

RESPONSE TO THE RECOMMENDATIONS
OF THE REPORT OF
THE HOUSE OF REPRESENTATIVES STANDING COMMITTEE
ON
ABORIGINAL AFFAIRS

"OUR FUTURE OUR SELVES"

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NOVEMBER 1991

FOREWORD

The House of Representatives Standing Committee on Aboriginal Affairs report "Our Future Our Selves" - an inquiry into the effectiveness of existing support services within Aboriginal and Torres Strait Islander communities, including administrative and advisory services, was tabled in Parliament on 13 September 1990.

Guidelines for presentation of Ministerial Statements and Reports to Parliament require that the Government respond within three months of the tabling of any report. Due to the extensive consultation and coordination necessary in preparing a detailed response, the Chairman of the Committee was informed that the Government response would not be available within the required time limit but would be presented to Parliament as soon as possible.

In preparing its response, the Government sought the views of relevant Commonwealth departments and authorities. These are identified in the report.

The Aboriginal and Torres Strait Islander Commission has already proceeded in relation to many of the areas identified in the report.

It should be noted that the report "Our Future Our Selves" was issued by the Committee shortly after the commencement of the Aboriginal and Torres Strait Islander Commission and the responses have been prepared in that context.

The recent report by the Royal Commission into Aboriginal Deaths in Custody included in its recommendations issues which are canvassed by "Our Future Our Selves". The responses to those recommendations may be reviewed in the light of discussions to be undertaken with the State and Territory Governments on the Royal Commission's report.

STRUCTURES FOR ABORIGINAL CONTROL AND MANAGEMENT

RECOMMENDATION 1

- . Governments acknowledge that to give effect to policies of self-determination and self-management it is necessary to reappraise the effectiveness of existing structures and methods of dealing with Aboriginal and Islander people. Such a reappraisal should:
 - . acknowledge that the process of consultation has generally not given rise to genuine dialogue and has largely been ineffective; and
 - . accept the need for policies and outcomes to be determined by a process of negotiation, which better accords with traditional decision making processes.
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RESPONSE

The Government accepts the principles of self-management and self-determination at the heart of this recommendation and this is reflected by the Government's recent creation and support of the Aboriginal and Torres Strait Islander Commission (ATSIC). ATSIC has also acted in accord with this recommendation by deciding that priorities and participation in the implementation of its programs will be determined through negotiation. Initially negotiation will be achieved through the regional council network and elected commissioners.

To appraise the effectiveness of ATSIC at this stage, after only a short time of operation, would be counterproductive. However the Government does believe in a system of continuing evaluation of the operations of all government bodies.

The Aboriginal and Torres Strait Islander Commission Act also provides that the operations of the Act should be reviewed within two years after the appointment of the first elected commissioners.

RECOMMENDATION 2

A number of general principles should be observed by governments when establishing structures for Aboriginal people. These include:

- . the process of negotiation with Aboriginal people should replace the current process of consultation;
 - . when negotiating structures, governments should avoid placing undue pressure on Aboriginal people in such a way as to achieve an outcome that would conform to established government policy or to meet a government imposed timetable;
 - . structures must be compatible with local Aboriginal aspirations and affiliations;
 - . the term "community" needs to be defined broadly to take account of social, historical and cultural linkages;
 - . structures should emerge from, and be supported by, the people they represent or for whom they operate; and
 - . structures should be recognised within the broader power structure of Australian society.
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RESPONSE

This recommendation is supported.

However, the Government considers there is a need for agencies to recognise the new procedures and structures within ATSIC, and most importantly the role of regional councils. It is also important that all service agencies avoid imposing unrealistic timetables or undue pressure on Aboriginal and Torres Strait Islander people to achieve outcomes that conform to established Government policies, without first negotiating those timetables and required outcomes with Aboriginal and Torres Strait Islander people. Commonwealth, State and local government responsibilities need to be clearly defined in this area (see response to Recommendation 16).

There is also the need to ensure that structures for community management have legitimacy within communities and pay due regard to traditional processes.

FROM CONSULTATION TO NEGOTIATION WITH ABORIGINAL PEOPLE

RECOMMENDATION 3

- . Government departments and agencies examine their processes of communication with Aboriginal people to:
 - . make greater use of a "plain English" style in documents and correspondence in their dealings with Aboriginal communities;
 - . make greater use of radio and the range of visual media such as video, television, comics, posters etc;
 - . where possible and appropriate engage qualified interpreters;
 - . where appropriate encourage staff to study Aboriginal languages and, as a minimum, make a cross cultural awareness a precondition for appointment.
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RESPONSE

This recommendation is supported.

Government policy has been, and is, to produce culturally appropriate communication material whether it be in "plain English" or in one of a number of Aboriginal and Torres Strait Islander languages. A recent example was information produced in the lead up to the ATSIC regional council elections some of which was made available in Aboriginal languages.

All public affairs material produced by ATSIC takes into account the need for it to be expressed in plain English. ATSIC produces a range of video material, most of which takes the form of either interviews with, or statements and comments by, Aboriginal and Torres Strait Islander people and as such, is expressed in a language acceptable to them. In addition, ATSIC also produces material for radio and has produced a range of posters and a major comic to promote participation in the recent regional council elections.

The Department of Social Security (DSS) is currently rewriting the Social Security Act in a "plain English" style. It is planning to redraft its policy manuals and has recently launched a national publicity campaign entitled "Right Story Right Money", targeted primarily towards remote Aboriginal and Torres Strait Islander communities. Also, DSS presently operates an Aboriginal interpreter service in six regional offices. There are plans for expanding this service in the future.

The Department of Employment, Education and Training (DEET) acknowledges the need for accessible information to be provided to its clients and is currently considering means by which this can be achieved.

RECOMMENDATION 4

Negotiations on policies and programs involve Aboriginal people at the appropriate level - from national through to local - in all discussions towards a settlement of terms.

RESPONSE

This recommendation is supported.

The Government, through ATSIC, negotiates with Aboriginal and Torres Strait Islander people about the programs offered by ATSIC. As an example, Aboriginal Employment Development Policy (AEDP) programs lend themselves to negotiation at the local (regional) level, thereby ensuring that the communities are accommodated within the programs available. The value of this approach can be seen from the outcomes of regional economic development conferences. Several of these have resulted in community groups successfully applying for enterprise funding or formulating community development plans.

DEET, in line with the principle of negotiating with Aboriginal and Torres Strait Islander people concerning programs and services that affect them, seeks the views of local community representatives about the composition of activities to be funded through the AEDP and priorities to be addressed through the Aboriginal and Torres Strait Islander Education Policy (AEP).

It is important that funding be negotiated with Aboriginal and Torres Strait Islander communities and organisations. In this regard, negotiation for funding for all communities and organisations could take place around performance targets, which would be drawn from priorities set out in community/organisations plans as they are developed.

RECOMMENDATION 5

- The Aboriginal and Torres Strait Islander Commission develop guidelines for negotiation that can be used by the range of departments and agencies that have dealings with Aboriginal communities and organisations.
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RESPONSE

This recommendation is supported.

RECOMMENDATION 6

- Reference to negotiation be included in the corporate plans of Commonwealth departments and agencies which have contact with Aboriginal communities and organisations.
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RESPONSE

There are no Government guidelines for the development of departmental or Government agency corporate plans. The Government considers that corporate plans are working documents which need to be "owned" by the staff of the organisations to which they apply. Nonetheless, the Government accepts that departments and agencies should embody the process of negotiation into their operational plans. This is particularly important for guiding departments and agencies in their involvement in the regional planning process specified in the ATSI Act.

RECOMMENDATION 7

- . The Aboriginal and Torres Strait Islander Commission develop appropriate training packages for the range of staff involved in negotiation with Aboriginal communities and organisations.
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RESPONSE

This recommendation is supported.

RECOMMENDATION 8

- . Any training packages developed by the Aboriginal and Torres Strait Islander Commission be distributed for use by other agencies involved with Aboriginal communities.
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RESPONSE

This recommendation is supported.

WOMEN

RECOMMENDATION 9

- . The report "Women's Business" be the subject of a follow-up review to update its findings and determine the extent to which its recommendations have been adopted.
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RESPONSE

This recommendation is supported.

It should be noted the Government has already made a response to *Women's Business*. The statement made on 13 May 1989 by the then Ministers for Aboriginal Affairs and Minister Assisting the Prime Minister on the Status of Women reviewed action taken during the three years since the tabling of *Women's Business*.

It was noted that a number of recommendations had been implemented through:

- . new programs for women in the Aboriginal Affairs portfolio;
- . more specific targeting of existing programs; and
- . *National Agenda of Women* proposals.

The Office of the Status of Women (OSW) in consultation with the Office of Indigenous Women, commissioned a consultant to identify the specific needs of Aboriginal women yet to be addressed by Commonwealth programs and policies bearing in mind *Women's Business* and the *National Agenda for Women*.

A working party is also to be established so that specific strategies may be developed.

CO-ORDINATION

RECOMMENDATION 15

- . The Aboriginal and Torres Strait Islander Commission examine the economic cost of ineffective co-ordination.
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RESPONSE

This recommendation is supported.

This matter is currently the subject of a functional review, arising from the Special Premier's Conference, of the coordination and delivery of services to Aboriginal and Torres Strait Islander people by Commonwealth, State, Territory and local Governments. The final report will address issues associated with planning and coordinating Aboriginal and Torres Strait Islander programs.

RECOMMENDATION 16

- . The Commonwealth renegotiate agreements with the States and Territories over their respective roles and responsibilities for the delivery of services to Aboriginal people, in line with the general thrust of the report of the Human Rights Commission.
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RESPONSE

This recommendation is supported and is in the process of being implemented in accordance with resolutions of the recent Special Premiers' Conference and Australian Aboriginal Affairs Council (AAAC).

The Special Premiers' Conference of 30-31 October 1990 called for a report by November 1991, on the means of achieving greater coordination of the delivery of programs and services by the three levels of government to Aboriginal and Torres Strait Islander people.

member ATSI Board. The Chairperson of the Commission is a woman, as are 3 of the Board.

The Government ensures that women are represented in forums whose members are appointed. It supports the recommendation as it pertains to adequate representation and to the extent that any guidelines developed support the democratic processes where they apply.

See also the response to Recommendation 11.

RECOMMENDATION 13

- . These guidelines be circulated to all agencies involved in service delivery to Aboriginal people.
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RESPONSE

This recommendation is supported.

RECOMMENDATION 14

- . The Aboriginal and Torres Strait Islander Commission immediately undertake a review of resources required to adequately co-ordinate and monitor programs and policy for their effectiveness and impact on Aboriginal women; and
 - . that the findings of the review be implemented and adequately funded to facilitate improvements in service delivery where identified.
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RESPONSE

ATSI is currently undertaking a major organisational review, in conjunction with the Department of Finance (DOF) to identify areas where additional resources are required and possible savings can be made. This recommendation will be taken up in this context.

RECOMMENDATION 11

The Aboriginal and Torres Strait Islander Commission pay greater attention to the needs of women and ensure that their views are actively sought.

RESPONSE

Since its inception, ATSIC has had an Office of Indigenous Women (OIW) which was initially the Office of Aboriginal Women from the former Department of Aboriginal Affairs. That Office is also supported by regional women's officers who are employed in each of the 29 regional offices.

OIW has always focussed on the special needs of Aboriginal and Torres Strait Islander women. It actively seeks the views of these women through its field officer network and through local, State and national conferences to ensure Government policy and program development, delivery and evaluation respond to these special needs.

RECOMMENDATION 12

- The Office of Aboriginal Women develop guidelines:
- to ensure adequate representation of Aboriginal women in decision-making forums;
 - to ensure that all new policies and programs are reflective of the needs of Aboriginal women; and
 - against which all current policies can be reviewed for their effectiveness and implications for Aboriginal women.
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RESPONSE

The Office of Indigenous Women is an integral part of the ATSIC structure and only has direct responsibility in ATSIC. ATSIC comprises 60 democratically elected regional councils with a substantial representation of women. These Councils elect 17 Commissioners of a 20

RECOMMENDATION 10

There be at least one Aboriginal woman in the Office of the Status of Women.

RESPONSE

The Government encourages Aboriginal women to apply for positions in the Office of the Status of Women where, like the rest of the Australian Public Service, equal employment opportunity principles apply.

The primary role of the OSW is to co-ordinate the development and implementation of Government policies and programs to improve the status of women, and monitor the impact on women of all government policies and programs. It works closely with the OIW within ATSIIC.

Representation of Aboriginal women has been supported through the establishment of various consultative mechanisms to ensure that the advice given to government draws on a wide range of views from women in the community.

The National Women's Consultative Council (NWCC), which is the primary link between the government and the women of Australia, includes an Aboriginal and a Torres Strait Islander woman. The new National Committee on Violence against Women (NCVAW) also has an Aboriginal member as did its predecessor, the Task Force for the National Domestic Violence Education Program. This representation will continue to be supported by OSW. The OSW provides secretarial support for both of these national committees.

The Office has also developed the "APPOINT" system which provides an effective way of measuring progress in increasing the appointment rate of equal opportunity categories including Aboriginal and Torres Strait Islander people to statutory and non-statutory bodies. Up until now it has not been possible to measure progress on the appointment rates of Aboriginal and Torres Strait islander people.

It was agreed at the Special Premiers' Conference and confirmed at the December 1990 (AAAC) meeting by all Ministers with responsibility for Aboriginal Affairs that efforts in this area have the support of all States and Territories and that the final report should be cognisant of:

- . the Commonwealth's special responsibility for Aboriginal and Torres Strait Islander people;
- . the commitment of all governments to Aboriginal and Torres Strait Islander self-management and self-determination; and
- . the coordination roles given to ATSIC under its legislation, and its representational base particularly its regional council structure.

Savings to the Commonwealth Government should result as duplication of services is reduced.

RECOMMENDATION 17

- . As the Aboriginal and Torres Strait Islander Commission develops its structures and administrative capacities, Commonwealth, State, Territory and local governments view the Aboriginal and Torres Strait Islander Commission as the co-ordinating agency for working with Aboriginal people.
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RESPONSE

This recommendation is strongly supported.

The Government acknowledges the role ATSIC will play as coordinator and the importance of regional councils in the new structure.

The primary role in coordinating service delivery and planning activities is endorsed.

See also the response to Recommendation 16 and the reference to the recent Special Premiers' Conference and AAAC.

RECOMMENDATION 18

- . All Commonwealth agencies involved in service delivery to Aboriginal people improve co-ordination activities of their field staff, particularly in terms of visits to remote communities.
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RESPONSE

This recommendation is supported.

Mechanisms are being developed in ATCIC and other Commonwealth agencies to improve coordination of program delivery and community visits within current staffing resources.

Agreement has been reached between DEET, DSS, ATCIC and Department of Health, Housing and Community Services (DHHCS) to improve coordination of services in remote areas and an implementation strategy has been developed.

At a recent meeting of the AAAC in Alice Springs the Members of the AAAC decided to refer the report "Achieving Greater Coordination of Aboriginal and Torres Strait Islander Programs and Services", which was prepared by the Commonwealth/State/Territory/Local Government Working Party, to the Heads of Government as the basis for the development of government positions for the Special Premiers' Conference to be held in November 1991.

The report contains agreed proposals to better coordinate programs and end duplication thereby making the programs more effective and efficient.
See also the response to Recommendation 16.

RECOMMENDATION 19

- . Commonwealth, State and Territory government agencies develop mechanisms to rationalise their discussions with, and visits to, Aboriginal communities with a view to reducing the number of visits.

RESPONSE

The rationalisation of agency visits is supported. However, it must be recognised that the practicalities of program management often require Agencies to monitor their projects on a regular basis.

RECOMMENDATION 20

. The Aboriginal and Torres Strait Islander Commission and the Department of Employment, Education and Training develop a proposal for the implementation of an amalgamated field officer structure.

RESPONSE

The Government does not support further amalgamation of field officer networks at the present time. The amalgamation of DAA and ADC field staff took place on 5 March 1990, with the creation of ATSIC and the restructuring of DEET field staff, including amalgamation of education and vocational officer functions, has been undertaken through DEET's Aboriginal and Torres Strait Islander Action Plan (ASAP) which was implemented progressively across Australia during 1990.

DEET's Aboriginal field officers, located in Aboriginal Employment and Education Development Units (AEEDUs) concentrate on undertaking community based employment and education development as outlined in the AEP and the AEDP. It is necessary for DEET Aboriginal field officers to remain part of DEET if Aboriginal access to mainstream employment, education and training projects is to be maintained.

Rather than amalgamating field services, the government prefers to improve coordination amongst agencies delivering services to Aboriginal clients, and one way of facilitating that coordination is alignment of boundaries with those of ATSIC regional councils (such as has occurred in the formation of AEEDUs).

Regional coordination mechanisms which include DSS officers (eg Regional AEDP Coordinating Committees) are also now in effect.

RECOMMENDATION 21

The Commonwealth conduct a formal review of the effectiveness of all bureaucratic co-ordination mechanisms with the States and Territories in the area of Aboriginal affairs with a view to the Aboriginal and Torres Strait Islander Commission being given responsibility for co-ordination.

RESPONSE

This recommendation is supported.

See also the response to Recommendation 16 and the reference to the recent Special Premiers' Conference and AAAC.

RECOMMENDATION 22

The question of mainstreaming of service delivery be negotiated between governments and Aboriginal people.

RESPONSE

This recommendation is supported noting the content of paragraph 6.43 of the report which reads:

"The Committee is of the view that mainstreaming is inappropriate for service delivery to Aboriginal people. However, where mainstreaming is to occur, it needs to be negotiated between governments and Aboriginal people."

The Government recognises that some special programs are required in recognition of the past dispossession and dispersal of the Aboriginal and Torres Strait Islander people and their present disadvantaged position in Australian society.

In recognition of this disadvantage and the need for culturally appropriate service delivery, the Government created ATSIC to ensure maximum participation of Aboriginal persons and Torres Strait Islanders in the formulation and implementation of Government policies.

that affect them, to promote self-determination, self-management and self-sufficiency and further their economic, social and cultural development, as well as to ensure coordination in the formulation and implementation of policies at all levels of government.

Mainstream services are provided by the Commonwealth, State and local Governments. Where such services are provided, the Government is of the view that delivery agencies must ensure Aboriginal and Torres Strait Islander people gain an equitable share of program resources and the highest quality of services available.

ATSIC has prepared an overview of Commonwealth program expenditure on Aboriginal and Torres Strait Islander people and is seeking to ensure appropriate access and equity measures are adopted by all relevant departments and agencies.

Similarly, in relation to the current functional review of the coordination and delivery of Commonwealth, State, Territory and local Government services to Aboriginal and Torres Strait Islander people, ATSIC is seeking to ensure the adoption of access and equity principles by all levels of government.

RECOMMENDATION 23

Training packages be developed by appropriate institutions for the training of government agency and community employed staff in community planning and other issues relating to community development.

RESPONSE

This recommendation is supported.

Training is considered to be of the utmost importance. All staff employed by Aboriginal and Torres Strait Islander communities should have access to appropriate training packages.

To better rationalise training programs and more accurately reflect relevant responsibilities:

- responsibility for the staff skills training and development component of the Aboriginal Organisation Training (AOT) Program was transferred to DEET from 1 July 1991. DEET

proposes to provide support for staff training in Aboriginal and Torres Strait Islander organisations, through grants to them, on the basis of training plans submitted by them; and

ATSIIC is proposing to assist Aboriginal and Torres Strait Islander organisations to prepare development, corporate, strategic and service plans and to provide advice and assistance to organisations having operational difficulties.

RECOMMENDATION 24

Government agencies assist Aboriginal people to develop broad-ranging community plans which identify political and administrative requirements, infrastructure and service needs in local regions and which also reflect social, economic and cultural aspirations.

RESPONSE

This recommendation is supported.

The Government acknowledges the importance of community plans as a basis for community development, the preparation of regional plans (required under the ATSIIC Act) and the co-ordination of services.

As a joint initiative, ATSIIC and DEET have assisted several communities to prepare community plans. At their meeting in December 1990, the Commissioners of ATSIIC agreed that work should commence on the development of a community planning program. Such a program would provide a means of assisting communities which wish to prepare development plans. Initially, in conjunction with DEET, several pilot projects have commenced. Subject to the results of existing projects and in consideration of the cost involved and the training required, it is expected the extension of community planning to all communities will need to be implemented progressively, with ongoing monitoring and evaluation.

RECOMMENDATION 25

- . These plans, once developed, form the basis for co-ordinated action by government agencies in a region.
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RESPONSE

This recommendation is supported. Regional plans will also provide a basis for coordination.

RECOMMENDATION 26

- . Commonwealth, State and Territory governments develop organisational funding arrangements which are compatible with community development plans.
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RESPONSE

This recommendation is supported.

ATSIC is currently considering the concept of a five year rolling program which will be more compatible with community development planning.

FUNDING

RECOMMENDATION 27

- . The Commonwealth, in conjunction with the States and Territories, develop proposals for implementing a system of block grant funding of Aboriginal communities and organisations.
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RESPONSE

Block grant funding is an important concept in developing self-management and self-determination for Aboriginal and Torres Strait Islander people and has been available to a number of organisations/communities over the last 6-7 years.

However, it must be recognised that some communities will require training to develop the necessary skills to manage large amounts of funds supplied for diverse purposes. The cost of providing training for the long term management of such organisations and for resources to manage the projects in the interim may well be considerable.

RECOMMENDATION 28

- . Commonwealth, State and Territory governments implement a system whereby Aboriginal communities and organisations are provided with a minimum level of funding on a triennial basis.
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RESPONSE

The Government accepts that the principle of minimum levels of funding, over a longer period of time, is sound. However, attention must be given to limitations placed on long term commitments by annual appropriations. To a great extent, the Government has met the principle of this recommendation by agreeing to maintain the budget levels of ATSIC in real terms. State, Territory and local Governments will be

encouraged to accept full responsibility for the funding of appropriate programs for their Aboriginal and Torres Strait Islander citizens. This matter is currently the subject of a review by a Commonwealth/State/Territory/local Government working party working within the framework of the Special Premiers' Conference (see Recommendations 15, 16 and 22).

RECOMMENDATION 29

The Aboriginal and Torres Strait Islander Commercial Development Corporation support enterprises where they have the clear potential to generate additional income and employment within communities.

RESPONSE

This recommendation is supported.

However, while the Commercial Development Corporation has a responsibility to ensure that its activities generate income and employment within communities, it also has a similar responsibility to Aboriginal and Torres Strait Islanders companies, groups and individuals in major urban city and regional centres.

This responsibility is always subject to the overriding premise that such involvement must be based on sound business principles thereby requiring a high level of commercial viability in any activity in which the Corporation invests.

RECOMMENDATION 30

Training for involvement in enterprises be provided to Aboriginal people.

RESPONSE

This recommendation is supported.

Training is currently available through programs administered by ATSIC and DEET. DEET recently

commissioned the preparation of a training package for community housing and construction enterprises. Elements of the finished product may also be relevant to other enterprises.

RECOMMENDATION 31

- . The management structures for enterprises reflect the broad principles set out in Chapter 3.
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RESPONSE

Although the Government is supportive of the broad principles set out in Chapter 3 of the report it should be noted that the Aboriginal and Torres Strait Islander Commercial Development Corporation, as part of its functions, can support any enterprise which can provide a benefit to Aboriginal and Torres Strait Islander people. Enterprises which do not conform to the principles but can provide benefits to Aboriginal and Torres Strait Islander people should not be excluded from consideration for assistance.

RECOMMENDATION 32

- . The Commonwealth, State and Territory governments provide ample opportunity for Aboriginal and Torres Strait Islander communities to participate in contract work in and around their community.
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RESPONSE

This recommendation is supported.

Contract work in nature conservation and natural resource management, in which the States and Territories play an important role, is currently available under Aboriginal Employment Development Policy programs. During 1989-90, 73 cooperative projects involving Australian National Parks and Wildlife Services, and 14 involving Department of Primary Industries and Energy, were funded.

State and Territory participation in other forms of contract work would have to be negotiated.

DEET is investigating ways to encourage Aboriginal and Torres Strait Islander communities to tender for local contract work as part of employment strategies with major employers.

RECOMMENDATION 33

Commonwealth, State and Territory government departments and agencies develop guidelines, where none exist, to facilitate the participation of Aboriginal and Torres Strait Islander communities in contract work. These guidelines should include:

- . methods of directly informing communities of local tendering opportunities; and
 - . the provision of preferential tendering arrangements.
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RESPONSE

This recommendation is noted and the Government acknowledges that there is a need for special assistance which will facilitate Aboriginal and Torres Strait Islander involvement in contract work.

Commonwealth guidelines concerning tendering processes are designed to achieve open and competitive tendering and value for money. Restrictions generally are to ensure tenderers are not given preferential treatment.

DEET is investigating ways to encourage Aboriginal and Torres Strait Islander communities to tender for contract work through their major employment strategies with corporations (eg Australia Post). Aboriginal and Torres Strait Islander communities are currently encouraged and assisted to tender for contracts related to infrastructure works, national parks and the eradication of noxious plants and feral animals.

The involvement of State, Territory and local Governments will need to be negotiated. The recent Special Premiers' Conference and AAAC (see also recommendation 16) opened the way for constructive negotiation with those Governments.

CDEP has provided the opportunity for some communities to tender successfully for local government contracts. In some cases, the communities were assisted by DEET, through TAP, to acquire the necessary skills to compete in the tendering process.

RECOMMENDATION 34

- Relevant Commonwealth departments and agencies provide details in their annual reports of tenders let to Aboriginal communities and organisations.
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RESPONSE

This recommendation is supported.

RECOMMENDATION 35

- Where a community is unsuccessful at a particular tender, the Commonwealth, State or Territory government agency responsible for the letting of the contract provide the community with a written explanation of the reasons why it was unsuccessful.
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RESPONSE

This recommendation is supported to the extent that any information given must not breach commercial confidentiality.

RECOMMENDATION 36 (DELETED)

RECOMMENDATION 37 & 37A

- The issues associated with the divestment of community-owned Aboriginal land to individuals and corporations for their exclusive use be further investigated.

. A formula be devised to establish an appropriate rate levy to the community - similar to the local government rates that would otherwise be payable - for the use of divested land.

RESPONSE

This recommendation is supported.

There are difficulties presented by the absence of mechanisms for development on or the partitioning of land owned by Land Trusts or Councils.

RECOMMENDATION 38

. In addition to normal funding to Aboriginal community councils Commonwealth, State and Territory government departments and agencies make full payment for local government services used for all facilities that they occupy in those areas.

RESPONSE

This recommendation is supported.

Government agencies are liable to the legally constituted local Government body, for the normal charges for services provided.

RECOMMENDATION 39

. Commonwealth, State and Territory governments recognise the infrastructure and resource deficiencies in Aboriginal communities and allow them to carry over funding where necessary without prejudice to their level of funding.

RESPONSE

This recommendation is supported in principle. A mechanism already exists which allows this to occur. Each situation is considered on its merits.

RECOMMENDATION 40

. As part of this recognition, funding of Aboriginal communities and organisations be supplemented to allow for the orderly replacement of capital assets.

RESPONSE

This recommendation is supported.

At present, communities wishing to replace assets purchased with previous grants, must bid against available funds and competing priorities. Although bids for replacement equipment, in the main, are realistic, they are sometimes not as important as bids from communities with first-time needs.

More could be achieved in this area if State/Territory/local government agencies replaced assets as part of services for which they are responsible.

In present circumstances, ATSIC often bears the initial cost of capital assets in relation to infrastructure on the understanding that State/Territory and local governments will assume responsibility for recurrent and replacement costs. In other cases, due to a neglect or reluctance by various agencies, ATSIC funding has had to bear the total funding of capital and recurrent costs.

RECOMMENDATION 41

. The Aboriginal and Torres Strait Islander Commission, in conjunction with the Commonwealth Office of Local Government, determine an appropriate mechanism for funding infrastructure deficiencies in Aboriginal communities.

RESPONSE

This recommendation is supported in principle.

Funding assistance provided through the program administered by the Office of Local Government is assessed by Grants Commissions on the basis of recurrent needs. Capital infrastructure needs are not able to be addressed.

ATSIC, in consultation with DHHCS, Australian Construction Services and appropriate State and Territory agencies, is currently undertaking a national housing and infrastructure survey and needs assessment as part of the National Aboriginal Health Strategy.

Furthermore ATSIC, in consultation with the Department of Finance and other appropriate agencies, is currently reviewing aspects of the community infrastructure program.

ACCOUNTABILITY

RECOMMENDATION 42

As a matter of urgency the Commonwealth develop uniform accounting procedures for grants to Aboriginal and Torres Strait Islander communities and organisations.

RESPONSE

This recommendation is supported in principle, but, care needs to be taken to ensure that such accounting procedures do not conflict with the organisations' accounting requirements under their incorporation legislation.

ATSIC requires no more in terms of annual financial statements than the organisations are required to prepare under the terms of their incorporation legislation. Any simplification of accounting procedures would need to take account of these terms of incorporation and the Government's need for accountability for expenditure of public moneys.

RECOMMENDATION 43

All government agencies negotiate with funded communities the development of appropriate performance indicators for programs and put in place performance monitoring and assessment mechanisms that have significant Aboriginal input.

RESPONSE

This recommendation is supported but it must be recognised that there may be occasions when agreements cannot be reached through a process of negotiation.

The existing ATSIC performance indicators are being reviewed currently. Part of that review will include

negotiations with Aboriginal and Torres Strait Islander organisations on the appropriateness of performance indicators.

The community and regional planning exercises will also assist in this process.

RECOMMENDATION 44

- Further research on the development and appropriate use of performance indicators be undertaken by ATSIC.
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RESPONSE

This recommendation is supported. See also Recommendation 43 above.

RECOMMENDATION 45

- Commonwealth and State and Territory Governments strengthen the accounting and financial reporting capacities of Aboriginal communities and organisations by:
 - providing sufficient funding to communities and organisations to enable them to perform this function, which is required of them by funding agencies;
 - assisting communities to develop simple but efficient accounting and financial reporting systems; and
 - developing and implementing appropriate training programs for Aboriginal bookkeepers and other personnel working with Aboriginal organisations.
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RESPONSE

This recommendation is supported.

ATSIC, subject to the availability of funds, is prepared to assist communities and organisations to

obtain the necessary resources to provide them with suitable accounting and financial systems.

In late 1990, a management training resource package called "Towards Better Management", which was developed by the TAFE National Centre for Research Development, was distributed by DEET for use by Aboriginal communities and organisations wishing to acquire skills in these areas.

Under AOT, communities and organisations will be assisted to increase the skills of staff and office bearers. The initial emphasis will be on organisations with identified high priority financial training needs. A training needs analysis package is being developed for use by these groups, and will subsequently be released to other organisations and communities.

Independently of these developments, individual members of communities and organisations may be funded under other elements of the TAP to attend formal courses in financial management, including courses available through TAFE outreach services.

COMMUNITY ADVISERS AND COMMUNITY-BASED STAFF

RECOMMENDATION 46

- . Any job advertisements for community-based positions make it clear that the community is an Aboriginal or Torres Strait Islander community.
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- RESPONSE

This recommendation is supported.

Although most advertisements already follow the recommendation, it is the employer, who is responsible for these advertisements.

RECOMMENDATION 47

- . Eligibility requirements include the ability to communicate and operate effectively with Aboriginal and Torres Strait Islander people and sensitivity to the issues confronting them.
-

RESPONSE

The recommendation is supported.

The same qualifications as outlined in the response to recommendation 46 apply here also.

RECOMMENDATION 48

- . Where accommodation is provided in a community to an officer who performs a particular function, it be made available to the occupant of the position irrespective of whether the person is from the community or elsewhere.

RESPONSE

This recommendation is supported.

The Government recognises that, although funds are made available for staff accommodation, it is the community council which, as the landlord, determines tenanting arrangements.

RECOMMENDATION 49

. With the promulgation of an industrial award for Aboriginal community workers and employees of Aboriginal organisations, the Commonwealth and Northern Territory Governments fully fund the communities and organisations so that they are able to meet their obligations without a reduction in services.

RESPONSE

This recommendation is supported in principle by the Government. However, the situation in the Northern Territory cannot be looked at in isolation from the other States and Territories.

It needs to be understood that, where the Government is not the employer, it cannot guarantee that employees will be paid according to awards; nor can it guarantee unlimited funding to organisations for that purpose.

ATSIC, in conjunction with the Department of Industrial Relations, is conducting workshops Australia wide to apprise Aboriginal and Torres Strait Islander organisations of their industrial relations responsibilities and the options available to meet their obligations.

RECOMMENDATION 50

. Guidelines applicable to the operations of community-based staff be developed.

RESPONSE

This recommendation is supported.

The response to Recommendation 46 is relevant.

RECOMMENDATION 51

- These guidelines should include a clear statement that the primary responsibility of community-based staff is to the Aboriginal organisation which employs them.
-

RESPONSE

This recommendation is supported.

The response to Recommendation 46 is relevant.

RECOMMENDATION 52 & 52A

- Where no award exists, all community-based staff be employed on the basis of written contracts which outline in detail job specifications and duties which could form the basis for monitoring the performance of staff.
 - Where community-based staff are employed under an award, a detailed job specification and duty statement, consistent with the award and agreed between the staff member and employing community, would assist both parties in performance monitoring.
-

RESPONSE

The above recommendations are supported.

The response to Recommendation 46 is relevant.

The Government acknowledges that there are inconsistencies in the employment of community based staff. Assistance should be made available to standardise contracts and job specifications.

RECOMMENDATION 53

- . Recruitment of appropriate staff be recognised as integral to the successful development of a community or organisation and that funds be made available to enable more rigorous and professional selection of staff.
-

RESPONSE

This recommendation is supported.

The Government recognises the importance of appropriately skilled staff and makes funds available through ATSIC to ensure suitable applicants are encouraged to apply for positions.

RECOMMENDATION 54

- . Commonwealth, State and Northern Territory governments fund the establishment of training courses for staff employed by Aboriginal community councils and organisations prior to their appointment to provide them with the necessary skills and knowledge to enable them to effectively perform their role; and that
 - . these courses be officially accredited and lead to a recognised qualification; and
 - . existing community advisers and other staff be encouraged to undertake such courses once they are established.

RESPONSE

This recommendation is supported.

Pre-employment training should be a priority. Current training programs under AEDP are directed to meeting the training needs of Aboriginal and Torres Strait Islander staff. The criteria for the appointment of staff to Aboriginal and Torres Strait Islander community councils and organisations are primarily a matter for those bodies, but the need for suitable accredited courses and properly trained staff and councillors is endorsed.

RECOMMENDATION 55

. The Aboriginal and Torres Strait Islander Commission, in association with other appropriate bodies, develop short training packages suitable for community advisers and other staff that can be implemented on a regional basis.

RESPONSE

This recommendation is supported.

ATSIC encourages the training and employment of Aboriginal and Torres Strait Islander people in these type of positions. DEET also provides training, under TAP, in essential management functions to members of Aboriginal and Torres Strait Islander communities. However care needs to be taken to ensure that the benefits of the training are passed on to the Aboriginal and Torres Strait Islander communities and training of non Aboriginals is not at the expense of Aboriginal and Torres Strait Islander people.

RECOMMENDATION 56

. Once training courses are established, course qualifications should be considered as highly desirable for community employment.

RESPONSE

The need for adequately trained community advisers and other staff is acknowledged. In general, it is expected that Aboriginal and Torres Strait Islander communities will employ non-Aboriginal staff only when no suitably qualified Aboriginals or Torres Strait Islanders are available. In these circumstances, there would seem to be no justification for the employment of unqualified non-Aboriginal staff. The Government does not see ATSIC extending its role to the training of non-Aboriginals (other than ATSIC staff) but ATSIC would be prepared to co-operate in the development of training programs for non-Aboriginals.

RECOMMENDATION 57

- . The basis for staffing Aboriginal communities and organisations be identified along with training needs in the process of developing community or organisational plans.
-

RESPONSE

This recommendation is supported.

The response to Recommendation 46 is relevant.

RESOURCE AGENCIES

RECOMMENDATION 58

- . Resource agencies which have a primary objective of developing skills and assisting their client group to increase self-determination and self-management, be provided with funding subject to negotiated performance indicators being met.
-

RESPONSE

This recommendation is supported.

Through ATSIC a number of resource agencies are currently funded and the Government is firmly committed to a policy of self-determination, self-management and self-esteem for Aboriginal and Torres Strait Islander people.

RECOMMENDATION 59

- . Funding be provided to organisations at a sufficient level to enable them to purchase the necessary expertise, whether it be through an Aboriginal or non-Aboriginal service.
-

RESPONSE

This recommendation is endorsed in principle.

RECOMMENDATION 60

- . Training for Aboriginal people in organisation and community management be a priority for government agencies and be concurrent with all program funding, particularly the programs of resources agencies.

RESPONSE

This recommendation is supported.

RECOMMENDATION 61

. The Commonwealth Department of Employment, Education and Training ensure that funding is made available to Aboriginal resource agencies to provide them with the capacity to deliver training programs to small communities such as homeland centres and excision communities which do not have ready access to centralised training centres provided by State and Territory Departments of Education and TAFE.

RESPONSE

The Government recognises the coordination role of the resource agencies in the provision of training to homeland centres and excision communities. However, it is considered preferable, where practicable, to fund the communities direct so that they can choose the training and expertise, from resource agencies and other sources, which they consider best suits their particular needs.

RECOMMENDATION 62

. The role of resource agencies be identified in the community planning process and adequately funded to bring policy and practice closer together.

RESPONSE

This recommendation is supported.

LIST OF ACRONYMS

AAAC	Australian Aboriginal Affairs Council
AEDP	Aboriginal Employment Development Policy
AEP	Aboriginal Education Policy
AOT	Aboriginal Organisation Training
ATSIC Commission	Aboriginal and Torres Strait Islander Commission
CDEP	Community Development Employment Program
DHHCS Services	Department of Health, Housing & Community Services
DEET Training	Department of Employment, Education and Training
DOF	Department of Finance
DSS	Department of Social Security
OIW	Office of Indigenous Women
OSW	Office of the Status of Women
TAP	Training for Aboriginals Program