

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 20 November 2002

#### IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

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

Senator Ludwig (L&C 28-29) asked, in regard to the grant of funds to the medical research trial of vaccination of Indigenous children against rheumatic fever:

- (a) Which section of the act allows you to make a grant to a medical research body?
- (b) Have the federal or state governments put any money into the scheme?
- (c) In your press release you say this will encourage 'mainstream agencies to come on board and provide funds for such important research'. Could you also tell me if that has occurred?

*Answer:*

- (a) The ILC has the power, under subsection 191H of the ATSIC Act, to do all things necessary or convenient in connection with the performance of its functions. In this instance the Board was of the view that such a grant was a convenient means of delivering benefits to Indigenous children on Indigenous-held land. In its grant documents the ILC made clear that it was funding the study into the development of a vaccine for Rheumatic Heart Disease insofar as it relates to the prevention of that disease amongst Aboriginal and Torres Strait Islander children located in communities on Indigenous-held land. This was deemed to be consistent with the ILC's legislative objective of providing benefits to Indigenous people as stated in section 191B of the ATSIC Act.
- (b) The National Health and Medical Research Council (Federal) provides the major funding for the project, although the ILC component, supporting education and training in Indigenous communities, is quite discrete. No State funding has been contributed.
- (c) The ILC is not aware that other mainstream agencies have been encouraged to contribute to the scheme as a result of its own donation.

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

Senator Ludwig asked, "As the National Indigenous Land Strategy (NILS) derives from national consultations, were these changes down for further national consultations?"

*Answer:*

The National Indigenous Land Strategy has an annual review schedule. The changes made as a result of the last revision will be the subject of national consultations as part of the review process along with the rest of the Strategy.

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

Senator Ludwig asked, "How does this change the NILS and land acquisition?"

*Answer:*

The shift in focus has two major impacts on the National Indigenous Land Strategy and land acquisition. Firstly, in no longer acquiring land purely on the basis of its cultural significance to Indigenous people, the scope of its acquisition program is widened considerably. Secondly, the ILC no longer requires that land it acquires be granted to people with traditional interests in that land. This means that the range of people who can benefit from its acquisition program is much greater.

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

Senator Ludwig asked, "How is the new Economic Acquisition Program (ECAP) different from the programs run by Indigenous Business Australia? Why is there a need for two separate organisations running a similar program?"

*Answer:*

The significant difference is the type of business that each organisation will assist Indigenous people to acquire. The ILC ECAP is focused entirely on land-based businesses that relate to the use, care or improvement of land where the land is integral to the business.

Indigenous Business Australia (IBA) programs cover a diverse range of areas of business, most of which are not land-based. For example, as at 30 June 2001, IBA had 23 investments in businesses defined under the following ABS Standard Industry Classifications:

- agriculture, forestry and fishing;
- mining;
- construction;
- retail trade;
- accommodation, cafes and restaurants;
- transport and storage;
- finance and insurance;
- property and business services;
- cultural and recreational services;
- personal and other services.

It is worth noting that the only investment IBA had in the classification of "agriculture, forestry and fishing" was Ceduna Clear-Water Oysters; an oyster farm located near Ceduna consisting of five inter-tidal leases covering approximately 63 hectares and 17.7 hectares of sub-tidal water.

Another area of significant difference is in the degree of involvement in the business in which each agency is prepared to engage. Generally, IBA invests directly in business opportunities, usually through joint venture arrangements with expert industry partners, whereas under the ECAP the ILC is deliberately avoiding taking on ownership and management of businesses.

Another area of significant difference is that IBA's enabling legislation prevents it from providing grants. By contrast, the ILC ECAP objective is to acquire land for the purpose of grant to an Aboriginal Corporation.

On 21 March 2002 a meeting between IBA and ILC officials dealt with defining boundaries between the activities of the respective agencies. In addition to the above, it was decided that the scale of the business would also be important, with the ILC concentrating on small/medium business development.

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

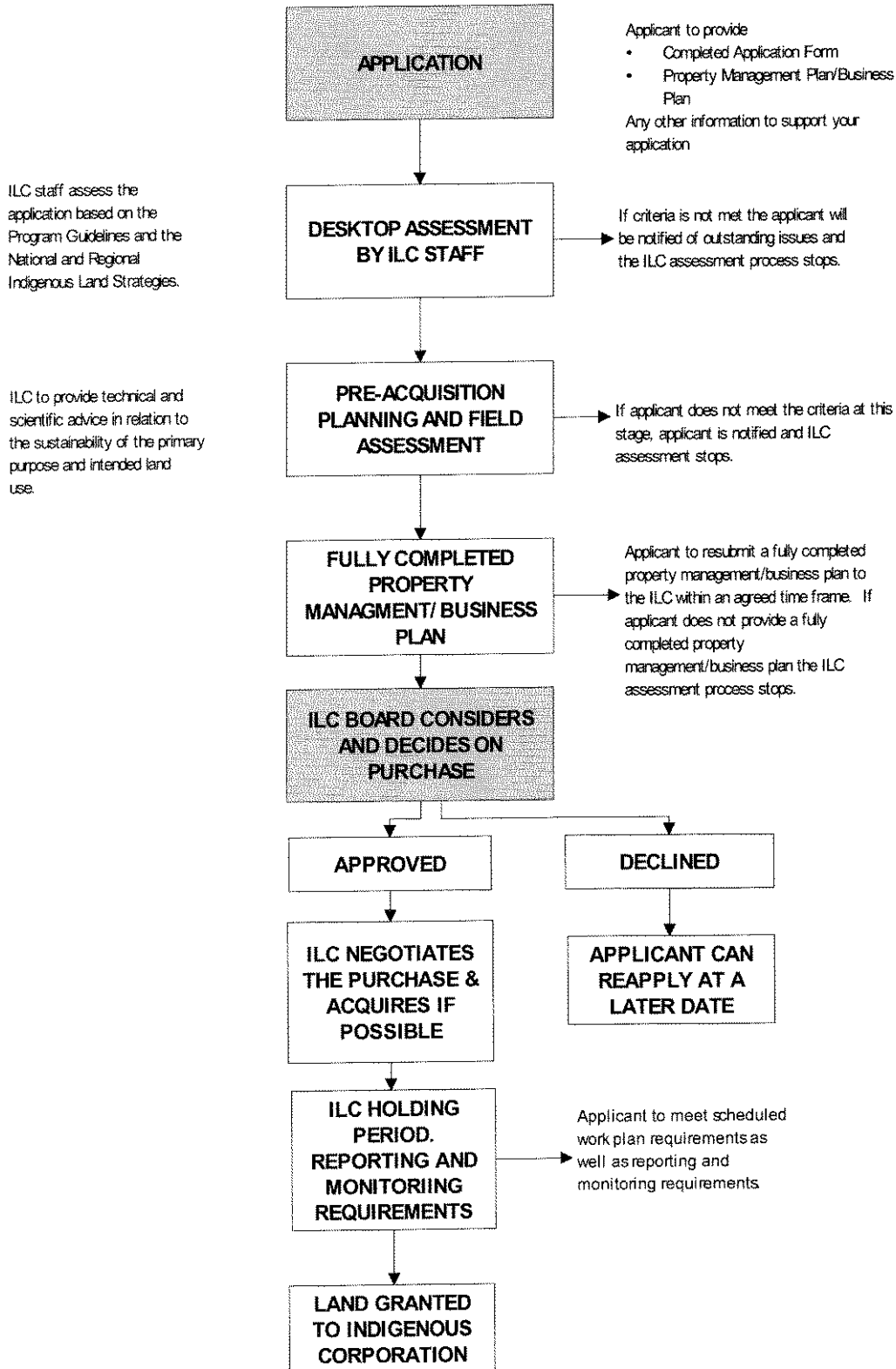
Senator Ludwig asked, "What is the process for people or groups of people acquiring land for this purpose? For example, is there a requirement for a business plan, etc? How is that funded?"

*Answer:*

A business plan is required for all ILC acquisitions. Applicants are required to submit a basic property management/business plan with their applications. These are further developed during the assessment process. The ILC provides full instructions on how to complete such a plan so that applicants can, in the main, complete their own plans. Where additional assistance is required, it is expected that applicants will approach ATSIC or other relevant Commonwealth/State agencies for business planning support.

The process of acquiring land is generally the same for all four programs and is outlined in the following table:

# LAND ACQUISITION PROCESS



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

Senator Ludwig asked, "The Social Acquisition Program (SAP) states that it aims to "assist Indigenous people to acquire land for a range of social and welfare purposes".

- (a) What does this mean?
- (b) What types of programs does this relate to?
- (c) What is the aim and purpose specifically?

*Answer:*

(a) It is anticipated that the SAP will acquire land for recreational, health, welfare, educational or diversionary purposes under such circumstances where the ILC provides for the cost of the land and fixed assets, while other agencies relevant to the activity to be carried out on the land provide for the recurrent project costs. For example, the ILC might acquire land and buildings for a youth bail hostel. The ILC acquires the buildings as part of the cost of the land and any moveable property that is part of the acquisition price. It would be expected that the relevant State agency would provide recurrent funds for the upkeep of the property, its rates and taxes, insurance, staff salaries and any other running costs associated with the project.

(b) It is expected to relate to numerous programs, especially CDEP.

(c) The specific aim of the SAP is to provide social benefits in accordance with section 191B.



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

Senator Ludwig asked, "What is the process for people or groups of people acquiring land for this purpose?"

*Answer:*

The process is outlined in the table attached to question number 41.

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

Senator Ludwig asked, "I note that you have removed key principle 10, which was to have a "strategy based rather than application based system".

- (a) Why has this been changed?
- (b) Does this mean that you are now moving to an application based system? In what areas, for what purpose?

*Answer:*

(a) The ILC has moved from a strategy-based system to an application-based system in the sense that it now requires applications. Previously Indigenous persons seeking assistance from the ILC for land acquisition registered a land need. A registered land need was not considered to be an application but a registration of interest in land that would be considered in the broader context of the ILC's Regional and National Indigenous Land Strategies. For land management, Indigenous people were asked to respond to a survey about land management problems they encountered on their land. Responses were considered against the ILC's national land management policy. This system has been replaced because the ILC found that both registrations of land need and responses to the land management survey were often being used as applications and were framed to address the ILC's strategic requirements regardless of the actual intention. The move to an application-based system is designed to make access to ILC assistance easier for Indigenous people who are generally more familiar with such systems than with probative systems such as registering land needs and responding to surveys.

(b) Yes, but the move does not mean that the ILC will place less reliance on the strategic approach required by sections 191N and P of the ATSIC Act. The ILC is mindful that it must prepare and review such strategies and that it must have regard to them when performing its functions (section 191Q). The application system will cover both land acquisition and land management and is intended to enable the ILC to more closely link needs identified in the applications with the benefits delivered through land acquisition and land management.