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FROM: Hannaford

RECOMMENDED FOR PUBLICATION:

Reply of Hon. J P Hannaford to questions posed by the Senate Select Committee
on Administration of Indigenous Affairs

In answering the questions that have been posed to me I will attempt to summarise my thoughts. I recognise that in doing so the meaning will be affected by the interpretation of that summary. However, I believe that the Review Panel's report provides a fuller explanation.

1. There is wide agreement that ATSIC was in need of review. One concern was that ATSIC attempted to impose wester – style governance onto the traditional family/community structure. If this Bill could be amended to allow a restructure, what core features should form its framework?

I believe that the core features should include

- Establishment of cohesive community bodies that are capable of representing the interests of their community
- A regional framework that is capable of representing community interests at a local, state and national level for those issues that are common to the communities within the region and which also provides a co-ordination capacity for those common interests
- A Ministerial power that is very flexible which

Enables the community bodies to create their individual regional frameworks

Ensures constant capacity building within the bodies that are established

- An audit and oversight capacity which carries out both financial and management reviews of all government funded bodies – government, semi-government and non-government
- A funding system that is focussed on objectively measurable outcomes
- A performance review system that measures changes in outcomes at a regional level rather than at a State or National level

2. The Government policy on representation is premised on the view that Aboriginal groups can and should form whatever representative groups they wish. What are your views on the strengths and weaknesses of this approach?

STRENGTHS

- It will encourage a community voice which will enhance local pride, esteem and respect
- It allows a diversity of forms of representation
- It allows cultural strengthening

- It ensures services will focus on actual local needs as viewed by the local community
- It will encourage capacity building at a local level
- It will encourage an integration of local, state and federal funding arrangements
- It should ensure that funding is not dictated by an accountability to state and national funding programs
- It should secure an improved local co-ordination of services that are locally based
- It should build stronger communities particularly in remote and regional areas
- If performance based funding is implemented, it should see that the performance of the competing service provider ensures the survival of the provider

WEAKNESSES

- An inadequate capacity for local management of such groups to provide the necessary levels of publicly accountable governance
- There could be generated a multiplicity of groups that could fragment communities
- Partisan representation could be promoted
- Funding bodies could use their funding position to divide and rule communities
- Inadequate frameworks are currently available to mentor local capacity building
- Inadequate frameworks currently exist to evaluate accountable outcomes at the local level

I do believe, however, that each of these weaknesses can be addressed by appropriate levels of accountability. I also believe that the communities want those levels of accountability to in existence.

3 There have been suggestions that, in order to ensure there is regional representation, that the Regional Councils are retained, at least as a transitional arrangement. What is your view on that suggestion?

A transitional arrangement may be desirable if the final outcome is clearly identifiable. The nature of that transition can then be formulated.

If the outcome is to terminate a regional framework in favour of the creation of strong local community bodies, then, in my opinion, a transitional period is essential.

In my opinion an adequate timeframe is needed:

- To enable the establishment of sufficiently strong and cohesive representative bodies at the community level

- To ensure that a capacity building framework is in place to support those bodies [otherwise they will be planned to fail]
- To ensure that a funding framework is formulated to sustain the community bodies and which ensures that they deliver services that are publicly accountable and which deliver measurably improved services to their community

A transitional timeframe will vary from region to region. There should therefore exist a capacity for the Minister to negotiate flexible arrangements to achieve this objective.

4. Is the timeframe allowed [to 1 July 2005] sufficient for effective change to be implemented? Why?

On a universal basis, I do not believe that such a timeframe will be adequate.

Whilst some regions have moved to establish improved community capacity, the uncertainty of the legislative framework has deterred there being an adequate focus on the need to change – this, I believe, applies to all parties.

There should exist a publicly reportable timeframe within which the transition is to be finalised – otherwise the transition could be delayed interminably and that is likely to generate undesirable uncertainty for local communities. However, it would be desirable for there to be a Ministerial capacity to negotiate a suitable transition period that will meet the exigencies of particular regions as the transition proceeds.