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**THE HON TERRY ROBERTS MLC**

**MINISTER FOR ABORIGINAL AFFAIRS AND RECONCILIATION  
MINISTER FOR CORRECTIONAL SERVICES  
MINISTER ASSISTING THE MINISTER FOR ENVIRONMENT AND CONSERVATION**

SELECT COMMITTEE ON THE  
ADMINISTRATION OF INDIGENOUS AFFAIRS

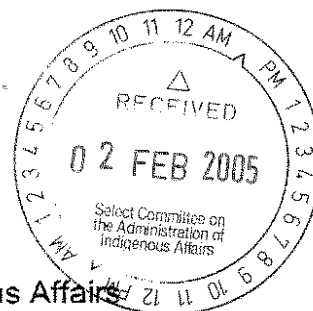
Reference: MAA0015/04  
Correspondence ID No: 05MAA0010  
2005/00223

REC'D: 2 Feb 2005

FROM: Minister Aboriginal Affairs, SA

RECOMMENDED FOR PUBLICATION:

SECRETARY: [Signature]



Jonathan Curtis  
Committee Secretary  
Senate Select Committee on the Administration of Indigenous Affairs  
Department of the Senate  
Parliament House  
Canberra ACT 2600

Dear Mr Curtis

On behalf of the South Australian Government, I am pleased to forward the enclosed submission to the Senate Select Committee.

Thank you for including its contents in the Committee's considerations.

Should you require any further details or assistance please contact Ms Beverly Nicks at the Department for Aboriginal Affairs and Reconciliation on telephone 82268952.

Yours sincerely

**Hon Terry Roberts MLC**  
Minister for Aboriginal Affairs and Reconciliation

31/01/05

*Attachment*

**SUBMISSION to**

**SENATE SELECT COMMITTEE on the ADMINISTRATION OF  
INDIGENOUS AFFAIRS**

by the

**GOVERNMENT OF SOUTH AUSTRALIA**

31 January 2005

## INTRODUCTION

The South Australian (SA) Government is pleased to make this submission in relation to the provisions of the *Aboriginal and Torres Strait Islander Commission Amendment Bill 2004*; the proposed administration of Indigenous programs and services by mainstream departments and agencies; and related matters.

The SA Government has been giving consideration to issues relating to the Aboriginal and Torres Strait Islander Commission (ATSIC) for quite some time, and looks forward to working closely with the Commonwealth Government as it implements changes which will impact the wellbeing of Aboriginal people in South Australia.

In early 2003, the SA Government lodged a submission to the ATSIC Review Panel and then a Response to the Public Discussion Paper. Both were prepared in consultation with the State agencies involved in the development of policies and programs designed to meet the needs of Indigenous communities and individuals.

Those submissions explained the South Australian Government support for the continuation of ATSIC as an advocate for Australia's Indigenous people, but recommended that a Devolution Model be adopted so that the funding provision and service delivery functions currently residing within ATSI, ATSIC's administrative arm, would pass to the States and Territories under a bilateral agreement. The benefits of this approach were seen to include:

- reduced duplication and improved integration of service delivery;
- strengthened outcome focus of funding through agreed performance indicators;
- maximised benefit of expertise developed by State and Territory line departments for service delivery, with agreed performance measures attached;
- improved integration of State and Territory planning of local service delivery with that of ATSIC Regional Councils;

which could result in vastly improving the achievement of positive outcomes in the full range of public services delivered to Indigenous people.

## NEW ARRANGEMENTS FOR INDIGENOUS AFFAIRS

The SA Government has a number of concerns about the provisions of the *Aboriginal and Torres Strait Islander Commission Amendment Bill 2004* and the Commonwealth Government's new arrangements established from 1 July 2004.

These concerns are in the major areas of consultation and advocacy, administration and funding. The impending abolition of ATSIC and then the ATSIC regional structures (set down for 30 June, 2005) will contribute to several major problems for the State's administration of Aboriginal affairs and hence for the well-being of Aboriginal people in SA.

### Consultation with and Advocacy for the Aboriginal Community

In SA, ATSIC regional structures have achieved considerable credibility and utility as a vehicle for the expression of Aboriginal viewpoints, and for the development and delivery of projects and programs aimed to improve Government service delivery and build community capacity. ATSIC regional planning, reporting, accountability and representation is of a high quality, reflecting community confidence in the structures.

The impending abolition of these structures will cause several major problems for the Government's achievement of its strategic goal of improving the well-being of Aboriginal South Australians. It will end what has been at the local level, an effective forum for consultation and advocacy.

New models will have to be developed, and there will be a significant gap until they are.

The SA Government notes that the Office of Indigenous Policy coordination will provide financial support to each of the three ATSIC regions to support the development of alternative consultative mechanisms, and will monitor these developments with interest.

The SA Government will liaise with Aboriginal people to monitor the yet-to-be developed Commonwealth alternatives for their utility. In the meantime, it will continue to respect and consult with the existing ATSIC regional structures until their abolition. Work will continue on the development and analysis of potential structures and mechanisms to engage Aboriginal views.

The most appropriate structures and mechanisms will be those that serve the purposes of both consultation and advocacy and are seen by the Aboriginal and wider community to have credibility and integrity.

### Administration

Locally, excellent working relations have been established between Commonwealth officers of the SA Office of Indigenous Policy Coordination and its regional Indigenous Coordination Centres supports and officers of the State Department for Aboriginal Affairs and Reconciliation (DAARE) and other State agencies. However, it appears that the volume of work over a wide range of issues is presenting Commonwealth officers with serious, near impossible challenges. This increases the value of advice gathered by State officials using their networks.

DAARE has identified Action Zones that relate in part to the three ATSIC Regions. The role of DAARE Action Zone Coordinators is to foster and support locally-driven solutions to meet needs identified by local Aboriginal communities. Coordinators are well-connected with community views and well-placed to work with Commonwealth officers on both local and whole-of-State issues.

Arrangements have been made for regular exchanges between senior officers, and mechanisms exist for cooperation and the exchange of information between regular meetings. These arrangements are highly valued by all involved.

Preliminary discussions have occurred between officers on the formulation of a bilateral agreement focusing on the respective responsibilities of the Commonwealth and the State. The new Commonwealth arrangements place a heavy reliance on partnerships. These will require clear mechanisms for Government-to-Government agreements.

Locally, the Commonwealth's focus on Shared Responsibility Agreements, based importantly on proposals generated by community and therefore community-owned rather than imposed, presents important opportunities to address service and program development in new and relevant ways. Significant opportunity exists to develop proposals involving community, State, Commonwealth and Local Governments, as well as non-government organisations, in the development of new projects.

#### Funding and Related Concerns

A major objective of the new administrative arrangements is to ensure that "Indigenous people receive effective access to their fair share of resources from the programs meant to operate for all Australians" while at the same time ensuring that "funding levels for Indigenous-specific initiatives are maintained".

The Commonwealth has given an assurance that the changed arrangements will not reduce the total funds available, but at present, no clear picture exists of how that is being implemented.

To progress the wellbeing of Aboriginal people, it is essential that there is transparency of funding.

It is clear that mainstream Commonwealth agencies are expected to take a significant new role in program and service delivery, however, the amount of money and the decision making mechanisms are far from clear. It is intended that the local Office for Indigenous Policy Coordination will perform a kind of coordinating role, but it appears that there are continuing challenges in this regard.

In these early stages of the new arrangements, there remains a need for substantial negotiation, as State officers and leaders of the Aboriginal community strive to identify and clarify funding sources and programs, agency by agency, sometimes, official by official. State officers are endeavouring to develop mechanisms aimed at monitoring the Commonwealth's commitment to maintain expenditure, but there is no simple way of doing this. There is a risk that the lack of any clear mechanism for Commonwealth funds distribution and administration since April 2004 will result in a significant Commonwealth underspend in many areas.

There must be developed some systematic way of identifying available Commonwealth funds, providing for their transparent administration in ways which encourage participation and partnership with community, Local and State Government, and non-government organisations. The State Government will be working with the Commonwealth to develop such mechanisms bi-laterally and as a matter of urgency.



**Hon Terry Roberts MLC**  
Minister for Aboriginal Affairs and Reconciliation  
21/01/05