

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN HUMAN RIGHTS COMMISSION

Question No. 13

Senator Barnett asked the following question at the hearing on 25 May 2009:

For each of the following consultancies, provide the terms of reference, further particulars regarding the consultancy, and who is undertaking each report.

- a) The engagement of SW Consulting to undertake a project to develop and coordinate the community partnership for the human rights evaluation project.
- b) The Australian National University research project on creating a representative Indigenous body.
- c) Research and community consultations to explore issues and barriers to integration and settlement of African Australians within the Australian Community.

The answer to the honourable senator's question is as follows:

- a) Contract with SW Consulting, an independent external evaluation consultant who will objectively assess the Australian Human Rights Commission's work under the National Action Plan. Dr Sonia Wutzke is the lead project consultant.
 - select tender by assessment panel (including external evaluation expert)
 - terms of reference attached
 - contract signed in June 2008, completed by August 2009
 - for a total of \$30,800 (including GST)
- b) Contract with the ANU National Centre for Indigenous Studies to conduct research and produce a report regarding mechanisms for representing Indigenous peoples.
 - select tender
 - terms of reference attached
 - contract dated 20 December 2007 and completed on 28 March 2008
 - for a total of \$22,000 (including GST)
- c) Contract with Myriad Consultants Pty Ltd, to conduct national consultations and write a report regarding the experiences of African Australians; as part of the Commission's National Action Plan program. Maria Dimopoulos is the lead project consultant.
 - select tender by assessment panel (comprising of steering committee members)
 - contract signed in May 2009, expected to be completed by 31 December 2009
 - terms of reference attached
 - for a total of \$185,408 (including GST)
 - consultancy substantially funded through sponsorship funds (\$88,000 including GST) provided by partners to the project (FaHCSIA, Diversity Health Institute, Australian Red Cross, and AMES (Victoria))

Terms of Reference SW Consulting (extract from tender brief)

Evaluation task:

- Develop and document a CPHR program evaluation plan with partner and stakeholder participation and ownership
- Coordinate and support the evaluation, including baseline studies to track key program objectives.
- Analyse, and document progress in an interim report.

Responsibilities:

- Develop, in consultation with the HREOC Evaluation Project Manager, Muslim Evaluation Adviser, partners and other relevant stakeholders a draft evaluation plan for HREOC approval.
- Identify and prioritise evaluation points
- Refine and prioritise project indicators
- Develop evaluation tools as required
- Source, coordinate and support other evaluation sub-contractors in consultation with the project manager.
- In collaboration with the HREOC project manager/s build an evaluation relationship with the project partners, governance groups as required; to:
 - ensure value adding and participation
 - provide evaluation support
 - encourage an evaluation culture
- Undertake key evaluation activities needing impartiality and/or particular technical expertise
- Implement and/or coordinate baseline intervention activities
- Analyse and document results, outcomes to date, conclusions, and interim recommendations in an interim report.

Terms of reference for ANU Contract (extract from contract)

The Consultant will conduct research and prepare a report to the Commissioner addressing the following issues:

(1) What lessons can be learnt from mechanisms for representing Aboriginal and Torres Strait Islander peoples at the national level that have previously existed?

The Consultant will need to provide an overview of past efforts to promote national Indigenous representative mechanisms, such as the Aboriginal Advancement League, FCATSIA, the NAC and ATSIC. You will describe how and why each mechanism was established and then disbanded, describing key features including:

- Nature and extent of mandate, and decision-making authority;
- Key features of relationship with governments (eg independence; non government organisation etc);
- Effectiveness of representation and in promoting the rights and interests of Indigenous peoples;
- Perspectives on strengths and challenges;
- How the organisation is funded; and
- Identifying key lessons learned from each experience of establishing a national Indigenous representative mechanism.

(2) What options are there for ensuring that a national Indigenous representative body is sustainable?

The Consultant will describe a set of potential options for ensuring a sustainable funding base for a representative body (including consideration of whether such a body ought to be a government body, statutory authority model, non-government organisation or foundation).

Models to consider include: The New South Wales Aboriginal Land Council, the land council structures set up under the Aboriginal Land Rights (Northern Territory) Act; the Indigenous Land Corporation; the transitional process by the Council for Aboriginal Reconciliation to establish Reconciliation Australia.

There may be other appropriate models from the non-Indigenous sector, such as the Federation of Ethnic Community Councils of Australia; Australian Council of Foreign and Overseas Aid.

The Consultant should discuss the strengths and challenges of different options.

(3) What lessons can be learned from mechanisms for representing Indigenous peoples that have been established in other countries?

The Consultant will consider existing or past models for representation in other countries, such as Canada, the United States of America or New Zealand.

Terms of Reference for the Myriad Consulting Contract (extract from tender brief)

- To undertake **research** for a national consultation program entailing detailed analysis with highly marginalised African Australian communities, as well as with stakeholders
- To produce a report that incorporates research, information, and findings provided through the national call for submission and consultation processes
- To ensure that the report will provide factual information around the key issues as per the project scope*, to inform public debate, public policy and the potential design of settlement, integration and related programs by agencies at all levels of government as well as in the non-government sector

**Project scope:*

This project will investigate the support available to African communities and the issues impacting upon their inclusion, with particular reference to:

- *Employment and training*
- *Education*
- *Health*
- *Housing*
- *Justice*

The issues relating to the areas of employment and training, education, health, housing and justice will be analysed through a legal and moral human rights framework also informed by social inclusion policy principles.

The project will have a special focus on issues faced by groups that may experience greater vulnerabilities:

- *young people*
- *African Muslim communities*
- *African Muslim women.*

The impacts of gender will also be explored throughout the project.