Christmas Island IRPC	7	
	Cocos (Keeling) Islands IRPC	1	



Hospital	12		
Other Facility	913		
Prison	608		
Total	5676		
Detainee Days	406926		
2.4			
<b>01/02 Financial Year (Throughput)</b>			
Location Type	Total Persons		
Hospital	27		
IDC	4543		
IRPC	4708		
Prison	863		
UNKN	833		
Total	10974		
Detainee Days	915425		

**QUESTION TAKEN ON NOTICE**

**BUDGET ESTIMATES HEARING: 29 May 2003**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(134) Output: Migration Agents Registration Authority**

Senator Sherry (L&C 420) asked:

In relation to a letter sent to the Editor of the Australian in response to an article appearing in that newspaper on 16 May entitled "Agents act in shadows" could you provide us with a copy of that letter?

*Answer:*

Please refer to attachment 'A'.