

**QUESTION TAKEN ON NOTICE**

**BUDGET ESTIMATES HEARING: 27 May 2004**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(137) Output: Aboriginal and Torres Strait Islander Services**

Senator O'Brien (L&C 74) asked:

When were the 13 projects that were announced by the Minister on 19 April assessed by the Aboriginals Benefit Account Advisory committee?

*Answer:*

When Senator O'Brien asked this question at the hearing of the Committee on 27 May 2004, Mr Brian Stacey on behalf of ATSIS answered that

“Some of them were looked at in February 2003. Others were looked at at a later time. I cannot recall exactly when.”

After checking further, it is now clear that all of the 13 projects rather than only some were assessed at the meeting of the Aboriginals Benefit Account Advisory Committee on 27 February 2003.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(138) Output: Aboriginal and Torres Strait Islander Services**

Senator O'Brien (L&C 77) asked:

In relation to the land fund, can you provide a copy of the legal advice on the meaning of 'realised real return'?

*Answer:*

A copy is attached.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(139) Output: Aboriginal and Torres Strait Islander Services**

Senator O'Brien (L&C 93) asked:

Can you provide details of the ATSI underspend for 2003-04? [Re: the source of the grant to the AIATSIS digitisation project]

*Answer:*

Expenditure review indicated that the Business Development Program (BDP) has the capacity to contribute \$4.778m toward unmet need in other areas.

Of this amount, \$1.1m was reallocated to the AIATSIS digitisation project to ensure that the preservation of Indigenous heritage materials continues over the next financial year. Together with \$0.4million from other unallocated program funds, a total of \$1.5m has been redirected to this project.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(140) Output: Aboriginal and Torres Strait Islander Services**

Senator Crossin asked:

1. Following the changes to ATSIC/ATSIS what will happen to the many staff who were not in project functions – those who were in Regional Council Support or administrative positions within the regional offices?
2. Will there be any redundancies? If so how many?
3. What will happen to staff terms and conditions?
4. It is notable that the ATSIC EBA had very good remote area conditions in terms of additional allowances etc. Will these remain? For how long? Many other departments had less favourable conditions; will staff on transfer be able to maintain their existing conditions?
5. What will happen to remote housing allowances – again for example in remote locations ATSIS provided subsidised housing for all staff – most other departments only provide it I believe at ASO4 level and above?
6. Regional Offices were usually leased by ATSIC/ATSIS – what will happen to these leases now? Will any need to be paid out? What are the estimated costs of any such changes?
7. What will happen to ATSIS owned houses in remote locations? Again what will any legal costs of sale or transfer of ownership be?
8. Will each centre continue to have a travel budget for project staff to visit communities or will this be allocated by department?
9. Which department will have overall responsibility for maintenance of the network of rural and remote offices?
10. One major Indigenous Program is National Aboriginal Health Strategy (NAHS) – where does that sit in the new structure?
11. Up until now all funded organisations have had to submit regular financial and performance reports to ATSIS Regional offices, as well as audited financial statements. To whom will these now be sent?
12. How will these many organisations be informed of this type of change?

13. How will they apply for project funding from now on and again, how will they be informed on new procedures and requirements?

14. What advice and assistance will they get in making these changes?

15. Who will now make decisions on Regional funds allocations?

16. Without Regional Councils what regional and local knowledge and expertise will there be used in making informed decisions on funding allocations?

17. In his speech "Connecting Government" of 20th April, Dr Shergold said "over time the intention is to work with regional networks of elected and representative Indigenous organisations in planning the delivery of government support to community endeavour".

What does this mean exactly – if it means what it seems to, then why have Regional Councils been abolished? What sort of body will take their place and how will this be elected? How will this be funded?

*Answer:*

1. Staff in Regional Council Support Units will be translated initially to the Department of Immigration and Multicultural and Indigenous Affairs. Should Regional Councils be wound up in June 2005, the staff will be translated to other Agencies providing services within the Indigenous Coordination Centres (ICCs). Staff undertaking administrative or corporate functions have been translated to mainstream agencies on a proportional basis.

2. Voluntary Redundancy Packages are being offered to two Groups of staff. The first group is those staff occupying positions in the Corporate Group in National Office in recognition that receiving agencies already have in place an established framework for the provision of Corporate Services. The second group is those staff occupying positions which do not readily map to the receiving agencies – eg positions which provided support to the ATSIC elected arm.

Around 60 staff have accepted offers of voluntary retrenchment.

3. Staff will work under the terms and provisions of receiving agencies from 1 July 2004. The receiving agencies have the capacity to retain existing ATSIS conditions of service via a Determination made under section 24 of the *Public Service Act 1999*. It is up to each agency to determine under what circumstances a Section 24 Determination is considered necessary.

4. Staff will be employed under the terms and provisions of their gaining agencies EBA's with effect from 1 July 2004. Those agencies have all indicated a willingness to make provision for staff working in remote localities as part of the employment package they offer.

5. Arrangements for the provision of staff housing will form part of the Shared Services Agreement for the management of Indigenous Coordination Centres (ICCs). It is anticipated that staff will continue to have access to staff housing in line with the current arrangements in AT SIS. The recovery of staff housing rental is a matter for individual agencies to determine and negotiate with staff.
6. The majority of Regional Office leases are already held by the Commonwealth following the establishment of AT SIS on 1 July 2003. No leases will be paid out. The cost of novating the remaining leases is estimated to be less than \$10,000 in total.
7. AT SIS does not own any houses in remote locations. It is intended that AT SIC owned houses will transfer to the Commonwealth with the passage of the legislation. The costs associated with the transfer of AT SIC houses are limited to the registration of the change ownership the appropriate state authority. No stamp duty is payable as the Commonwealth is exempt from stamp duty.
8. Each department will be responsible for meeting the travel costs of its staff located in each Indigenous Coordination Centre.
9. The Department of Immigration and Multicultural and Indigenous Affairs is establishing the Office of Indigenous Policy Coordination, which will then take responsibility for the establishment and on-going management of the network of rural and remote Indigenous Coordination Centres (ICCs). The Office of Indigenous Policy Coordination will also provide a range of corporate services support to those offices through the use of a Common Services Agreement between DIMIA and other mainstream agencies and departments operating from ICCs.
10. NAHS forms part of the Community Housing and Infrastructure Program, and will translate with that program to the Department of Family and Community Services.
11. Reports will be sent to the Indigenous Coordination Centres (ICC) which will be located in the former AT SIS Regional Offices. The reports will be processed by the various Agency staff in accordance with agreed procedures.
12. Organisations have already received a number of advices, assuring them that it will be business as usual. Funded Organisations will be sent more specific advice over the next two weeks explaining precisely what the new arrangements will be from 1 July 2004.
13. The majority of decisions about funding for 2004-05 will be made by 30 June 2004 based on existing funding requests. Information on future arrangements will be coordinated through a Common Services Branch located in the Department of Immigration and Multicultural and Indigenous Affairs.
14. AT SIS staff will continue to assist funded organisations to understand the changes especially in the context of the 2004-05 funding offers currently being processed. ICC staff will continue to offer assistance to Organisations from 1 July 2004.

15. The regional allocations for the 2004-05 financial year have already been determined in consultation with Regional Councils.

Regional allocations for 2005-06 and outyear programs will be determined by the administering agency in consultation with the Office of Indigenous Policy Coordination.

16. Funding allocations and decisions about specific projects are made through a variety of processes depending on the particular program.

For 2004-05, allocations to Programs have been informed by:

- Regional Plans and Regional Council priorities. (These processes and plans may still form a basis for 2005-06 allocations)
- Program Guidelines and ATSIC Board Policies
- National priorities
- Reviews and surveys
- Needs data provided by the requesting organisations to support the individual funding request.
- Other needs based data

It is expected that Regional Councils will be retained in an advisory role until 30 June 2005 and, during 2004-05, consultation will take place with the State and Territory Governments and Indigenous communities to establish the best mechanism thereafter for gaining local input into local priorities and service delivery.

Consultation by staff from regionally based Indigenous Coordinating Centres in the development of Regional Agreements will also assist in informing decision makers.

17. Dr Shergold was referring to the Australian Government's intention to replace Regional Councils after June 2005 with new arrangements for consultation at the regional level. The Government has indicated that it will consult with State and Territory governments through the Council of Australian Governments, and with Indigenous representatives, regarding the most effective arrangements to apply into the future. The intention is to establish arrangements which are relevant and effective in each region and jurisdiction – arrangements that all governments will be able to work with in devising their service delivery strategies so as to maximise impact on the ground.

There is no prescribed model. The regional networks of elected and representative Indigenous organisations could take a variety of forms in any particular region or State/Territory. This is a matter for consultation and decision by respective governments and Indigenous people themselves.

Any funding arrangements would need to be considered in the light of the particular approaches taken to engaging with regional networks of elected and representative Indigenous organisations. There is no prescribed model.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(141) Output: Aboriginal and Torres Strait Islander Services**

Senator O'Brien asked:

Who gave Operation Hoodoo its name?

*Answer:*

The then Director of the then Fraud Awareness Unit, Aboriginal and Torres Strait Islander Commission.



## QUESTION TAKEN ON NOTICE

### BUDGET ESTIMATES HEARING: 27 May 2004

#### IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

#### (142) Output: Indigenous Land Corporation

Senator O'Brien (L&C 78) asked:

Provide a breakdown of the expected available funds for expenditure for 2004 and the outyears.

*Answer:*

	YEJ 2004 (\$,000)	YEJ 2005 (\$,000)	YEJ 2006 (\$,000)	YEJ 2007 (\$,000)	YEJ 2008 (\$,000)
Employee Costs	7,707	7,989	8,300	8,798	9,326
Administration overheads	4,568	4,019	3,878	4,014	4,154
Dep <sup>n</sup> and Amortisation	528	710	700	700	700
Interest paid	1	1	0	0	0
Land transfer and land management	20,696*	65,041#	97,721#	92,461#	84,061#
<b>Total Estimated Expenditure</b>	<b>33,499</b>	<b>77,760</b>	<b>110,599</b>	<b>105,973</b>	<b>33,499</b>

\* Actual spend

# Available for spend based on the annual allocation from the Land Fund

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**BUDGET ESTIMATES HEARING: 27 May 2004**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

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

Senator O'Brien (L&C 81) asked:

In relation to the Wittenburra Turn Turn properties, was any assessment made of the possibility of a valid native title claim over all or part of the properties at the time of purchase? Were the properties converted to freehold?

*Answer:*

The ILC initially approved the purchase of Wittenburra Turn Turn on 30 August 1996. In accordance with s.191(D)(4) of the ATSIC Act, native title searches were requested from the National Native Title Tribunal on numerous occasions. An ongoing dialogue was also held between the ILC and the relevant Native Title Representative Body (Goolburri Aboriginal Corporation Land Council—later Queensland South Representative Body Aboriginal Corporation):

- On 26 June 1997 the NNTT advised that the only existing native title application in the area (QC96/11) was by David Joseph Gray on behalf of the Kullilli people.
- On 4 March 1999 the NNTT advised that the land in the vicinity of the property was the subject to native title applications NC97/24 (Moorawarri Aboriginal People), QC96/11 (Kullilli people), QC96/17 (Kunja people), QC96/19 (Mardigan people), QC97/42 (Mardigan people), QC97/49 (Bidjara people) and QC97/56 (Budjiti people).
- On 4 April 2001 the NNTT advised that the land in the vicinity of the property was subject to native title applications QC00/3 (Kullilli people), QC97/56 (Budjiti people) and QC98/4 (Badjiri people).

ILC staff were in active discussions with the relevant Native Title Representative Body at all times throughout the life of the acquisition proposal.

The passing of the *Native Title Amendment Act 1998* confirmed the extinguishment of native title rights over the Wittenburra/Turn Turn leases. The Australian Government Solicitor confirmed the extinguishing effect of the legislation on these leasehold tenures in advice to the ILC in July 1999. Following this, the ILC entered into a contract for purchase of the properties on the condition that the vendor converted the land to freehold tenure. The conversion to freehold caused no further loss of any party's native title rights. It was affected in order for the ILC to circumvent technical restrictions imposed under Queensland's *Land Act 1994*, and which had previously prevented ILC ownership of the property. The property was purchased by the ILC on 30 June 2000.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

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

Senator O'Brien (L&C 85) asked:

Provide a fulsome report on the "Respecting Our Culture" program.

*Answer:*

The Respecting Our Culture (ROC) Tourism Development Program has been developed by Aboriginal Tourism Australia (ATA) to provide Indigenous tourism businesses with a tool to assist in developing their business performance. The ROC is a cultural, environmental and business tourism development program specifically aimed at the Indigenous sector.

The ROC Program contains three main sections:

1. Cultural Protocols—which address authenticity and integrity criteria
2. Caring for Country—which address environmental management and impact assessment criteria
3. Business Management—which address business and marketing planning, operational aspects, customer service and risk management

The Indigenous Tourism Leadership Group (ITLG), as the national accreditation program for the Indigenous sector, has endorsed the ROC program. The Australian Tourism Accreditation Authority (ATAA) has also endorsed it as a national tourism accreditation program. The program is unique as it offers a strong cultural authenticity focus, not found in existing accreditation programs.

### **Addressing specific needs**

The ROC program provides specific tools to assist Indigenous tourism businesses to address cultural, environmental and economic sustainability factors. It offers measurement criteria, performance guidelines (benchmarking) and example templates to assist businesses in achieving greater success. Please refer to the formal ROC attachment for specific information on these elements of the ROC program.

The ROC program is designed to assist individual tourism businesses and communities to develop their own Business and Operational Plans, therefore ensuring more effective land use and greater sustainability.

### **ILC Contribution to the ROC Program**

The ILC has committed \$551,500 to this program over three years. \$150,000 is set for release each year subject to satisfactory performance, with a review to occur at the end of the second year (June 2005) prior to the release of the third year's funding. The ILC

recently approved \$101,500 to allow the ROC Coordinators to move from part-time to full-time in the project's second year.

Based on figures provided by ATA, there are also significant contributions from Qantas, Rio Tinto, ATSI, the Commonwealth Department of Employment and Workplace Relations, the Commonwealth Department of Education Science and Training, Tourism Victoria, the South Australian Tourism Commission and in-kind from ATA itself. The total project budget is in the order of \$1,529,500 over three years.

Assistance from the ILC, combined with that from other sources, is targeted at the following key areas:

1. Completion and release of the ROC program document. This has been done and the program was formally launched by Cathy Freeman on behalf of the ATA in November 2003.
2. The employment of State-based ROC Coordinators to deliver the program. This is a staged process and at the time of writing remained on target.
3. Accreditation of a specified number of operators on Aboriginal land. At April 2004 there were 20 operators involved in this process, with targets set throughout the process until the review in June 2005.
4. The submission of six monthly reports that track progress against specific milestones. All reporting is up to date.

### **The ROC program and Indigenous-held land**

The application from ATA acknowledges that the ILC can only operate on "Indigenous-held land" and must operate inside the Act and policy. Based upon an industry evaluation provided to the ATA, it is important to note that between 60-70% of the ROC program and the ROC Coordinators' roles will involve working on Aboriginal land, with both Aboriginal and non-Aboriginal people, to improve the management of that land. However, the total of the ILC contribution to ROC funds will make up less than 50% of the actual operational costs of the ROC program and the ROC Coordinators' expenses. ATA has therefore given an undertaking that the ILC's funds will only be used to assist tourism on Indigenous-held land.

Furthermore, considering current key Aboriginal tourism business locations, including Uluru and surrounds, Cape York, Kimberley/Dampier Peninsula, Kadadu and Indigenous Protected Areas, it is anticipated that the percentage of work conducted by ROC Coordinators on Aboriginal land with both Aboriginal and non-Aboriginal people is likely to increase over time.

### Attachments

1. ROC Program: Coordinator System (ATA, 2003)
2. ROC Program: Application Document (ATA, 2003)
3. ATA Autumn 2004 Newsletter