



Appendices



Chronology of events relating to the new arrangements for the administration of Indigenous affairs, 1 July 2004-30 June 2005

This Appendix provides an overview of main events since the introduction of the new arrangements for the administration of Indigenous affairs on 1 July 2004. It commences with a summary table and is followed by a detailed description of each event.

Date	Event/summary of issue
1 July 2004 <i>New arrangements for the administration of Indigenous affairs begin</i>	The new arrangements for the administration of Indigenous affairs at the federal level commence. Under the new arrangements more than \$1 billion of former ATSIC-ATSI programs are transferred to mainstream departments. These departments are now required to accept responsibility for Indigenous services and be held accountable for outcomes.
31 August 2004 <i>Senate Select Committee on the Administration of Indigenous Affairs released interim report on the provisions of the ATSIC Amendment Bill 2004.</i>	The Senate Select Committee on the Administration of Indigenous Affairs releases interim report on the provisions of the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004 (ATSIC Amendment Bill). It states that due to the federal election it will be unable to complete the inquiry. The Government Members of the Senate Committee release a dissenting report. It notes 'little support [was] expressed for ATSIC' ¹ in submissions received. The Senate Committee is then reconvened on 17 November 2004 and reports in March 2005.

1 Select Committee on the Administration on Indigenous Affairs, Government Senators' Dissenting Report, 31 August 2004 – for full text of the report see <http://www.aph.gov.au/Senate/committee/indigenouaffairs_ctte/report/interim/govt_senators%20_dissent.pdf> (25 August 2005).



<p>6 November 2004</p> <p><i>The National Indigenous Council is appointed</i></p>	<p>The Minister for Immigration and Multi-cultural and Indigenous Affairs announces the membership of the Government-appointed advisory body, the National Indigenous Council (NIC). Dr. Sue Gordon is appointed as the Chairperson of the NIC.</p> <p>The Minister advises that the NIC is not intended to be a representative body or to replace ATSIC:</p> <p>The Council will act as an advisory body to Government through the Ministerial Taskforce on Indigenous Affairs, and will support the work of the Taskforce in developing strategies to improve delivery of services to Indigenous Australians.²</p> <p>Members of the NIC are appointed based on their 'expertise and experience.'³ The NIC will meet four times per year and advise the Ministerial Taskforce on Indigenous Affairs.</p>
<p>8-9 December 2004</p> <p><i>Inaugural National Indigenous Council meeting</i></p>	<p>The inaugural meeting of the National Indigenous Council (NIC) is held in Canberra. The Council meet with the Prime Minister, the Minister for Immigration and Multicultural and Indigenous Affairs and the Ministerial Taskforce on Indigenous Affairs.</p> <p>The Terms of Reference for the NIC are agreed. The NIC identify its three priority areas as:</p> <ul style="list-style-type: none"> • early childhood intervention and improving primary health and early education outcomes; • safer communities; and • overcoming passive welfare with improvements in employment outcomes and economic development for Indigenous Australians.⁴
<p>14 February 2005</p> <p><i>Indigenous Australian Public Service (APS) jobs at lowest in ten years</i></p>	<p>The Australian Public Service Commission releases the State of the Service Report 2003-4. It raises concerns that a long term trend of declining representation of Indigenous Australians is starting to emerge within the Australian Public Service (APS).</p> <p>The report confirms that both the numbers and proportion of Indigenous employees in the APS has declined since the previous year's report.</p>

2 Minister for Immigration and Multicultural and Indigenous Affairs, *National Indigenous Council Appointed*, Media Release, 6 November 2004.

3 *ibid.*

4 Gordon, S., *First meeting of the National Indigenous Council: A very good beginning*, Media Statement, 9 December 2004.



<p>21 February 2005</p> <p><i>CDEP Discussion Paper is released</i></p>	<p>The Minister for Employment and Workplace Relations launches <i>Building on Success – CDEP Discussion Paper 2005</i>.⁵ The discussion paper outlines proposed reforms to the Community Development Employment Projects (CDEP) scheme.</p> <p>The discussion paper proposes:</p> <ul style="list-style-type: none"> • Linking CDEP to local community needs; • A stronger focus on results in three key activity streams – employment, community activities and business development; • Developing links with other programs and services; including Job Network, employer and business enterprise; and • DEWR and ICCs to provide support to CDEP organisations to improve outcomes. <p>DEWR undertakes a series of 40 community consultations over three days nationally as well as inviting written feedback on the proposals. The written submissions are due on 24 March 2005.</p>
<p>8 March 2005</p> <p><i>Select Committee on the Administration of Indigenous Affairs releases final report on the abolition of ATSIC</i></p>	<p>The Select Committee on the Administration of Indigenous Affairs releases <i>After ATSIC Life in the Mainstream</i>. The Committee makes 13 recommendations to the Government.</p> <p>Among the recommendations the Committee:</p> <p>5.1 recommends that the Government immediately establishes a mechanism to thoroughly and impartially assess the new mainstreaming arrangements as they are implemented, including those already in place. The Committee also recommends that the resultant report is made public; and</p>

⁵ Department of Employment and Workplace Relations, *Building on Success – CDEP Discussion Paper 2005*, DEWR, Canberra, February 2005.



<p>8 March 2005 <i>(continued)</i></p>	<p>5.3 recommends the establishment of a Senate Standing Committee on Indigenous Affairs, tasked with examination of:</p> <ul style="list-style-type: none"> • The implementation of the mainstreaming policy; • The coordination of Commonwealth, state and territory agencies; • The formation of representative arrangements; and • The equity of Shared Responsibility Agreements.⁶
<p>10 March 2005 <i>Government response to the Senate Committee Inquiry Into Recruitment and Training in the APS is released</i></p>	<p>On 21 March 2002, the bi-partisan Finance and Public Administration References Committee (the Committee) was convened to inquire into recruitment and training in the Australia Public Service and report by 12 December 2002. The final report was tabled in the Senate on 19 September 2003.</p> <p>The purpose of the Inquiry was 'to examine whether current recruitment and training practices and policies in the Australian Public service are adequate to meet the challenges the APS faces'.⁷</p> <p>The Minister for Employment and Workplace Relations tables the Government's response to the Committee Report into Recruitment and Training in the Australian Public Service (APS).</p>
<p>10 March 2005 <i>United Nations CERD Committee concluding observations on Australia released</i></p>	<p>The United Nations Committee on the Elimination of Racial Discrimination (CERD) issues its concluding observations on Australia following consideration of Australia's 13th and 14th periodic reports.</p> <p>The Committee acknowledges that significant progress has been achieved in the enjoyment of economic, social and cultural rights of Indigenous peoples, through the COAG framework and the national strategy on Indigenous violence; the diversionary and preventative programs aimed at reducing the over representation of young people in the criminal justice system; and the abrogation of mandatory sentencing in the Northern Territory.</p>

6 Senate Select Committee on the Administration of Indigenous Affairs, *After ATSIC – Life in the Mainstream*, The Senate, 8 March 2005, Summary of Recommendations.

7 Government response to the Senate Finance and Public Administration References Committee Report on Recruitment and Training in the Australian Public Service.



<p>10 March 2005 <i>(continued)</i></p>	<p>The Committee notes its concerns in the findings which include the abolition of ATSIC; the continuing gap between Indigenous peoples and others in the areas of housing, employment, health and income; the continued existence of mandatory sentencing in Western Australia; the over representation of Indigenous peoples in prison, continued deaths in custody, Aboriginal women as the fastest growing prison population; and the Government's rejection of most of the recommendations adopted by the Council for Aboriginal Reconciliation in 2000.⁸</p>
<p>16 March 2005 <i>Legislation to abolish ATSIC passed</i></p>	<p>Commonwealth Parliament passes the <i>Aboriginal and Torres Strait Islander Commission Amendment Act (2005)</i> which abolishes ATSIC.</p> <p>Regional Councils will continue to operate until 30 June 2005.</p> <p>The Torres Strait Regional Authority (TSRA) continues to operate under the Act.</p>
<p>24 March 2005 <i>Aboriginal and Torres Strait Islander Employment Coordinator appointed</i></p>	<p>The Australian Public Service Commission appoints Pat Turner as Aboriginal and Torres Strait Islander Employment Co-ordinator to oversee the Commission's work on the Indigenous Employment Strategy, leadership and skills development programs for Indigenous staff, and a new Indigenous research program.</p> <p>On 12 August 2005, the Prime Minister launches the <i>APS Employment and Capability Strategy for Aboriginal and Torres Strait Islander Employees</i> and announces \$6.8 million in additional funding to the APSC to implement the strategy, under the leadership of the Aboriginal and Torres Strait Islander Employment Coordinator.</p>
<p>1 April 2005 <i>Initial Bulletin from the Secretaries' Group meeting on Indigenous Affairs</i></p>	<p>The Secretaries' Group on Indigenous Affairs releases a bulletin providing an overview of the whole of government approach to Indigenous Affairs. At their meeting on March 1, it was agreed that Bulletins would be issued regularly. This first bulletin focuses on Shared Responsibility Agreement's (SRA's) as a new concept and a new way of doing business with Indigenous Communities.</p>

⁸ For full text on the CERD Committees Concluding Observations on Australia see <www.humanrights.gov.au/cerd/report.html> (4 October 2005).



<p>1 April 2005</p> <p><i>Victorian Aboriginal Legal Service wins tender to provide legal services to Indigenous peoples across Victoria</i></p>	<p>The Commonwealth Attorney-General announces the Victorian Aboriginal Legal Service (VALS) is the first organisation to be awarded a tender to provide legal services for Indigenous peoples under the new arrangements.</p> <p>The Attorney-General's Department has since released requests for tenders progressively in each State and Territory. The tendering process commenced in Victoria and Western Australia in November 2004 and in Queensland in March 2005. All services granted contracts in this round of tendering will commence service delivery under contract on 1 July 2005.</p>
<p>6 April 2005</p> <p><i>Bilateral agreement between Commonwealth and Northern Territory governments signed</i></p>	<p>The Prime Minister and the Chief Minister of the Northern Territory sign the <i>Overarching Agreement on Indigenous Affairs Between the Commonwealth of Australia and the Northern Territory of Australia</i>. This is the first bilateral agreement to come out of the June 2004 Council of Australian Governments' (COAG) commitment to improve services to Indigenous Australians.</p> <p>The Agreement sets out five priority areas:</p> <ul style="list-style-type: none"> • improving outcomes for young Indigenous Territorians; • building safer communities; • strengthening governance and developing community capacity; • building Indigenous wealth, employment and entrepreneurial culture; and • improving service delivery and infrastructure.
<p>6 April 2005</p> <p><i>Prime Minister opens discussion on private land ownership in Indigenous communities</i></p>	<p>The Prime Minister visits Wadeye, Northern Territory and announces there is a case for reviewing the issue of Aboriginal land title, with a focus on private recognition of land. The Prime Minister states that Aboriginal people should be able to aspire to own their own homes.</p>
<p>8 April 2005</p> <p><i>Social Justice Report 2004 and Native Title Report 2004 tabled in Parliament</i></p>	<p>The Federal Attorney-General tables the <i>Social Justice Report 2004</i> and the <i>Native Title Report 2004</i> in Parliament.</p> <p>The <i>Social Justice Report 2004</i> outlines the key challenges raised by the abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC) and Aboriginal and Torres Strait Islander Services (ATSIS) and the transfer of all Indigenous specific programs to mainstream government departments and the movement to new arrangements for administering Indigenous programs. The Report also examines the issues for Indigenous women exiting prison.</p>



<p>8 April 2005 <i>(continued)</i></p>	<p>The <i>Native Title Report 2004</i> considers options for promoting economic and social development through the native title system. The report examines a set of principles for promoting economic and social development through Native Title. The principles are based on strategies for sustainable development and capacity building and have been developed in consultation with NTRB's and other native title stakeholders.</p>
<p>22 April 2005 <i>Community Development Employment Project (CDEP)- Future Directions Announced</i></p>	<p>The Minister for Employment and Workplace Relations releases the government's response to the review of the Community Development Employment Project (CDEP) Scheme – <i>Building on Success: CDEP – Future Directions</i>.⁹</p> <p>In 2005-06 the CDEP program will:</p> <ul style="list-style-type: none"> • Remain flexible with emphasis on a unique mix of employment community activities and business development, • Have a stronger emphasis on results, • Use a new funding model with an emphasis on funding going to activities, and • Involve a partnership between Department of Employment and Workplace Relations (DEWR) and CDEP organisations to improve results and meet community needs. <p>DEWR announce a series of feedback sessions to commence April 26 to provide information to communities on the changes to CDEP.¹⁰</p>
<p>2 May 2005 <i>New Family Violence Prevention Legal Services Announced</i></p>	<p>The Attorney-General announces four new services will be funded under the Indigenous Family Violence Legal Services Program.</p> <p>The new service providers are:</p> <ul style="list-style-type: none"> • Wirraka Maya Health Service Aboriginal Corporation (Port Headland, Western Australia); • Weena Mooga Gu Gudba Inc. (Ceduna, South Australia);

9 Department of Workplace Relations, *Building on Success: CDEP Future Directions*, DEWR, Canberra, April 2005.

10 Minister for Employment and Workplace Relations, *CDEP Future Directions Announced*, Media Release, 22 April 2005.



<p>2 May 2005 <i>(continued)</i></p>	<ul style="list-style-type: none"> • Cape York Family Violence Prevention Legal Service Unit (North Queensland); and • Coalition on Criminal Assault in the Home (North Queensland) Inc. (Palm Island, Hughenden, Richmond, Charters Towers, Queensland). <p>The Department also invites applications to deliver services in nine other areas.</p>
<p>10 May 2005 <i>Federal Budget 2005</i></p>	<p>The Minister for Immigration and Multicultural and Indigenous Affairs announces funding in the 2005-2006 Budget allocation to Indigenous affairs will total \$3.114 billion.</p> <p>Consideration of Indigenous expenditure across government is guided by the Ministerial Taskforce on Indigenous Affairs and consists of a single Indigenous Budget submission.</p> <p>The key Budget measures within the Indigenous Affairs portfolio are Shared Responsibility Agreements; Healthy Indigenous Housing; Indigenous Health programs including Healthy for Life, Combating Petrol Sniffing, the Hearing Services Program and additional funding to the Primary Health Care Access Program.</p>
<p>May 2005 <i>Secretaries' Group on Indigenous Affairs release Second Bulletin</i></p>	<p>Secretaries' Group on Indigenous Affairs issues second bulletin which focuses on the new whole of government approach to the budget.</p>
<p>10 May 2005 <i>Minister announces changes to CDEP funding</i></p>	<p>The Minister for Employment and Workplace Relations announces changes to the Community Development Employment Project (CDEP) are to take effect immediately.</p>
<p>24 May 2005 <i>Minister announces 15 new Indigenous Employment Centres</i></p>	<p>The Minister for Employment and Workplace Relations announces the establishment of fifteen new Indigenous Employment Centres (IECs) throughout regional Australia.</p> <p>The establishment of the additional centres is part of the Government's response to the feedback it received on the Community Development Employment Projects (CDEP) Discussion Paper <i>Building on Success</i> earlier this year.</p>



<p>25 & 26 May 2005</p> <p><i>Second Indigenous Economic Development Forum held in Darwin</i></p>	<p>The second Indigenous Economic Development Forum is held in Darwin.¹¹</p> <p>The Chief Minister of the Northern Territory launches the Northern Territory Government's new Indigenous Economic Development Strategy at the forum.</p> <p>The Strategy covers 13 industry sectors and identifies specific opportunities for development in construction, tourism, community services, mining and production, retail and services, pastoral, horticultural, natural resources management, government, forestry and agribusiness, arts, knowledge and culture, and aquaculture and fisheries.</p>
<p>27 May 2005</p> <p><i>Minister announces 52 Shared Responsibility Agreements signed</i></p>	<p>The Minister for Immigration and Multicultural and Indigenous Affairs releases details of the first round of Shared Responsibility Agreements (SRA's) to be finalised. The 52 Shared Responsibility Agreements involve 43 separate Indigenous communities.</p>
<p>30 May 2005</p> <p><i>National Recognition for Good Indigenous Government</i></p>	<p>The patrons of Reconciliation Australia name eight organisations as finalists in the inaugural Indigenous Governance Awards. The scheme has been developed by Reconciliation Australia in conjunction with BHP Billiton to recognise and promote good practice across Indigenous Australia.</p>
<p>3 June 2005</p> <p><i>The Council of Australian Governments' (COAG) meet in Canberra</i></p>	<p>The Council of Australian Governments (COAG) holds its 15th meeting in Canberra. The Council discuss significant areas of national interest including Indigenous issues.</p> <p>The Council receive reports on the Indigenous Communities Coordination Trials and the National Framework for Reconciliation. COAG reaffirm their commitment to work together in an ongoing partnership to improve outcomes for Aboriginal and Torres Strait Islander people.</p> <p>In particular, COAG note the importance of governments working together with local Indigenous communities on the basis of shared responsibility.</p>

11 Clare Martin Chief Minister, Minister for Indigenous Affairs, *Strategy for More Jobs For Indigenous Territorians*, Media Release, 25 May 2005.



<p>3 June 2005</p> <p><i>National Indigenous council release draft working document on possible Indigenous land tenure principles</i></p>	<p>The National Indigenous Council (NIC) meets with both Land Councils and Native Title Representative Bodies (NTRBs) to discuss possible Indigenous land tenure principles that the Council has developed.¹²</p> <p>The NTRBs and Land Councils almost unanimously reject the NIC's draft principles.¹³</p>
<p>10 June 2005</p> <p><i>Victoria to establish a new representative body for the state's Aboriginal communities</i></p>	<p>The Victorian Aboriginal Affairs Minister announces a series of consultation sessions have been planned for regional Victoria with a view to establishing a new representative body for the State's Indigenous communities. This is in response to the disbanding of the Aboriginal and Torres Straits Islander Commission.</p>
<p>15-16 June 2005</p> <p><i>Third NIC meeting and second joint meeting with the Ministerial Taskforce (MTF) on Indigenous Affairs</i></p>	<p>The third National Indigenous Council (NIC) meeting and second joint meeting with the Ministerial Taskforce (MTF) on Indigenous Affairs is held. The primary areas of discussion at this meeting are land tenure and economic development.</p>
<p>17 June 2005</p> <p><i>Minister launches the Indigenous Employment Strategy for Industry</i></p>	<p>The Minister for Employment and Workplace Relations launches the Australian Chamber of Commerce and Industry's Indigenous Employment Strategy for Industry, <i>Employing Indigenous Australians</i>.</p>
<p>22 June 2005</p> <p><i>Senator Aden Ridgeway makes valedictory speech</i></p>	<p>Senator Ridgeway makes his valedictory speech in the Senate in the lead up to his final days in Parliament. Senator Ridgeway states his continued commitment to National Reconciliation and his reliance on truth, universality and human dignity as guiding principles during his time as Senator.</p>
<p>23 June 2005</p> <p><i>Minister announces the Corporations (Aboriginal and Torres Strait Islander) Bill 2005</i></p>	<p>The Minister for Immigration and Multicultural and Indigenous Affairs announces the details of the <i>Corporations (Aboriginal and Torres Strait Islander) Bill 2005</i>. The Bill aims to overhaul incorporation legislation for Aboriginal and Torres Strait Islander corporations.</p> <p>The implementation of the new legislation will commence on 1 July 2006, this is to allow existing corporations to make the transition to the new regime.</p> <p>The Bill is intended to replace the <i>Aboriginal Councils and Associations Act 1976</i>.</p>

12 National Indigenous Council, *Indigenous Land Tenure Principles*, Media Release, 3 July 2005.

13 National Indigenous Times, *Confusion reigns*, Thursday, 4 August 2005.



<p>30 June 2005</p> <p><i>ATSIC Regional Councils close and cease to exist</i></p>	<p>ATSIC Regional Councils cease to exist, as those provisions of the <i>ATSIC Amendment Bill</i> come into effect.</p> <p>The Aboriginal and Torres Strait Islander Social Justice Commissioner urges the Commonwealth and State/Territory governments to work together to facilitate and fund alternative regional representative structures.</p>
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Further information on events relating to the introduction of new arrangements for the administration of Indigenous affairs, 1 July 2004-30 June 2005

<p>1 July 2004</p> <p><i>New arrangements for the administration of Indigenous affairs begin</i></p>	<p>The new arrangements for the administration of Indigenous affairs at the federal level commence. Under the new arrangements more than \$1 billion of former ATSIC-ATSIS programs are transferred to mainstream departments. These departments are now required to accept responsibility for Indigenous services and be held accountable for outcomes.</p>
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On the 30 June 2004, the Minister Immigration and Multicultural and Indigenous Affairs advises that as of 1 July 2004:

More than \$1 billion of former ATSIC-ATSIS programmes have been transferred to mainstream Australian Government agencies and some 1,300 staff commence work in the new Departments as of tomorrow.

We want more of the money to hit the ground. We are stripping away layers of bureaucracy to make sure that local families and communities have a real say in how money is spent.

Mainstream departments will be required to accept responsibility for Indigenous services and will be held accountable for outcomes. In future they will work in a coordinated way so that the old programme silos of the past are broken down.

Guiding whole-of-government service delivery with Indigenous representatives will be partnership Agreements developed at the regional level and shared responsibility agreements at the local and community level. The new approach will require communities to offer commitments such as improved school attendance in return for Government funding initiatives.¹⁴

¹⁴ Minister for Immigration and Multicultural and Indigenous Affairs, *Australian Government Changes to Indigenous Affairs Services Commence Tomorrow*, Press Release, 30 June 2004.

**Table 1: Transfer of ATSI-ATSIC functions from 1 July 2004¹⁵**

Program	Portfolio
Community Development and Employment Scheme; business development and assistance; home ownership	Employment and Workplace Relations
Community Housing and Infrastructure; Indigenous women	Family and Community Services
Art, culture and language; broadcasting services; sport and recreation; maintenance and protection of Indigenous heritage	Communication, Information Technology and the Arts
Legal and preventative; family violence prevention; legal services	Attorney-General
Access to effective family tracing and reunion services	Health and Ageing
Indigenous rights; international issues; native title and land rights; repatriation; Indigenous Land Fund; Community Participation Agreements; Torres Strait Islanders on the mainland; planning and partnership development; public information	Immigration, Multicultural and Indigenous Affairs

Table 2: Transfer of agencies to new portfolios

Agency	Portfolio
Aboriginal and Torres Strait Islander Services	Disbanded: programs taken over by mainstream agencies; coordination functions taken over by Office of Indigenous Policy Coordination within Department of Immigration, Multicultural and Indigenous Affairs
Australian Institute of Aboriginal and Torres Strait Islander Studies	Education, Science and Training
Aboriginal Hostels Ltd	Family and Community Services
Indigenous Business Australia	Employment and Workplace Relations
Indigenous Land Corporation; Torres Strait Regional Authority; Registrar of Aboriginal Corporations	Immigration, Multicultural and Indigenous Affairs
Office of Evaluation and Audit	Finance

15 *ibid.*



31 August 2004

Senate Select Committee on the Administration of Indigenous Affairs released interim report on the provisions of the ATSIC Amendment Bill 2004.

The Senate Select Committee on the Administration of Indigenous Affairs releases interim report on the provisions of the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004 (ATSIC Amendment Bill).

It states that due to the federal election it will be unable to complete the inquiry. The Government Members of the Senate Committee release a dissenting report. It notes 'little support [was] expressed for ATSIC'¹⁶ in submissions received.

The Senate Committee is then reconvened on 17 November 2004 and reports in March 2005.

The Senate Select Committee on the Administration of Indigenous Affairs releases an interim report for its inquiry into the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004 (ATSIC Amendment Bill) and related matters. The interim report notes the number of submissions received and states that due to the prorogation of parliament for the conduct of the federal election, the committee is unable to complete the final report.¹⁷

In response to the absence of any preliminary findings, the Government Senators of the Committee release a dissenting report. This report notes that, 'in the submissions and hearings there has been little support expressed for ATSIC'.¹⁸

The Senate Select Committee on the Administration of Indigenous Affairs is reconvened on 17 November 2004 and releases its final report in March 2005.¹⁹

16 Select Committee on the Administration on Indigenous Affairs, *Government Senators' Dissenting Report*, 31 August 2004 – for full text of the report see <http://www.aph.gov.au/Senate/committee/indigenousaffairs_ctte/report/interim/govt_senators%20dissent.pdf> (25 August 2005).

17 Select Committee on the Administration of Indigenous Affairs, *Interim Report*, 31 August 2004.

18 Select Committee on the Administration of Indigenous Affairs, *Government Senators' Dissenting Report*, *op.cit.*

19 Senate Select Committee on Indigenous Affairs, *Appointment and Terms of Reference*, The Senate Parliament of Australia website, for full text of the terms of reference see http://www.aph.gov.au/Senate/committee/indigenousaffairs_ctte/tor.htm (11 August 2005).



<p>6 November 2004</p> <p><i>The National Indigenous Council is appointed</i></p>	<p>The Minister for Immigration and Multi-cultural and Indigenous Affairs announces the membership of the Government-appointed advisory body, the National Indigenous Council (NIC). Dr. Sue Gordon is appointed as the Chairperson of the NIC.</p> <p>The Minister advises that the NIC is not intended to be a representative body or to replace ATSIC:</p> <p>The Council will act as an advisory body to Government through the Ministerial Taskforce on Indigenous Affairs, and will support the work of the Taskforce in developing strategies to improve delivery of services to Indigenous Australians.²⁰</p> <p>Members of the NIC are appointed based on their 'expertise and experience'.²¹ The NIC will meet four times per year and advise the Ministerial Taskforce on Indigenous Affairs.</p>
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The Minister for Immigration and Multicultural and Indigenous Affairs announces the membership of the Government-appointed advisory body, the National Indigenous Council (NIC). It is composed of Government appointed Indigenous Advisers (which comprises both Torres Strait Islander and Aboriginal members). The Government advises that the NIC has been:

appointed based on members' expertise and experience in particular policy areas. Members of the Council will provide advice on policy and service delivery to the Ministerial Taskforce.

The NIC will meet at least four times a year and directly with the Ministerial Taskforce at least twice a year. The Council or its members may also meet with the Secretaries' Group and individual departments on issues in their areas of expertise.

The NIC will advise on priority areas for funding, and alert the Government to emerging issues. It will also promote constructive dialogue and engagement between government and Indigenous people and organisations.²²

Members of the NIC are:

Dr Sue Gordon AM (Chair), Wesley Aird, Dr Archie Barton, Professor Mary Ann Bin-Sallik, Miriam Rose Baumann OAM, Joseph Elu, Robert Lee, Adam Goodes, Dr Sally Goold OAM, Dr John Moriarty AM, Warren Mundine, Joe Procter, Michael White and Tammy Williams.

The members are appointed for an initial term of 2 years. They are not paid for their role, though will receive sitting fees for meetings.²³

²⁰ Minister for Immigration and Multicultural and Indigenous Affairs, *National Indigenous Council Appointed*, Media Release, 6 November 2004.

²¹ *ibid.*

²² *ibid.*

²³ *ibid.*



<p>8-9 December 2004</p> <p><i>Inaugural National Indigenous Council meeting</i></p>	<p>The inaugural meeting of the National Indigenous Council (NIC) is held in Canberra. The Council meet with the Prime Minister, the Minister for Immigration and Multicultural and Indigenous Affairs and the Ministerial Taskforce on Indigenous Affairs.</p> <p>The Terms of Reference for the NIC are agreed. The NIC identify its three priority areas as:</p> <ul style="list-style-type: none"> • early childhood intervention and improving primary health and early education outcomes; • safer communities; and • overcoming passive welfare with improvements in employment outcomes and economic development for Indigenous Australians.²⁴
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The NIC meet in Canberra for inaugural meeting from 8-9 December 2004. During this meeting the NIC's Terms of Reference are agreed upon as follows:

1. Provide expert advice to the Government on how to improve outcomes for Indigenous Australians in the development and implementation of policy affecting Aboriginal and Torres Strait Islander people;
2. Provide expert advice to government on how to improve program and service delivery outcomes for Aboriginal and Torres Strait Islander people including maximising the effective interaction of mainstream and indigenous-specific programs and services;
3. Provide advice on Indigenous Australians' views on the acceptance and effectiveness of Commonwealth and State and Territory Government programs;
4. Provide advice on the appropriateness of policy and program options being considered to address identified needs;
5. Provide advice to government on national funding priorities;
6. Alert government to current and emerging policy, program and service delivery issues;
7. Promote constructive dialogue and engagement between government and Aboriginal and Torres Strait Islander people, communities and organisations;
8. Provide advice on specific matters referred to it by the Minister; and
9. Report to the Minister as appropriate on the NIC's activities and achievements.²⁵

The Terms of Reference also state that the NIC will not provide advice on specific funding proposals.

²⁴ Gordon, S., *First meeting of the National Indigenous Council: A very good beginning*, Media Statement, 9 December 2004.

²⁵ *ibid.*



In addition to the Terms of Reference, the NIC and Ministerial Taskforce identify three priority areas to be addressed. These are:

- early childhood intervention;
- safer communities; and
- overcoming passive welfare with improvements in employment outcomes and economic development for Indigenous Australians.²⁶

<p>14 February 2005</p> <p><i>Indigenous Australian Public Service (APS) jobs at lowest in ten years</i></p>	<p>The Australian Public Service Commission releases the State of the Service Report 2003-4. It raises concerns that a long term trend of declining representation of Indigenous Australians is starting to emerge within the Australian Public Service (APS).</p> <p>The report confirms that both the numbers and proportion of Indigenous employees in the APS has declined since the previous year's report.</p>
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The Australian Public Service Commission releases its annual State of the Service Report for the 2003/04 financial year. The report finds the number of Indigenous employees in the APS fell during 2003-2004, both in actual numbers and as a proportion of total ongoing employees. The number fell by 98, down from 2,937 to 2,839, and the actual representation rate fell 0.1% to 2.3%. The highest rate of Indigenous employment in the APS was 2.7% in 1999.²⁷

Those agencies that deliver services to, or work within Indigenous communities had overall, a higher proportion of Indigenous employees than other APS departments.

<p>17-18 February 2005</p> <p><i>The second National Indigenous Council (NIC) meeting is held</i></p>	<p>The National Indigenous Council holds its second meeting in Canberra. The NIC considers a paper on how Indigenous land might be used to further the economic development of Indigenous people.</p>
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Feedback is provided to the Ministerial Task Force on the previously identified priority areas of early childhood intervention, primary health and early education, safer communities and land use and economic development.

The NIC considers a paper tabled by one of their members, focussing on the issue of communally owned Indigenous land being used to further the economic development of Indigenous people. The NIC discusses the potential consequences and possible benefits of adjustments to the forms of land tenure held under the various existing Land Rights legislation and Native Title legislation.

²⁶ *ibid.*

²⁷ Australian Public Service Commission, *State of the Service Report 2003-2004*, Commonwealth of Australia, 5 November 2004 – for full report see <<http://www.apsc.gov.au/stateoftheservice/0304/report.pdf>> (11 August 2005).



A representative from the Department of Employment and Workplace Relations briefs the Council on the proposed reforms of the Community Development Employment Projects (CDEP). The Council is also briefed on a key initiative which underpins the new arrangements in Indigenous Affairs, Shared Responsibility Agreements (SRA's).²⁸

<p>21 February 2005</p> <p><i>CDEP Discussion Paper is released</i></p>	<p>The Minister for Employment and Workplace Relations launches <i>Building on Success – CDEP Discussion Paper 2005</i>.²⁹ The discussion paper outlines proposed reforms to the Community Development Employment Projects (CDEP) scheme.</p> <p>The discussion paper proposes:</p> <ul style="list-style-type: none"> • Linking CDEP to local community needs; • A stronger focus on results in three key activity streams – employment, community activities and business development; • Developing links with other programs and services; including Job Network, employer and business enterprise; and • DEWR and ICCs to provide support to CDEP organisations to improve outcomes. <p>DEWR undertakes a series of 40 community consultations over three days nationally as well as inviting written feedback on the proposals. The written submissions are due on 24 March 2005.</p>
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Building on Success sets out proposed changes to the CDEP scheme. The paper invites submissions on the various proposals, due on 24 March, as well as conducting 40 consultations across Australia from February 22 to February 25.

The proposals are:

- Linking CDEP to local community needs – CDEP organisations will be required to work more closely with Indigenous communities to improve links between CDEP activities and local needs based on the three streams of employment, community activity and business development. CDEP activities can and should directly link to SRAs where they exist.
- Three key areas: employment, community activities and business development – CDEP organisations will be asked to identify where their activities fit into the three key areas of employment, community activity and/or business development. The activities will match the needs of the community. In places where there are good job opportunities, the CDEP may concentrate on finding non-CDEP jobs for participants. In regions where local jobs are limited, CDEP might focus more on community activity.

28 National Indigenous Council, *Second meeting of the National Indigenous Council: a chance to consolidate*, Media Statement, 18 February 2005.

29 Department of Employment and Workplace Relations, *Building on Success – CDEP Discussion Paper 2005*, DEWR, Canberra, February 2005.



- Links with other programmes and services – There is scope for improved links between CDEP organisations and Job Network services particularly in areas with good job opportunities. There is potential for more Indigenous Employment Centres and improved links with Job Network whereby Indigenous Employment Centres might eventually become specialist Indigenous Job Network providers.
- Support CDEP organisations – Indigenous Coordination Centre staff will provide CDEP organisations with information, support and staff training. DEWR will provide job market information and CDEP organisations will have easier access to the CDEP Placement Incentive. Opportunities may arise for CDEP organisations to become Indigenous Employment Centres.

<p>8 March 2005</p> <p><i>Select Committee on the Administration of Indigenous Affairs releases final report on the abolition of ATSIC</i></p>	<p>The Select Committee on the Administration of Indigenous Affairs releases <i>After ATSIC Life in the Mainstream</i>. The Committee makes 13 recommendations to the Government.</p> <p>Among the recommendations the Committee:</p> <p>5.1 recommends that the Government immediately establishes a mechanism to thoroughly and impartially assess the new mainstreaming arrangements as they are implemented, including those already in place. The Committee also recommends that the resultant report is made public; and</p> <p>5.3 recommends the establishment of a Senate Standing Committee on Indigenous Affairs, tasked with examination of:</p> <ul style="list-style-type: none"> • The implementation of the mainstreaming policy; • The coordination of Commonwealth, state and territory agencies; • The formation of representative arrangements; and • The equity of Shared Responsibility Agreements.³⁰
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The Senate Select Committee on the Administration of Indigenous Affairs releases its report on the abolition of ATSIC and new arrangements: *After ATSIC – Life in the Mainstream*. The Committee makes thirteen recommendations to the Government:

Recommendation 1.1

1.27 The Committee accordingly recommends that the government affirms formally that ATSIC’s powers remain in force until the date of proclamation of the relevant legislation, and that decisions taken in accordance with the law up to that date are recognised and implemented.

30 Senate Select Committee on the Administration of Indigenous Affairs, *After ATSIC – Life in the Mainstream*, The Senate, 8 March 2005, Summary of Recommendations.



Recommendation 3.1

3.11 The Committee recommends that all assets controlled by ATSIC continue to be applied to the benefit of Indigenous Australians, and that Indigenous people retain custody of Indigenous artworks and artefacts.

Recommendation 3.2

3.27 The Committee recommends that ILC's capacity to manage its portfolio of properties be monitored by the Parliamentary Joint Committee on Native Title as part of its statutory scrutiny role of the ILC. In the event that ATSIC and its regional councils are abolished, the ordinary members of the ILC Board include an Indigenous representative nominated by a relevant Indigenous organisation.

Recommendation 3.3

3.42 The Committee recommends that the Bill be amended to provide appeals to the Administrative Appeals Tribunal in cases where IBA refuses a business loan. The Committee also recommends that the Government examine all new requirements that the Bill and related administrative changes impose on the IBA to ensure that these do not have a negative impact on its operation.

Recommendation 3.4

3.46 The Committee recommends that the Parliamentary Joint Committee on Native Title carefully examine the issue of conflict of interest in the funding of Native Title Representative Bodies as part of its current inquiry into Native Title Representative Bodies.

Recommendation 3.5

3.53 The Committee recommends that consultation clauses in the Acts modified by the ATSIC Amendment Bill be amended to insert a requirement to consult relevant Indigenous organisations.

Recommendation 4.1

4.37 The Committee recommends that the Government allocate funds to expand opportunities for Indigenous leadership, governance and administration training and development. These funds could be allocated out of money saved from ATSIC's running costs.

Recommendation 4.2

4.43 The Committee recommends that the Government give active support and funding to the formation of a national Indigenous elected representative body, and provide it with ongoing funding. The Committee also recommends that the Government publicly commit to acknowledging that body as the primary source of advice on Indigenous advocacy and views. The Committee recommends the elected body should include a representative of Torres Strait Islander people living on the mainland.

Recommendation 4.3

4.63 The Committee recommends that the government defer plans to abolish the Regional Councils, and continue with consultation processes on developing new regional representative arrangements, recognising that in some areas, the preferred outcome may be to have organisations similar to TSRA and existing Regional Councils.



Recommendation 4.4

4.72 The Committee recommends that the NIC be a temporary body, to exist only until a proper national, elected representative body is in place.

Recommendation 5.1

5.76 The Committee recommends that the Government immediately establishes a mechanism to thoroughly and impartially assess the new mainstreaming arrangements as they are implemented, including those already in place. The Committee also recommends that the resultant report is made public.

Recommendation 5.2

5.97 The Committee recommends that ICC Managers have the delegated authority necessary to make direct funding decisions, within their agreed budget, on local Indigenous programs.

Recommendation 5.3

5.167 The Committee recommends the establishment of a Senate Standing Committee on Indigenous Affairs, tasked with examination of:

- the implementation of the mainstreaming policy;
- the coordination of Commonwealth, state and territory agencies;
- the formation of representative arrangements; and
- the equity of Shared Responsibility Agreements.³¹

The Committee found that at a national level, the institutions, the policies and programs that are in place have failed Indigenous Australians. While the Committee acknowledged slow and gradual improvements across many of the key indicators, relative to the general population Indigenous people still lagged behind in many areas.³² This failure cannot be solely attributed to a “failure” of ATSIC, nor does it indicate that the policy of self-determination is a failure. The problems faced by Indigenous Australians are far reaching and the disadvantage that they suffer is severe. The reasons for this disadvantage are complex in their origins and cannot be attributed simply to the “failure” of ATSIC or any other individual or agency.

The Committee advise that international evidence suggests that the recognition and empowerment of Indigenous peoples are fundamental to addressing material disadvantage. The Committee recommends that national performance in Indigenous affairs be subjected to careful, continuous and transparent monitoring and notes that it is the Government as a whole who must be held accountable for the current state of affairs.

31 *ibid.*

32 *ibid.*, p42.



<p>10 March 2005</p> <p><i>Government response to the Senate Committee Inquiry Into Recruitment and Training in the APS is released</i></p>	<p>On 21 March 2002, the bi-partisan Finance and Public Administration References Committee (the Committee) was convened to inquire into recruitment and training in the Australia Public Service and report by 12 December 2002. The final report was tabled in the Senate on 19 September 2003.</p> <p>The purpose of the Inquiry was 'to examine whether current recruitment and training practices and policies in the Australian Public service are adequate to meet the challenges the APS faces'.³³</p> <p>The Minister for Employment and Workplace Relations tables the Government's response to the Committee Report into Recruitment and Training in the Australian Public Service (APS).</p>
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The Government responds to the report of the Senate Finance and Public Administration References Committee on Recruitment and Training in the Australian Public Service (APS). The report had been tabled in the Senate on 18 September 2003. The report supported APS Commission initiatives, such as establishing an Indigenous employment working group to assist development of recruitment and retention strategies.

The Indigenous Employment Strategy, a whole-of-government project initiated by the APS Commission in 2003, is an example of such a strategy. The Government indicates its support in its response.³⁴ Following a report recommendation that dedicated funds be provided for such strategies, the Government provides \$400,000 to support the Indigenous Employment Strategy with further funding to be provided pending review.³⁵

33 Government response to the Senate Finance and Public Administration References Committee Report on Recruitment and Training in the Australian Public Service.

34 Senate Hansard, 10 March 2005, p86.

35 *ibid.*, p91.



<p>10 March 2005</p> <p><i>United Nations CERD Committee concluding observations on Australia released</i></p>	<p>The United Nations Committee on the Elimination of Racial Discrimination (CERD) issues its concluding observations on Australia following consideration of Australia's 13th and 14th periodic reports.</p> <p>The Committee acknowledges that significant progress has been achieved in the enjoyment of economic, social and cultural rights of Indigenous peoples, through the COAG framework and the national strategy on Indigenous violence; the diversionary and preventative programs aimed at reducing the over representation of young people in the criminal justice system; and the abrogation of mandatory sentencing in the Northern Territory.</p> <p>The Committee notes its concerns in the findings which include the abolition of ATSIC; the continuing gap between Indigenous peoples and others in the areas of housing, employment, health and income; the continued existence of mandatory sentencing in Western Australia; the over representation of Indigenous peoples in prison, continued deaths in custody, Aboriginal women as the fastest growing prison population; and the Government's rejection of most of the recommendations adopted by the Council for Aboriginal Reconciliation in 2000.³⁶</p>
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The Committee considered the 13th and 14th periodic reports of Australia at its 1685th and 1686th meetings held on 1 and 2 March 2005. The Committee issues its Concluding Observations on 10 March 2005. They include the following matters relating to Aboriginal and Torres Strait Islander issues.

Positive aspects

4. The Committee notes with satisfaction that significant progress has been achieved in the enjoyment of economic, social and cultural rights by the indigenous peoples. It welcomes the commitment of all Australian governments to work together on this issue through the Council of Australian Governments, as well as the adoption of a national strategy on indigenous family violence.
5. The Committee notes with great interest the diversionary and preventative programmes aimed at reducing the number of indigenous juveniles entering the criminal justice system, as well as the development of culturally sensitive procedures and practices among the police and the judiciary.
6. The Committee welcomes the abrogation of mandatory sentencing provisions in the Northern Territory.
7. The Committee welcomes the adoption of a Charter of Public Service in a Culturally Diverse Society to ensure that government services are provided in a way that is sensitive to the language and cultural needs of all Australians.
8. The Commission welcomes the numerous human rights education programmes developed by the Human Rights and Equal Opportunity Commission (HREOC).

³⁶ For full text on the CERD Committees Concluding Observations on Australia see <www.humanrights.gov.au/cerd/report.html> (4 October 2005).



Concerns and recommendations

9. The Committee, while noting the explanations provided by the delegation, reiterates its concern about the absence of any entrenched guarantee against racial discrimination that would override the law of the Commonwealth. (article 2)

The Committee recommends to the State party that it work towards the inclusion of an entrenched guarantee against racial discrimination in its domestic law.

10. The Committee notes that the Australian Human Rights Commission Legislation Bill 2003 reforming the HREOC has lapsed in Parliament, but that the State party remains committed to pursue the reform of the Commission. It notes the concerns expressed by the HREOC that some aspects of the reform could significantly undermine its integrity, independence and efficiency. (article 2)

The Committee notes the importance given by the State party to the HREOC in monitoring Australia's compliance with the provisions of the Convention and recommends that it take fully into account the comments expressed by the HREOC on the proposed reform, and that the integrity, independence and efficiency of the Commission be fully preserved and respected.

11. The Committee is concerned by the abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC), the main policy-making body in Aboriginal affairs consisting of elected indigenous representatives. It is concerned that the establishment of a board of appointed experts to advise the Government on indigenous peoples issues, as well as the transfer of most programmes previously provided by ATSIC and Aboriginal and Torres Strait Islander Service to government departments, will reduce participation of indigenous peoples in decision making and thus alter the State party's capacity to address the full range of issues relating to indigenous peoples. (articles 2 and 5)

The Committee recommends that the State party take decisions directly relating to the rights and interests of indigenous peoples with their informed consent, as stated in its General Recommendation 23 (1997). The Committee recommends that the State party may reconsider the withdrawal of existing guarantees for the effective representative participation of indigenous peoples in the conduct of public affairs as well as in decision and policy-making relating to their rights and interests.

15. The Committee notes with concern that it has proved difficult for complainants, under the Racial Discrimination Act, to establish racial discrimination in the absence of direct evidence, and that no cases of racial discrimination, as distinct from racial hatred, have been successfully litigated in the Federal courts since 2001. (articles 4 and 6)

The Committee, having taken note of the explanations provided by the delegation, invites the State party to envisage regulating the burden of proof in civil proceedings involving racial discrimination so that once an alleged victim has established a prima facie case that he or she has been a victim of such discrimination, it shall be for the respondent to provide evidence of an objective and reasonable justification for differential treatment.

16. The Committee notes with concern the persistence of diverging perceptions between governmental authorities and indigenous peoples and others on the compatibility of the 1998 amendments to the Native Title Act with the Convention. The Committee reiterates its view that the Mabo case and the 1993 Native Title Act constituted a significant development in the recognition of indigenous peoples' rights, but that the 1998 amendments wind back some of the protections previously offered to indigenous peoples, and provide legal certainty for government and third parties at the expense of indigenous title. The Committee stresses in this regard that the use by the State party of a margin of appreciation



in order to strike a balance between existing interests is limited by its obligations under the Convention. (article 5)

The Committee recommends that the State party should not adopt measures withdrawing existing guarantees of indigenous rights and that it should make all efforts to seek the informed consent of indigenous peoples before adopting decisions relating to their rights to land. It further recommends that the State party reopen discussions with indigenous peoples with a view to discussing possible amendments to the Native Title Act and finding solutions acceptable to all.

17. The Committee is concerned about information according to which proof of continuous observance and acknowledgement of the laws and customs of indigenous peoples since the British acquisition of sovereignty over Australia is required to establish elements in the statutory definition of native title under the Native Title Act. The high standard of proof required is reported to have the consequence that many indigenous peoples are unable to obtain recognition of their relationship with their traditional lands. (article 5)

The Committee wishes to receive more information on this issue, including on the number of claims that have been rejected because of the requirement of this high standard of proof. It recommends that the State party review the requirement of such a high standard of proof, bearing in mind the nature of the relationship of indigenous peoples to their land.

18. The Committee notes that 51 determinations of Native Title have been made since 1998, and that 37 of them have confirmed the existence of Native Title. It also acknowledges the provisions introduced by the 1998 amendments to the Native Title Act regarding Indigenous Land Use Agreements, as well as the creation of the Indigenous Land Fund in 1995 to purchase land for indigenous Australians unable to benefit from recognition of native title. (article 5)

The Committee wishes to receive more detailed information, including statistical data, on the extent to which such arrangements respond to indigenous claims over land. Information on achievements at State and Territories level may also be provided.

19. While noting the improvement in the enjoyment, by the indigenous peoples, of their economic, social and cultural rights, the Committee is concerned over the wide gap that still exists between the indigenous peoples and others, in particular in the area of employment, housing, health, education and income. (article 5)

The Committee recommends that the State party intensify its efforts in order to achieve equality in the enjoyment of rights and allocate adequate resources to programmes aimed at the eradication of disparities. It recommends in particular that decisive steps be taken in order to ensure that a sufficient number of health professionals provide services to indigenous peoples, and that the State party set up benchmarks for monitoring progress in key areas of indigenous disadvantage.

20. The Committee, having taken note of the explanations provided by the State party, reiterates its concern about provisions for mandatory sentencing in the Criminal Code of Western Australia. The Committee is concerned by reports of the disparate impact of this law on indigenous groups, and reminds the State party that the Convention prohibits direct as well as indirect discrimination. (article 5)

The Committee recommends that the State party take appropriate measures to achieve abrogation of such legislation, following the example of the Northern Territory. The Committee further stresses the role and responsibility of the Federal government in this regard under the Convention.

21. The Committee remains concerned about the striking over-representation of indigenous people in prisons as well as the percentage of indigenous deaths in



custody. It has also been reported that indigenous women constitute the fastest growing prison population. (article 5)

The Committee recommends that the State party increase its efforts to remedy this situation. It wishes to receive more information about the implementation of the recommendations of the Royal Commission on Aboriginal Deaths in Custody.

25. The Committee, while acknowledging the efforts undertaken by the State party to achieve reconciliation, and having taken note of the 1999 Motion of Reconciliation, is concerned about reports that the State party has rejected most of the recommendations adopted by the Council for Aboriginal Reconciliation in 2000. (article 6)

The Committee encourages the State party to increase its efforts with a view to ensuring that a meaningful reconciliation is achieved and accepted by the indigenous peoples and the population at large. It reiterates its recommendation that the State party consider the need to address appropriately the harm inflicted by the forced removal of indigenous children.

27. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized. It suggests that consultation of non governmental organisations and indigenous peoples be organized during the compilation of the next periodic report.

28. The State party should within one year provide information on the way it has followed-up upon the Committee's recommendations contained in paragraphs 10, 11, 16 and 17 (paragraph 1 of rule 65 of the rules of procedure). The Committee recommends that the State party submit its 15th, 16th and 17th periodic reports in a single report, due on 30 October 2008.³⁷

The government is due to submit further information, as requested in paragraph 28, before the March 2006 session of the Committee. This information will be dealt with by a member of the Committee appointed to the role of CERD Follow Up Coordinator. Terms of reference for this role were adopted in March 2005 and state:

2. The Committee may ask the State party to submit information at a specified time before the next reporting session of the State concerned. The coordinator will be responsible for monitoring respect by the State party for deadlines set by the Committee...

3. The coordinator will analyse and assess the information received from the State party pursuant to a request by the Committee for further information. This task should be shared with the country rapporteur. If the coordinator finds that further information is needed, the coordinator will take the matter up with the State party.

4. The coordinator may make recommendations for appropriate action to the Committee when information as mentioned in para. 2 is received and in the case of non-receipt of such information. The coordinator may, inter alia, recommend that the Committee take note of the information, request further information in the next periodic report or remind the State Party of recommendations included in the last concluding observations of the Committee and their obligations as parties to the ICERD. The meeting is held in private.

³⁷ United Nations Committee on the Elimination of Racial Discrimination, *Concluding Observations – Australia*, UN Doc: CERD/C/AUS/CO, 14 April 2005.



5. The coordinator shall submit a succinct progress report to the Committee at each session. The Committee should set aside sufficient time for discussion of the coordinator's findings and the adoption of formal recommendations, if any, including, where appropriate, reconsideration of the date on which the next periodic report of the State party is due. The meeting is held in private.

6. The coordinator's findings will be included in the chapter of the annual report on follow-up activities. If no information is received in spite of reminders, this will be recorded in the Committee's subsequent report to the General Assembly.³⁸

<p>16 March 2005 <i>Legislation to abolish ATSIC passed</i></p>	<p>Commonwealth Parliament passes the <i>Aboriginal and Torres Strait Islander Commission Amendment Act (2005)</i> which abolishes ATSIC.</p> <p>Regional Councils will continue to operate until 30 June 2005.</p> <p>The Torres Strait Regional Authority (TSRA) continues to operate under the Act.</p>
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The purpose of the *Aboriginal and Torres Strait Islander Commission Amendment Act (2005)* is to abolish the Aboriginal and Torres Strait Islander Commission.

The Torres Strait Regional Authority (TSRA), Indigenous Land Corporation and Indigenous Business Australia will continue to operate under the Act.

Most of the provisions contained in the Act are consequential to the abolition of ATSIC or put into place transitional provisions that arise from the abolition of ATSIC. The transfer of the Regional Land Fund to the Indigenous Land Corporation and the transfer of ATSIC's Housing Fund and Business Development Programme to Indigenous Business Australia are included in the provisions. Other land and property assets will be divested to Indigenous interests before ATSIC is abolished or will be transferred over to the Indigenous Land Corporation or Indigenous Business Australia to be divested for the benefit of Indigenous people.³⁹

The Act maintains the original objects of the ATSIC Act in section 3. Namely:

The objects of this Act are, in recognition of the past dispossession and dispersal of the Aboriginal and Torres Strait Islander peoples and their present disadvantaged position in Australian society:

- (a) to ensure maximum participation of Aboriginal persons and Torres Strait Islanders in the formulation and implementation of government policies that affect them;
- (b) to promote the development of self-management and self-sufficiency among Aboriginal persons and Torres Strait Islanders;
- (c) to further the economic, social and cultural development of Aboriginal persons and Torres Strait Islanders; and
- (d) to ensure co-ordination in the formulation and implementation of policies affecting Aboriginal persons and Torres Strait Islanders by the Commonwealth, State, Territory and local governments, without detracting from the responsibilities

38 United Nations Committee on the Elimination of Racial Discrimination, *Terms of reference for the work of the CERD follow up coordinator*, UN Doc: CERD/C/66/Misc. 11/Rev.2, 10 March 2005, pp1-2.

39 Minister for Immigration and Multicultural and Indigenous Affairs, *Second Reading Speech*, Commonwealth of Australia, Parliamentary Debates, Senate Official Hansard No. 2, 2004 Wednesday, 1 December 2004, pp1-3.

of State, Territory and local governments to provide services to their Aboriginal and Torres Strait Islander residents.



The Minister for Immigration and Multicultural and Indigenous Affairs announces following the passage of the Bill:

The passage of the Bill tonight ends the period of uncertainty... The Government's reforms are based on empowering local people by getting rid of bureaucratic Government imposed "gate keepers" like ATSIC. With this Bill now through Parliament, we can get on with the business of producing better outcomes for Indigenous Australians.

While there have been gains the results are not good enough. Indigenous Australians are not getting good value for money. ATSIC was a big part of the problem, but we do not lay all the blame at the feet of ATSIC. That is why we are going beyond abolishing ATSIC to completely overhaul the approach to program and service delivery for Indigenous Australians.⁴⁰

<p>24 March 2005</p> <p><i>Aboriginal and Torres Strait Islander Employment Coordinator appointed</i></p>	<p>The Australian Public Service Commission appoints Pat Turner as Aboriginal and Torres Strait Islander Employment Co-ordinator to oversee the Commission's work on the Indigenous Employment Strategy, leadership and skills development programs for Indigenous staff, and a new Indigenous research program.</p> <p>On 12 August 2005, the Prime Minister launches the <i>APS Employment and Capability Strategy for Aboriginal and Torres Strait Islander Employees</i> and announces \$6.8 million in additional funding to the APSC to implement the strategy, under the leadership of the Aboriginal and Torres Strait Islander Employment Coordinator.</p>
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Pat Turner is appointed as Aboriginal and Torres Strait Islander Employment Coordinator at the Australian Public Service Commission.

The coordinator's responsibilities will focus on fostering Aboriginal and Torres Strait Islander employment in the Australian Public Service by developing and implementing strategies to attract, recruit, develop and retain Indigenous employees. It will also oversee the Commission's work on the Indigenous Employment Strategy, leadership and skills development programs for Indigenous staff, and a new Indigenous research program.⁴¹

On 12 August 2005, the Prime Minister launched the *APS Employment and Capability Strategy for Aboriginal and Torres Strait Islander Employees* and announced \$6.8million in additional funding to the APSC to implement the strategy, under the leadership of the Aboriginal and Torres Strait Islander Employment Coordinator.⁴²

40 Minister for Immigration and Multicultural and Indigenous Affairs, *ATSIC Bill*, Media Release, 16 March 2005.

41 Australian Public Service Commissioner, *Public Service Increases It's Commitment to Indigenous Employment*, Media Release, 24 March 2005.

42 Prime Minister, *New Indigenous employment strategy for the Australian Public Service*, Press Release, 12 August 2005.



The Strategy aims to:

- stabilise numbers over the next two years, then increase Aboriginal and Torres Strait Islander employment in the mainstream Australian Public Service;
- contribute to increased social equity by improving Indigenous peoples income levels and employment opportunities in the wider Australian employment market;
- increase the extent to which government agencies are able to use the existing and potential skills and capacity of Aboriginal and Torres Strait Islander employees in order to meet their business needs for skilled employees, including in areas of specific skill shortage and recruitment difficulty; and
- build the capacity of the APS generally to provide more effective service delivery to Indigenous people.

It also seeks to address these concerns through initiatives directed at:

- assisting agencies to address key barriers to the employment of Aboriginal and Torres Strait Islander employees, by identifying pathways to employment that allow Indigenous people to develop the required skills and capacity to work within the APS;
- supporting Indigenous employees to develop relevant skills that allow them to contribute to business goals and build successful long-term careers within the APS;
- supporting agencies to align strategies that promote Aboriginal and Torres Strait Islander employment with their broader strategies for achieving business outcomes through workforce planning and capability development;
- encouraging partnerships with other jurisdictions and organisations (including Job Network members) to develop innovative employment solutions that meet agency skill requirements; and
- ensuring that employees working in whole-of-government service delivery to Indigenous Australians have the skills they need to deliver effective outcomes.⁴³

1 April 2005

Initial Bulletin from the Secretaries' Group meeting on Indigenous Affairs

The Secretaries' Group on Indigenous Affairs releases a bulletin providing an overview of the whole of government approach to Indigenous Affairs. At their meeting on March 1, it was agreed that Bulletins would be issued regularly. This first bulletin focuses on Shared Responsibility Agreement's (SRA's) as a new concept and a new way of doing business with Indigenous Communities.

43 See further: www.apsc.gov.au/indigenousemployment/index.html.



This first bulletin provides an overview of the whole of government approach to Indigenous affairs and focuses on Shared Responsibility Agreements (SRAs) as a new way of doing business with Indigenous Communities.⁴⁴

The Secretaries' Group seeks to improve communication of decisions to ensure a common and consistent understanding of the implementation of government policy and whole of government arrangements.

<p>1 April 2005</p> <p><i>Victorian Aboriginal Legal Service wins tender to provide legal services to Indigenous peoples across Victoria</i></p>	<p>The Commonwealth Attorney-General announces the Victorian Aboriginal Legal Service (VALS) is the first organisation to be awarded a tender to provide legal services for Indigenous peoples under the new arrangements.</p> <p>The Attorney-General's Department has since released requests for tenders progressively in each State and Territory. The tendering process commenced in Victoria and Western Australia in November 2004 and in Queensland in March 2005. All services granted contracts in this round of tendering will commence service delivery under contract on 1 July 2005.</p>
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Under the new arrangements, the Commonwealth Attorney-General's Department is responsible for administering law and justice programs previously administered by ATSIS/ATSIC. The Commonwealth Attorney-General's Department has sought tenders for the delivery of legal aid services to Indigenous Australians throughout Australia.

The Government has introduced 'competitive tendering' for Indigenous-specific legal services, which to date have been delivered by a network of specially set up Aboriginal legal services (ALSs). The ALSs have Indigenous and non Indigenous staff able to provide culturally appropriate services and maintain close links with local communities.

Competitive tendering involves opening the delivery of Indigenous legal services to tender, including to non-Indigenous law firms. The Government argument is that efficiency and improving access to legal services are the main priorities in the provision of legal services to Indigenous communities.

The following tenders have been finalised:

- Victorian Aboriginal Legal Service (coverage: whole of Victoria);
- Aboriginal Legal Service of Western Australia (coverage: whole of Western Australia), announced 14 April 2005;
- The Aboriginal and Torres Strait Islander Corporation (QEA) for Legal Services (Southern zone of Queensland, comprising Brisbane, Rockhampton and Roma regions), announced 10 June 2005;
- The Aboriginal and Torres Strait Islander Community Legal Service (Townsville and Surrounding Districts) Ltd (Northern zone covering

44 Australian Public Service Commission, *Secretaries' Group on Indigenous Affairs Bulletin*, 1 April 2005.



Townsville, Cairns, Cooktown and Mt Isa regions of the State of Queensland), announced 10 June 2005.

Requests for tender for the Northern Territory and South Australia are to be released on 2 August 2005 with contracts commencing on 1 February 2006. New South Wales and Tasmania will go to tender on 28 January 2006, with contracts commencing on 1 July 2006. The tenders will be subject to three yearly funding cycles.⁴⁵

<p>6 April 2005</p> <p><i>Bilateral agreement between Commonwealth and Northern Territory governments signed</i></p>	<p>The Prime Minister and the Chief Minister of the Northern Territory sign the <i>Overarching Agreement on Indigenous Affairs Between the Commonwealth of Australia and the Northern Territory of Australia</i>. This is the first bilateral agreement to come out of the June 2004 Council of Australian Governments' (COAG) commitment to improve services to Indigenous Australians.</p> <p>The Agreement sets out five priority areas:</p> <ul style="list-style-type: none"> • improving outcomes for young Indigenous Territorians; • building safer communities; • strengthening governance and developing community capacity; • building Indigenous wealth, employment and entrepreneurial culture; and • improving service delivery and infrastructure.
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The five-year Agreement commits both parties' to achieving better outcomes for Indigenous people in the Northern Territory. It provides 'an overarching framework for the Governments to work together in a spirit of close cooperation.'⁴⁶

The five priority areas agreed to by Governments are:

- Improving outcomes for young Indigenous Territorians, including through early childhood intervention – a key focus of which will be improved mental and physical health, and in particular primary health, and early educational outcomes;
- Safer communities which includes issues of authority, law and order;
- Strengthening governance and developing community capacity to ensure that communities are functional and effective;

45 Attorney-General, *First Indigenous Legal Service Announced for Victoria*, Media Release, 1 April 2005.

46 *Overarching Agreement on Indigenous Affairs Between the Commonwealth of Australia and the Northern Territory of Australia 2005-2010*, para 2 – for full text of the Agreement see http://www.nt.gov.au/dcm/indigenous_policy/pdf/20050406/OverarchingAgreement.pdf, (23 August 2005). See also: Prime Minister, *Better Indigenous service delivery, 5 year bilateral agreement with the Northern Territory*, Press Release, 6 April 2005, online at: www.pm.gov.au/news/media_releases/media_Release1304.html.



- Building Indigenous wealth, employment and entrepreneurial culture, as these are integral to boosting economic development and reducing poverty and dependence on passive welfare; and
- Improving service delivery and infrastructure that recognises demographic change and the need to lift the performance of the Governments.

The agreement also sets out agreed positions on:

- priority areas for bilateral action, including the streamlining of existing programs and minimising administrative costs of programs;
- principles underpinning bilateral agreements;
- future arrangements for Indigenous representation at the regional level and consultation with Indigenous people across the Northern Territory;
- core principles for Shared Responsibility Agreements; and
- whole of government machinery required.

The agreement sets out commitments dealing with Sustainable Indigenous Housing, Strengthening and Sustaining the Indigenous Arts Sector, and Regional Authorities – A Mechanism for Engaging with Indigenous Interest in the Northern Territory.

Mechanisms are in place for evaluating the outcomes of the Agreement and the Agreement will be jointly reviewed after three years. It may be amended by agreement between the parties.⁴⁷

<p>6 April 2005</p> <p><i>Prime Minister opens discussion on private land ownership in Indigenous communities</i></p>	<p>The Prime Minister visits Wadeye, Northern Territory and announces there is a case for reviewing the issue of Aboriginal land title, with a focus on private recognition of land. The Prime Minister states that Aboriginal people should be able to aspire to own their own homes.</p>
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Visiting Wadeye in the Northern Territory, the Prime Minister said:

I believe there is a case for reviewing the whole issue of Aboriginal land title in the sense of looking more towards private recognition... I certainly believe that all Australians should be able to aspire to owning their own home and having their own business: having title to something is the key to your sense of individuality; it's the key to your capacity to achieve and to care for your family and I don't believe that Indigenous Australians should be treated differently in this respect...

I am not talking here about reducing the opportunities for Indigenous people. I am talking about giving them the same opportunities as the rest of their fellow Australians.⁴⁸

While the Prime Minister will not commit to whether he wants changes to the Native Title Act 1993, he said there is a case for private land ownership in Indigenous communities.

⁴⁷ *ibid.*, para 22.

⁴⁸ Prime Minister, *Doorstop Interview – Wadeye, Northern Territory*, 6 April 2005, pp1-3.



In Wadeye, the Northern Land Council had already discussed with the community ways of introducing leasing arrangements. Following the Prime Minister's statement, Wadeye traditional owners issue a statement calling for a "public and private housing scheme" without amending The Aboriginal Land Rights Act (Northern Territory) 1976.⁴⁹

The Aboriginal and Torres Strait Islander Social Justice Commissioner expresses concern that the debate regarding shifting ownership of Indigenous land from community to individual control has been over-simplified and that existing land rights legislation 'already provides a range of options which allow Indigenous people to lease their land to third parties.' He also cautions that the debate is failing to address other important issues, such as opportunities for generating economic development on traditional lands and the spiritual and cultural importance of land to the traditional owners.⁵⁰

<p>8 April 2005</p> <p><i>Social Justice Report 2004 and Native Title Report 2004 tabled in Parliament</i></p>	<p>The Federal Attorney-General tables the <i>Social Justice Report 2004</i> and the <i>Native Title Report 2004</i> in Parliament.</p> <p>The <i>Social Justice Report 2004</i> outlines the key challenges raised by the abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC) and Aboriginal and Torres Strait Islander Services (ATSIS) and the transfer of all Indigenous specific programs to mainstream government departments and the movement to new arrangements for administering Indigenous programs. The Report also examines the issues for Indigenous women exiting prison.</p> <p>The <i>Native Title Report 2004</i> considers options for promoting economic and social development through the native title system. The report examines a set of principles for promoting economic and social development through Native Title. The principles are based on strategies for sustainable development and capacity building and have been developed in consultation with NTRB's and other native title stakeholders.⁵¹</p>
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The *Social Justice Report 2004* provides an overview of the main events leading up to the introduction of the new arrangements for the administration of Indigenous affairs on 1 July 2004, as well as the key events which have occurred since that time to implement the new arrangements.

In early 2004, the federal Government announced that it was introducing significant changes to the way it delivers services to Indigenous communities and engages with Indigenous peoples. The changes have become known as 'the

49 ANTaR's national website, Issues. *Land rights under threat*. < http://www.antar.org.au/land_rights_nt.html > (23 August 2005).

50 Aboriginal and Torres Strait Islander Commissioner, *Land Rights Debate has been simplistic*. National Indigenous Times, 12 May 2005.

51 Minister for Immigration and Multicultural and Indigenous Affairs, *Social Justice Report 2004 and Native Title Report 2004 tabled in Parliament*, Joint media release with the Attorney-General, 8 April 2005.



new arrangements for the administration of Indigenous affairs'. Chapter three of the Social Justice Report 2004 considers the preliminary implications of the new arrangements.

The report also provides the results of research and consultations during 2003-04 to identify what support programs are available to Indigenous women upon their release from prison. This included accommodation options, counselling and other programs which may assist in reconnecting Indigenous women with their families and communities.

The report includes 5 recommendations – 2 in relation to the needs of Indigenous women exiting prison and 3 relating to the new arrangements for the administration of Indigenous affairs. The report also contains 10 follow up actions that the Social Justice Commissioner's office will undertake over the next 12 to 18 months in relation to the new arrangements.⁵²

The Native Title Report 2004 sets out guidelines for agreement making that aim to direct agreements towards meeting traditional owner goals as well as the legal requirements for the Native Title Act.

The report presents an approach that is consistent with and could contribute to the objectives of the federal Government's new arrangements and demonstrates how a synergy between the goals, concepts and processes of the new arrangements and native title policy could be established to achieve sustainable outcomes.

<p>22 April 2005</p> <p><i>Community Development Employment Project (CDEP)- Future Directions Announced</i></p>	<p>The Minister for Employment and Workplace Relations releases the government's response to the review of the Community Development Employment Project (CDEP) Scheme – <i>Building on Success: CDEP – Future Directions</i>.⁵³</p> <p>In 2005-06 the CDEP program will:</p> <ul style="list-style-type: none"> • Remain flexible with emphasis on a unique mix of employment community activities and business development, • Have a stronger emphasis on results, • Use a new funding model with an emphasis on funding going to activities, and
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52 For details on recommendations and follow up actions from the *Social Justice Report 2004* see: http://www.humanrights.gov.au/social_justice/sjreport04/RecommendationsAndFollowupActions.html.

53 Department of Workplace Relations, *Building on Success: CDEP Future Directions*, DEWR, Canberra, April 2005.



<p>22 April 2005 <i>(continued)</i></p>	<ul style="list-style-type: none"> • Involve a partnership between Department of Employment and Workplace Relations (DEWR) and CDEP organisations to improve results and meet community needs. <p>DEWR announce a series of feedback sessions to commence April 26 to provide information to communities on the changes to CDEP.⁵⁴</p>
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In response to the proposed changes to CDEP, the government receives over 100 submissions and estimates over 2,100 people attend the community consultations held in February 2005. Submissions are received from CDEP organisations, state/territory and local government agencies, Job Network members, ATSIC Regional Councils and individuals from the Indigenous and non-Indigenous community.⁵⁵

Many submissions agree that CDEP would benefit from reform. However, there is also concern expressed that by focusing on the three key areas of employment, community activities and business development the role of CDEP in supporting cultural activities is not being recognised.

The feedback raises a number of other issues, including: participation by young people who leave school to join CDEP; the involvement of non-Indigenous people in CDEP; CDEP participants' entitlements; and how CDEP can best encourage people to move into non-CDEP jobs.

There are concerns that the changes to CDEP will mean that the operation of CDEP would be taken out of the hands of Indigenous people. Other submissions raise concern that CDEP participants are treated as employees rather than unemployed people. Questions are asked about entitlements to leave, long service leave and superannuation under CDEP and also whether treating CDEP participants as employees provides disincentives for non-CDEP jobs.

The negotiation of contracts for 2005-06 will allow each CDEP organisation to consider and discuss how it can implement these changes in its own local circumstances. DEWR will be carefully monitoring the changes made to CDEP in 2005-06.

<p>2 May 2005 <i>New Family Violence Prevention Legal Services Announced</i></p>	<p>The Attorney-General announces four new services will be funded under the Indigenous Family Violence Legal Services Program.</p> <p>The new service providers are:</p> <ul style="list-style-type: none"> • Wirraka Maya Health Service Aboriginal Corporation (Port Headland, Western Australia); • Weena Mooga Gu Gudba Inc. (Ceduna, South Australia);
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54 Minister for Employment and Workplace Relations, *CDEP Future Directions Announced*, Media Release, 22 April 2005.

55 To view submissions to the CDEP Discussion paper see: <http://www.workplace.gov.au/workplace/Category/SchemesInitiatives/IndigenousProgs/SubmissionsontheBuildingonSuccessCD EPDiscussionPaper2005.htm>.



<p>2 May 2005 <i>(continued)</i></p>	<ul style="list-style-type: none"> • Cape York Family Violence Prevention Legal Service Unit (North Queensland); and • Coalition on Criminal Assault in the Home (North Queensland) Inc. (Palm Island, Hughenden, Richmond, Charters Towers, Queensland). <p>The Department also invites applications to deliver services in nine other areas.</p>
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The Attorney-General's Department (AGD) provides funding for the Family Violence Prevention Legal Services (FVPLS) to assist Aboriginal and Torres Strait Islander adults and children who are victims of family violence, including sexual abuse, or who are at immediate risk of such violence.

FVPLS units are expected to provide services that are accessible and culturally appropriate to Aboriginal and Torres Strait Islander people.

The new service providers are:

- Wirraka Maya Health Service Aboriginal Corporation (Port Headland, Western Australia);
- Weena Mooga Gu Gudba Inc. (Ceduna, South Australia);
- Cape York Family Violence Prevention Legal Service Unit (North Queensland); and
- Coalition on Criminal Assault in the Home (North Queensland) Inc. (Palm Island, Hughenden, Richmond, Charters Towers, Queensland).⁵⁶

The Department also invites applications for new Family Violence Prevention Legal Services units to deliver services in the following nine areas:

- Bourke/Brewarrina (NSW)
- Cunnamulla, Quilpie, Charleville, Goondiwindi, Murgon, Cherbourg (Qld)
- Rockhampton Local Government Area (Qld)
- Kununurra, Halls Creek, Kalumburu, Wyndham, Oombulgurri (WA)
- Anangu Pitjantjatjara Lands (NT/WA/SA)
- Dubbo Local Government Area or Binaal Billa Region (NSW)
- Mildura Local Government Area/Wentworth (Vic/NSW)
- Melville Island, Bathurst Island, Nhulunbuy (NT)
- Carnarvon, Meekatharra, Mount Magnet, Cue, Wiluna, Burringurrah (WA)

⁵⁶ Attorney-General, *New Family Violence Prevention Legal Services*, Media Release, 2 May 2005.



<p>10 May 2005 <i>Federal Budget 2005</i></p>	<p>The Minister for Immigration and Multicultural and Indigenous Affairs announces funding in the 2005-2006 Budget allocation to Indigenous affairs will total \$3.114 billion.</p> <p>Consideration of Indigenous expenditure across government is guided by the Ministerial Taskforce on Indigenous Affairs and consists of a single Indigenous Budget submission.</p> <p>The key Budget measures within the Indigenous Affairs portfolio are Shared Responsibility Agreements; Healthy Indigenous Housing; Indigenous Health programs including Healthy for Life, Combating Petrol Sniffing, the Hearing Services Program and additional funding to the Primary Health Care Access Program.</p>
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The key Budget measures and resources within the Indigenous Affairs portfolio are:

- the provision of \$85.9 million over 4 years to develop Shared Responsibility Agreements (SRA's) with Indigenous communities.
- \$24.9 million over this financial year for the continuation of the Healthy Indigenous Housing program;
- \$24.5 million in this financial year to health and ageing programs including Indigenous Health – Healthy for Life; Combating Petrol Sniffing; extending the eligibility for the Hearing Services Program; to increase capacity building in Indigenous communities through the National Illicit Drugs Strategy and additional funding to the Primary Health Care Access program;
- \$17.8 million as an extension of funding for this financial year to the Native Title System;
- \$14.5 million as an extension of funding for this financial year to the Fringe Benefits Tax supplementation for Aboriginal and Torres Strait Islander organisations;
- \$13 million to the Australian Institute of Aboriginal and Torres Strait Islander Studies to enable the cultural resource collection to be digitalised;
- \$8.7 million over 4 years to the Remote Indigenous Students project, which provides tutorial support for students leaving their communities;
- \$5.2 million funding in 2005-6 for the continuation of the Aboriginal Employment Strategy;
- \$5 million to continue the program to provide pools for remote communities through a "No School, No Pool" policy to encourage school attendance;
- \$2 million over 4 years as an extension of funding to the Indigenous Communities/Mining Industry working in Partnership program;
- \$2 million over 2 years to fund six new art works at Reconciliation Place in Canberra; and



- \$1.1 million extension in funding for this financial year for the Northern Territory Indigenous Interpreter Service.⁵⁷

<p>May 2005 <i>Secretaries' Group on Indigenous Affairs release Second Bulletin</i></p>	<p>Secretaries' Group on Indigenous Affairs issues second bulletin which focuses on the new whole of government approach to the budget.</p>
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Consideration of Indigenous expenditure across government is guided by the Ministerial Taskforce on Indigenous Affairs for the first time in this Budget. The key features of the new approach are as follows:

1. The Ministerial Taskforce sets out priorities informed by the National Indigenous Council and the Secretaries' Group on Indigenous Affairs.
2. A range of initiatives are developed to meet the priority needs under the guidance of the Secretaries' Group.
3. The Office of Indigenous Policy Coordination (OIPC) coordinates the provision of performance information on existing programs and services.
4. The Secretaries' Group considers all the initiatives and the performance indicators then develops a range of options to present to the Ministerial Taskforce for consideration.
5. The Ministerial Taskforce then submits an analysis of the various initiatives to the Senior Ministers' Review (SMR) for consideration.
6. Once the fiscal objectives of the Budget are known, the Ministerial Taskforce finalises its position on Indigenous expenditure and a single Indigenous Budget submission is made to the Expenditure Review Committee of Cabinet.⁵⁸

<p>10 May 2005 <i>Minister announces changes to CDEP funding</i></p>	<p>The Minister for Employment and Workplace Relations announces changes to the Community Development Employment Project (CDEP) are to take effect immediately.</p>
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The Minister for Employment and Workplace Relations announces changes to the Community Development Employment Projects (CDEP) Program will begin immediately, following the community consultation process undertaken earlier in the year.

⁵⁷ Minister for Immigration and Multicultural and Indigenous Affairs, *Budget 2005 Indigenous Affairs*, Media Statement, 10 May 2005.

⁵⁸ Secretaries' Group on Indigenous Affairs, *Bulletin Number 2*, May 2005.



The new directions for CDEP include:

- Building on the flexibility of CDEP with an emphasis on a unique mix of employment, community activities and business development;
- A stronger emphasis on performance and results – meeting the needs of communities;
- A new funding model, which sets a fair management fee, puts an emphasis on funding into activities and achieves an effective rate of utilisation of allocated CDEP places;
- A stronger partnership being built between Department of Employment and Workplace Relations (DEWR), CDEP organisations and other service providers to improve results; and
- Achieving better outcomes for CDEP participants, particularly ensuring that 15 to 17 year old participants complete an accredited course to improve their employability skills.⁵⁹

The additional centres established at a cost of \$9.2 million, will be run by organisations that deliver CDEP programs. Currently, 22 IECs operate across Australia and to date they have assisted over 5,000 participants and placed over 1,600 people into non-CDEP employment.

The 15 new IECs will operate in areas with good labour markets. IECs cooperate with other employment providers, such as Job Network members, to ensure people access a comprehensive and coordinated package of assistance.

<p>25 & 26 May 2005 <i>Second Indigenous Economic Development Forum held in Darwin</i></p>	<p>The second Indigenous Economic Development Forum is held in Darwin.⁶⁰</p> <p>The Chief Minister of the Northern Territory launches the Northern Territory Government's new Indigenous Economic Development Strategy at the forum.</p> <p>The Strategy covers 13 industry sectors and identifies specific opportunities for development in construction, tourism, community services, mining and production, retail and services, pastoral, horticultural, natural resources management, government, forestry and agri-business, arts, knowledge and culture, and aquaculture and fisheries.</p>
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The Indigenous Economic Development Forum, *Seizing Our Economic Future* focuses on four themes: Employment, Education and Training; Financial Capacity and Governance; Sustainable Economic Use of Country; and Indigenous Arts and Tourism Strategies.

The centrepiece of the forum is the launch of the NT Government's new Indigenous Economic Development Strategy. The Strategy was produced with the guidance and assistance of the Indigenous Economic Development Taskforce.

59 Minister for Employment and Workplace Relations, *CDEP Future Directions*, Media Release, 10 May 2005.

60 Clare Martin Chief Minister, Minister for Indigenous Affairs, *Strategy for More Jobs For Indigenous Territorians*, Media Release, 25 May 2005.



The Taskforce comprises members from Indigenous organisations, the private sector and the Australian and Northern Territory Governments.

The plan covers 13 industry sectors and identifies specific opportunities for development in construction, tourism, community services, mining and production, retail and services, pastoral, horticultural, natural resources management, government, forestry and agri-business, arts, knowledge and culture, and aquaculture and fisheries. The speakers at the forum reflected these 13 areas of interest.⁶¹

<p>27 May 2005 <i>Minister announces 52 Shared Responsibility Agreements signed</i></p>	<p>The Minister for Immigration and Multicultural and Indigenous Affairs releases details of the first round of Shared Responsibility Agreements (SRA's) to be finalised. The 52 Shared Responsibility Agreements involve 43 separate Indigenous communities.</p>
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The Minister announces that the agreements represent an investment of \$9.5 million, shared across a number of government agencies. The agreements include initiatives which address nutrition, community safety, business support, skills development and a range of other community requirements. Communities have made various commitments in return, such as controlling substance abuse and being involved in youth recreation activities.

The Minister states:

The voluntary agreements between Indigenous communities, the Australian Government and in some cases State/Territory Governments are the outcome of a quiet revolution in Indigenous affairs.⁶²

Summaries of the first 52 agreements and information about the SRA process are available online at: www.indigenous.gov.au/sra.html#kitcontents

<p>30 May 2005 <i>National Recognition for Good Indigenous Government</i></p>	<p>The patrons of Reconciliation Australia name eight organisations as finalists in the inaugural Indigenous Governance Awards. The scheme has been developed by Reconciliation Australia in conjunction with BHP Billiton to recognise and promote good practice across Indigenous Australia.</p>
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The finalists in the 2005 Indigenous Governance Awards are announced by the Patrons of Reconciliation during the National Reconciliation Planning Workshop. There has been an overwhelming response to the awards scheme in its first year, with 57 applications received from a diverse range of organisations across the country.

The 8 finalists are the Central Australian Aboriginal Congress in Alice Springs; Goldfields Land and Sea Council in Kalgoorlie; the Institute for Aboriginal

61 Northern Territory Chief Minister, Strategy for more jobs for Indigenous Territorians, Media Release, 25 May 2005.

62 Minister for Immigration and Multicultural and Indigenous Affairs, *Sharing Responsibility: Agreements Target Exceeded*, Ministerial Statement, 27 May 2005.



Development in Alice Springs; North Coast Aboriginal Corporation for Community Health in Maroochydor; Koorie Heritage Trust in Melbourne; Sunrise Health Service in Katherine; Maari Ma Health Aboriginal Corporation in Broken Hill; and Tiwi Islands Local Government in the Northern Territory.

The finalists will each receive site visits from members of the judging panel before the winners are announced at a special presentation event in August 2005.⁶³

The winner is announced in August 2005 – Koori Heritage Trust.

<p>30-31 May 2005</p> <p><i>National Reconciliation Planning Workshop</i></p>	<p>The National Reconciliation Planning Workshop organised by Reconciliation Australia is held in Canberra.</p> <p>The Workshop goals has three main aims:</p> <ul style="list-style-type: none"> • to clarify any major areas that need to be addressed, so as to advance reconciliation; • to foster the building of relationships, understanding, commitment and the capacity to work together between the various participants of the workshop and members of the broader community; and • to establish a path forward for the reconciliation process. <p>Two hundred invited people attend the workshop, 45% of whom are Indigenous. Representation is spread across all levels of government, non-government organisations, education, business, the media and faith groups.</p>
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The National Reconciliation Planning Workshop takes place on 30-31 May 2005 at Old Parliament House in Canberra. Two hundred invited people attended the workshop, 45% of whom are Indigenous. There are representatives across all levels of government, non-government organisations, education, business, the media and faith groups.⁶⁴

The Prime Minister stated:

Reconciliation is about rights as well as responsibilities. It is about symbols as well as practical achievement. It is about the past as well as being about the present and the future. But what can we agree on undeniably? We can agree in the special status of the Aboriginal and Torres Strait Islander as the first people of our nation. We can recognise and acknowledge the past injustices and I've frequently said in my time as Prime Minister that the treatment of Indigenous Australians represents the most blemished chapter in the history of this country."

"The rest of the community has to reach out and meet the proper and enduring aspirations of Indigenous people. To recognise, as I do and I believe the overwhelming majority of your fellow Australians do, that there is no section of our community which is more disadvantaged than the Indigenous people of this

63 Reconciliation Australia, *Indigenous Governance Awards – Recognising Excellence – Finalists*, <<http://www.reconciliationaustralia.org/igawards/finalists.html>> (30 August 2005).

64 Reconciliation Australia, Proceedings Report of the National Reconciliation Planning Workshop 30/31 May 2005, full text of the report can be seen at <http://www.reconciliationaustralia.org/docs/planning_workshop/proceedings_report.pdf> (30 August 2005).



country... And that in recognising that a new spirit of responsibility is needed on an individual basis by indigenous communities and that passive welfare is a poison for Indigenous communities, as it is for the rest of the Australian community, I say in the name of Government that we will reach out. We will meet the Indigenous people of this country more than half way if necessary because at the end of the day we need together to achieve the very fine goals (of reconciliation).⁶⁵

The Minister for Immigration and Multicultural and Indigenous Affairs in her speech made reference to a new conversation taking place in Australia and stated:

Aboriginal and Torres Strait Islander people, their families and communities must be at the centre of the new conversation. They must be given a voice. The conversation must be with them, not about them.

And having been asked to contemplate their future, we must listen and follow through with actions and outcomes.⁶⁶

There were three workshop goals:

1. To clarify the major areas that need to be addressed to advance reconciliation;
2. To build relationships, understanding, commitment and capacity to work together; and
3. To establish a path forward for the reconciliation process.

Four themes emerge from the workshop:

1. Indigenous disadvantage, with a strong focus on education and the importance of children;
2. Making progress on the rights agenda, this includes constitutional reform and formal recognition of past wrongs;
3. The need for an Indigenous representative body at the national level; and
4. The importance of having many networks of reconciliation efforts working together effectively.

Small group discussions focus on the draft work-plan developed by Reconciliation Australia which is divided into five topics: Community engagement and education; confronting and improving race relations; leadership in the reconciliation process; partnerships for success; and shaping policy.⁶⁷

65 Prime Minister, *Address at the National Reconciliation Planning Workshop*, Transcript, 30 May 2005, online at: www.pm.gov.au/news/speeches/speech1406.html.

66 Minister for Immigration and Multicultural and Indigenous Affairs, *Speech to Reconciliation Australia Conference*, Old Parliament House, 31 May 2005.

67 The workshop report, and all papers delivered, is available online at: www.reconciliation.org.au/reconaction/planning_workshop.html. Each government also provided an overview of their progress in implementing reconciliation. This is available online at: www.reconciliation.org.au/docs/planning_workshop/background/7_government_contributions.pdf.



<p>3 June 2005</p> <p><i>The Council of Australian Governments' (COAG) meet in Canberra</i></p>	<p>The Council of Australian Governments (COAG) holds its 15th meeting in Canberra. The Council discuss significant areas of national interest including Indigenous issues.</p> <p>The Council receive reports on the Indigenous Communities Coordination Trials and the National Framework for Reconciliation. COAG reaffirm their commitment to work together in an ongoing partnership to improve outcomes for Aboriginal and Torres Strait Islander people.</p> <p>In particular, COAG note the importance of governments working together with local Indigenous communities on the basis of shared responsibility.</p>
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In receiving reports on the Indigenous Communities Coordination Trials and the National Framework for Reconciliation, members of COAG reaffirmed their commitment to work together in an ongoing partnership to improve outcomes for Aboriginal and Torres Strait Islander Australians.

In particular, COAG note the importance of governments working together with local Indigenous communities on the basis of shared responsibility.⁶⁸

<p>3 June 2005</p> <p><i>National Indigenous council release draft working document on possible Indigenous land tenure principles</i></p>	<p>The National Indigenous Council (NIC) meets with both Land Councils and Native Title Representative Bodies (NTRBs) to discuss possible Indigenous land tenure principles that the Council has developed.</p> <p>The NTRBs and Land Councils almost unanimously reject the NIC's draft principles.⁶⁹</p>
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The Indigenous Land Tenure Principles proposed by the NIC are:

1. The principle of underlying communal interests in land is fundamental to Indigenous culture.
2. Traditional lands should also be preserved in ultimately inalienable form for the use and enjoyment of future generations.
3. These two principles should be enshrined in legislation, however, in such a form as to maximize the opportunity for individuals and families to acquire and exercise a personal interest in those lands, whether for the purposes of home ownership or business development.
 - An effective way of reconciling traditional and contemporary Indigenous interests in land – as well as the interests of both the group and the individual – is a mixed system of freehold and leasehold interests.
 - The underlying freehold interest in traditional land should be held in perpetuity according to traditional custom, and the individual should be entitled to a transferable leasehold interest consistent with individual home ownership and entrepreneurship.

68 Council of Australian Governments, *Council of Australian Governments' Meeting 3 June 2005*, 3 June 2005.

69 National Indigenous Times, *Confusion reigns*, op.cit.



4. Effective implementation of these principles requires that:
 - the consent of the traditional owners should not be unreasonably withheld for requests for individual leasehold interests for contemporary purposes;
 - involuntary measures should not be used except as a last resort and in the event of any compulsory acquisition, strictly on the existing basis of just terms compensation and, preferably, of subsequent return of the affected land to the original owners on a leaseback system basis, as with many national parks.
5. Governments should review and, as necessary, redesign their existing Aboriginal land rights policies and legislation to give effect to these principles.⁷⁰

<p>10 June 2005</p> <p><i>Victoria to establish a new representative body for the state's Aboriginal communities</i></p>	<p>The Victorian Aboriginal Affairs Minister announces a series of consultation sessions have been planned for regional Victoria with a view to establishing a new representative body for the State's Indigenous communities. This is in response to the disbanding of the Aboriginal and Torres Straits Islander Commission.</p>
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Victoria is to establish a new representative body for the State's Aboriginal communities in response to the disbanding of the Aboriginal and Torres Strait Islander Commission (ATSIC) which will leave Indigenous people with no elected, cultural representation at the national level.

The Aboriginal Affairs Minister announces a series of consultation sessions have been planned for regional Victoria. Meetings in the State's west to begin establishing the new body will be held in Mildura, Robinvale, Swan Hill, Horsham, Kerang and Halls Gap.⁷¹

<p>15-16 June 2005</p> <p><i>Third NIC meeting and second joint meeting with the Ministerial Taskforce (MTF) on Indigenous Affairs</i></p>	<p>The third National Indigenous Council (NIC) meeting and second joint meeting with the Ministerial Taskforce (MTF) on Indigenous Affairs is held. The primary areas of discussion at this meeting are land tenure and economic development.</p>
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A key discussion area with the MTF focuses on land tenure and economic development issues. The NIC states its support for using the Indigenous land base to enable individual home ownership and business development.

Another significant area of discussion with the MTF concerns ways to support better education outcomes for Aboriginal and Torres Strait Islander peoples.

The NIC states its support for the recently announced initiative that will establish projects to support suicide prevention and a Kids Helpline targeted specifically at Indigenous communities.⁷²

70 Sue Gordon, *Indigenous Land Tenure Principles*, National Indigenous Council, Media Release, 3 June 2005.

71 ABC News Online website, *Regions to be consulted about new Indigenous body*. <<http://www.abc.net.au/news/newsitems/200506/s1388504.htm>> (1 September 2005).

72 National Indigenous Council, *Third Meeting of the National Indigenous Council 15-16 June 2005*. Media Release, 16 June 2005.



<p>17 June 2005</p> <p><i>Minister launches the Indigenous Employment Strategy for Industry</i></p>	<p>The Minister for Employment and Workplace Relations launches the Australian Chamber of Commerce and Industry's Indigenous Employment Strategy for Industry, <i>Employing Indigenous Australians</i>.</p>
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The Australian Chamber of Commerce and Industry has developed, with the financial assistance of the Department of Employment and Workplace Relations (DEWR), a strategy to provide Indigenous peoples with more opportunities to enter the workforce.

This is one of a number of ACCI initiatives to promote the benefits of employing Indigenous Australians. The Indigenous Employment and Training Project (IETP) provides a starting point for all ACCI member associations to successfully implement an Indigenous Employment Strategy in their respective industries and businesses.⁷³

The main objective of the project is to develop a strategic approach to Indigenous employment and training, through:

- the development of an industry specific approach to Indigenous Employment;
- establishing and maintaining stronger partnerships between Industry and Indigenous jobseekers;
- the provision of quality advice to stakeholders on Indigenous issues within the private sector.

The IETP priorities include:

- assisting in the development of employment and training strategies;
- supporting Indigenous Employment Centres that have been established to help CDEP participants take up ongoing employment outside of CDEP;
- promoting private sector employment opportunities to Indigenous communities and organisations; and
- promoting the Indigenous Employment and Training Program including Wage Assistance and other Indigenous employment initiatives to employers, Indigenous communities, Indigenous students and jobseekers.⁷⁴

73 Australian Chamber of Commerce and Industry, *Minister launches ACCI's Indigenous Employment Strategy*. Media Release, 17 June 2005.

74 Australian Chamber of Commerce and Industry website, *Employing Indigenous Australians, Indigenous Employment Strategy Framework for Industry* http://www.acci.asn.au/text_files/Discussion%20Papers/Employing%20Indigenous%20Australians%20Strategy.pdf (1 September 2005).



<p>22 June 2005</p> <p><i>Senator Aden Ridgeway makes valedictory speech</i></p>	<p>Senator Ridgeway makes his valedictory speech in the Senate in the lead up to his final days in Parliament. Senator Ridgeway states his continued commitment to National Reconciliation and his reliance on truth, universality and human dignity as guiding principles during his time as Senator.</p>
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Senator Ridgeway makes his valedictory speech in the Senate in the lead up to his last days in Parliament. He draws attention to his continued commitment to National Reconciliation and his reliance on truth, universality and human dignity as his guiding principles during his time as a Senator.⁷⁵ Senator Ridgeway entered the Senate as only Australia's second Indigenous Federal politician in July 1999.

<p>23 June 2005</p> <p><i>Minister announces the Corporations (Aboriginal and Torres Strait Islander) Bill 2005</i></p>	<p>The Minister for Immigration and Multicultural and Indigenous Affairs announces the details of the <i>Corporations (Aboriginal and Torres Strait Islander) Bill 2005</i>. The Bill aims to overhaul incorporation legislation for Aboriginal and Torres Strait Islander corporations.</p> <p>The implementation of the new legislation will commence on 1 July 2006, this is to allow existing corporations to make the transition to the new regime.</p> <p>The Bill is intended to replace the <i>Aboriginal Councils and Associations Act 1976</i>.</p>
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The Minister for Immigration and Multicultural and Indigenous Affairs announces the beginning of a major overhaul of the legislation governing Aboriginal and Torres Strait Islander corporations.⁷⁶

The Corporations (Aboriginal and Torres Strait Islander) Bill 2005 is intended to replace the Aboriginal Councils and Associations Act 1976. This Act was developed during the 1970's to cater for the small number of land-holding corporations that were linked to the first lands right legislation. Currently about 3,000 Indigenous organisations are registered under the Aboriginal Councils and Associations Act 1976.

These organisations are involved in delivering a wide range of services which include essential services provision to Indigenous communities. The range of organisations varies from very small organisations to some which handle millions of dollars of revenue. Most of these organisations are in remote areas.

The Aboriginal Councils and Associations Act is no longer deemed as adequate to deal with the large numbers of Indigenous corporations, the diversity of services which they provide, and the developments that have taken place in corporate law and native title law since the 1970's.

The Corporations (Aboriginal and Torres Strait Islander) Bill 2005 responds to the current difficulties experienced by Indigenous corporations. It is intended to align corporate governance requirements with the modern standards of corporate

⁷⁵ Senator Ridgeway, *Hansard – Senate*, 22 June 2005, pp98-103.

⁷⁶ Minister for Immigration and Multicultural and Indigenous Affairs, *New bill to benefit thousands of Aboriginal corporations*. Media Release, 23 June 2005.



accountability, while allowing some flexibility for Indigenous corporations to structure their own arrangements to suit their particular and specific needs. The Bill includes a means for the Registrar to assist with the protection of members' rights, this is consistent with the Corporations Act, and provides opportunities and avenues for members to protect their own interests.

The government states that the Bill is broadly in line with the recommendations which arose out of the independent review of the Aboriginal Councils and Associations Act commissioned by the Registrar in 2001.⁷⁷ Implementation of the new legislation is intended to commence on 1 July 2006, to allow the existing 3,000 organisations time to make the transition to the new regime.

For further information relating to these changes and the current rules and procedures refer to the Australian Government Office of the Registrar of Aboriginal Corporations.⁷⁸

<p>30 June 2005</p> <p><i>ATSIC Regional Councils close and cease to exist</i></p>	<p>ATSIC Regional Councils cease to exist, as those provisions of the <i>ATSIC Amendment Bill</i> come into effect.</p> <p>The Aboriginal and Torres Strait Islander Social Justice Commissioner urges the Commonwealth and State/Territory governments to work together to facilitate and fund alternative regional representative structures.</p>
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Commissioner Calma urges the Commonwealth and State/Territory governments to work together to facilitate and fund alternative regional representative structures. He states:

I acknowledge the value in governments working directly with individual Indigenous communities through the Shared Responsibility Agreement making process; however, there is still a need for Indigenous regional and state-wide apparatus to inform planning about the needs of Indigenous people on a regional and state basis.

Indigenous Australia must have a national voice in order to influence and inform policy-making at the federal level. The demise of ATSIC, along with its international advocacy program, will also diminish the degree of representation by Indigenous Australians at various United Nations forums. The absence of both national and international representation on Indigenous rights will reduce the level of scrutiny and accountability of governments on their endeavours to improve the lives of Indigenous Australians.⁷⁹

77 *Corporations (Aboriginal and Torres Strait Islander) Bill 2005*, Second Reading. Hansard – House of Representatives, 23 June 2005, pp12-15.

78 Australian Government Office of the Registrar of Aboriginal Corporations http://www.orac.gov.au/whats_new.aspx#7 (10 October 2005).

79 Aboriginal and Torres Strait Islander Social Justice Commissioner, *Closure of ATSIC Regional Councils Statement*, Media Release, 30 June 2005.