

Office of the CEO

1. Indigenous Portfolio Agencies - Appointments

Appropriate SES to come forward to support response:

- Ameet Jamble, Branch Manager, Office of the CEO

Key Talking Points

- The National Indigenous Australian Agency (NIAA) facilitates appointments to the Indigenous Portfolio Agency Boards and Statutory Offices based on legislative requirements, requisite skills and/or skill gaps, First Nations representation, gender and diversity on the Boards.
- These appointments are made by the Minister for Indigenous Australians (the Minister) or the Governor-General, following consideration by the Prime Minister and usually the Cabinet.
- All appointments are subject to a thorough due diligence process.
- The Minister for Indigenous Australians, has recently reappointed:
 - four Directors to the Board of Outback Stores Pty Ltd from 30 September 2022;
 - reappointed one Director to the Indigenous Business Australia Board from 25 October 2022; and
 - appointed two new Directors to the Aboriginal Hostels Limited Board to fill two Director vacancies from 25 October 2022; all for three years on a part-time basis.
- The Minister also advised the Outback Stores Chairperson, Dr Susan Gordon AM, of the Australian Government's agreement for the Board reappointment of Mr Michael Borg as Chief Executive Officer (CEO) of Outback Stores for three years from the end of his term on 16 October 2022.
- There are no further appointments falling due until May 2023

Background

- The NIAA supports the Minister and the Australian Government's commitment to achieving the gender balance target of women holding 50 per cent of Government board positions overall, and women and men each holding at least 40 per cent of positions at the individual board level.
- Significant appointments, such as the appointments listed above, will require the agreement of the Minister and the Prime Minister, who may refer them to the Cabinet for approval, in accordance with the Cabinet Handbook.
- CEO appointments are generally the responsibility of the relevant Board/Council but most are considered significant appointments and will

require the agreement of the Minister and the Prime Minister, who may refer them to the Cabinet, before the relevant Board makes the appointment.

- The reappointments of the four Directors and CEO of Outback Stores, and the reappointment of the IBA Director, were based on the performance and expertise of the individuals, skill requirements and recommendations of the individual Boards.
- Candidates for the AHL Director vacancies provided by the NIAA for the Minister's consideration were sourced from NIAA's Board Candidate Register. The Register contains details of suitable skilled candidates who have indicated their interest in possible appointment.

Facts and figures

Gender Balance on the Indigenous Portfolio Agency Boards (as at 25/10/2022)

- 54% female and 46% male.

First Nations representation on the Indigenous Portfolio Agency Boards (as at 25/10/2022)

- 66% Indigenous and 34% non-Indigenous.

Key Dates

- Appointments expiry dates – twelve month forward program to 31/10/2023

Indigenous Portfolio Agency / Statutory Office Holder	Position/s and Term	Expiry Date
Aboriginal Hostels Limited <i>Appointed by the Minister</i>	2 Directors 1 Chairperson 1 Deputy Chair 2 Directors (up to 3 years)	05/05/2023 17 /09/2023 17/09/2023 29/10/2023
Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) <i>Appointed by the AIATSIS Council</i>	1 Chief Executive Officer (up to 5 years)	12/05/2023
Indigenous Business Australia <i>Appointed by the Minister</i>	1 Director 1 Deputy Chair 1 Director (up to 5 years)	13/05/2023 11/07/2023 16/09/2023
Aboriginal Land Commissioner <i>Appointed by the Governor-General at Executive Council</i>	1 Commissioner (up to 3 years)	09/07/2023

Ameet Jamble	Branch Manager Office of the CEO	§22(1)
§22(1)	Indigenous Portfolio Bodies Section	§22(1)

Central Group

2. Food Security in remote communities

Appropriate SES to come forward to support response:

- Rachael Jackson, Group Manager Central Group

Key Talking Points

- Ensuring a reliable supply of food and other essentials in remote First Nations communities is a high priority for the Australian Government.
- The NIAA is monitoring the situation in remote communities, which are experiencing magnified effects of national workforce shortages, global supply interruptions, severe weather and rising fuel prices.
- Through the Remote Food Security Working Group, we are working with state and territory governments, retailers, major wholesalers and distributors to ensure First Nations communities have access to the essentials they need.
- In partnership with state and territory governments and First Nations people, we are also developing a National Strategy for Food Security in Remote First Nations Communities. This Strategy responds to recommendations in the House of Representatives Indigenous Affairs Committee inquiry into remote food pricing and food security, and is being developed to address the unique and specific barriers to food security experienced in remote communities.
- The Commonwealth owned company Outback Stores Pty Ltd provides retail management and support services to 48 *Indigenous owned* stores across Australia. This includes providing financial underpinning support to a number of marginally viable stores that may otherwise not be able to operate.

Background

- In remote communities, long complex supply chains, low bulk purchasing power, high repair and maintenance costs, fluctuating community numbers and seasonal isolation all impact the quality, availability and affordability of fresh food and essential groceries.
- Prices have increased further in line with national market trends influenced by reduced supply, severe weather and rising fuel costs.
- The Remote Food Security Working Group meets at least quarterly to monitor and mitigate risks to the supply of food and groceries in remote communities.
- A number of stores have reported they are reducing price margins on core products, and supporting the purchase of nutritious foods by offsetting losses on healthy items with pricing on unhealthy and discretionary products.
- The Australian Government does not own any remote stores. Like commercial businesses nationwide, remote stores operate under a variety of ownership and management arrangements independent of Commonwealth influence.

HORSCIA Food Security Inquiry

- In 2020, the House of Representatives Standing Committee on Indigenous Affairs finalised its Inquiry into food pricing and food security in remote Indigenous communities (HORSCIA Inquiry)
- The Inquiry found high prices in remote stores are genuine and a direct result of the significantly higher costs involved operating in remote contexts.
- The HORSCIA Inquiry Report makes sixteen recommendations. The previous government's response to the Report is summarised at Attachment A.

National Strategy for Food Security in Remote First Nations Communities (Strategy)

- In partnership with jurisdictions and First Nations people, the Commonwealth is developing a Strategy to provide a coordinated national approach to improving the price, availability and quality of food and essential groceries in remote communities. The Strategy will shape actions in response to the HORSCIA Inquiry as well as consider emerging issues and local priorities.
- A cross-jurisdictional Project Reference Group has been established, enabling actions to be informed by First Nations and other subject matter experts.
 - Membership includes the National Aboriginal Community Controlled Health Organisation (NACCHO), through its member affiliates the Aboriginal Medical Services Alliance NT (AMSANT) and Puntuturnu Aboriginal Medical Service Aboriginal Corporation (PAMs), the NIAA and NT, QLD, WA, NSW, and SA representatives.

Community Stores Licensing Scheme - NT

- The Stronger Futures in the Northern Territory Act 2012 (SFNT Act) Commonwealth legislation sunset on 16 July 2022. The Australian Government, through the NIAA, is working with the NT Government to transition stores licensing to the NT Government.
- Remote community stores can continue business as usual while NT legislation is developed. This includes continuing to accept income managed funds on the BasicsCard or credit income managed funds to a store account.

Facts and figures

- Funding of \$100,000 is provided in 2022-23 for the Aboriginal Medical Services Alliance NT to represent the National Aboriginal Community Controlled Health Organisation on the development of the Strategy.
- Over 200 stores service remote communities across Australia.
- The 2021-22 Budget committed \$5 million for remote stores to overcome barriers to food security in their communities, this increased to \$8 million in response to the high need identified across remote Australia.
 - Remote stores were eligible to apply for up to \$500,000 (excluding GST) to fund one-off projects.
 - A total of 79 applications were received; 43 of those were successful.
 - Successful projects ranged from \$28,379 for a store in the NT to purchase a refrigerated trailer; to \$111,664 for a store in WA to purchase and install an off-grid solar power system and cool storage; and \$483,000 for a small store in Queensland to expand into a full service supermarket.

- 93% of successful applicants are First Nations owned organisations.
- A list of successful projects is included at Attachment B.

Key Dates

- 2 Dec 2021 – HORSCIA Inquiry response tabled
- 21 March 2022 – Food security grant opportunity outcomes announced.

Rachael Jackson	Central	s22(1)
Tom Dyer	NT Strategy and Policy	s22(1)
s22(1)	ABA Projects and Food Security	s22(1)

Attachment A – HORSCIA Inquiry Recommendations Summary

Short description	Recommendation	Response
1. ACCC to undertake enhanced market study into food and grocery prices in remotes stores	The Committee recommends that the Treasurer direct the Australian Competition and Consumer Commission to undertake an enhanced market study into food and grocery prices in remote community stores. This study should make recommendations about how to increase competition in remote areas and put downward pressure on food prices. The study should also identify better complaints handling mechanisms for people in remote communities, any changes to the consumer protection laws that might need to be made to address price gouging in these communities, which the current laws do not address, and a consideration of the impact, if any, of rebates. The study should also recommend ways in which remote community members can be better informed of their rights as consumers, especially the right to make complaints.	Does not support Treasury noted further price inquiry is unlikely to provide insight into drivers of food prices.
2. Real-time price monitoring	The Committee recommends that the Australian Government establish a real-time price monitoring and disclosure mechanism through a point of sale data system across all remote community stores. Such a system should allow for real time information about changes in price and patterns of consumption and supply. The price monitoring system should be reported and made publicly available by the NIAA.	Noted
3. Investigate upgrading of infrastructure and shipping	The Committee recommends that the Australian Government investigate the need for upgrading the infrastructure and shipping lanes in the Torres Strait and coastal areas of the Northern Territory, and road infrastructure into remote communities, to improve the supply of food to remote First Nations communities	Noted
4. Establishment of more local distribution centres	The Committee recommends that the Australian Government encourage the establishment of more local distribution centres by wholesalers in major regional centres closer to remote communities.	Supported
5. Review of ORIC governance training	The Committee recommends that an independent review of the outcomes and quality of governance training conducted by ORIC be undertaken so that in future training be available in language, and that evidence be collected that those who have completed the training actually understand their duties and obligations as directors. Completion of initial governance training and some level of continuing professional development for directors and staff should also become part of the national licensing scheme.	Supported in-principle
6. National Stores Licensing	The Committee recommends that the Australian Government institute a national scheme of licensing and inspection of remote community stores.	Supported in-principle
7. Remove notice of inspections for stores licensing	The Committee recommends that the Stronger Futures in the Northern Territory Act 2012 be amended to remove the requirement that stores be given notice before inspections.	Supported in-principle
8. Stores to disclose rebates	The Committee recommends that remote stores provide material to inform communities on their use of rebates.	Noted

9. Competitive process for store manager contracts.	The Committee recommends as a means of applying competitive pressure that at the expiration of store management contracts, new contracts should ideally be open to competitive tender.	Noted
10. Develop a food security strategy	The Committee recommends that the Australian Government, in partnership with the States and Territories and First Nations people, develop a strategy for food security and nutrition for remote First Nations communities.	Supported in principle Strategy is in development
11. Maintain the Food Security Working Group	The Committee recommends that the Food Security Working Group that was established during the COVID-19 pandemic be maintained and tasked with: 1. identifying improvements to the logistics of food and grocery supply into remote communities 2. assessing the viability of warehousing greater volumes of food and groceries in more remote parts of the supply chain 3. identifying ways to improve the replenishment cycle of food and groceries in remote community stores 4. ensuring food supply during pandemics, natural disasters and seasonal changes 5. identifying ways which the major supermarket chains can help play a role in driving down food prices and guaranteeing supply for remote communities 6. identifying ways in which Outback Stores might assist independent community stores with the supply of food and grocery stock.	Implemented The Food Security Working Group has been maintained and meets quarterly or more regularly as required to address emerging issues.
12. Support local food production	The Committee recommends that the Australian Government support local food production in remote communities to meet food safety standards and other regulations in order to encourage the greater use of locally sourced food.	Supported in principle
13. Food security grants program	The Committee recommends that the Australian Government introduce a remote community competitive grants program, with a focus on: 1. access and continuity of power 2. improving cold and dry storage in communities promoting and supporting local food production schemes such as mobile abattoirs, fishing enterprises and community gardens.	Implemented A grants program was delivered in 2021-22
14. Stores are eligible to receive grants available to other essential services	The Committee recommends that community stores be eligible to access and apply for any grants that might be available to other essential services in remote communities.	Noted
15. Reliable electricity	The Committee recommends that the Australian Government consult with the relevant State and Territory Government agencies to develop solutions to deliver reliable electricity to remote communities.	Supported in principle
16. Ensure town camps residents can receive grocery deliveries	The Committee recommends that the NIAA consult with the relevant stakeholders to ensure that Aboriginal and Torres Strait Islander residents of town camps can receive food deliveries from supermarkets in their vicinity.	Supported

Attachment B – Successful Food Security Grant Projects

Applicant Name	Project Location	Project Title / Project Description	Grant value
Ajurumu Store Aboriginal Corporation	Warruwi, Northern Territory	Purchase a refrigerated trailer	\$28,379.00
Aputula Aboriginal Corporation	Aputula (Finke), Northern Territory	Upgrades to Point of Sale equipment	\$28,170.00
Arramwelke Aboriginal Corporation	Bonya Homelands, Northern Territory	Purchase a backup generator for power security	\$120,000.00
Bidyadanga Aboriginal Community La Grange Inc	Bidyadanga, Western Australia	Purchase and installation of fridges, shelving and cold storage	\$228,262.52
Bungala Aboriginal Corporation	Oodnadatta, South Australia	Purchase of new kitchen equipment and upgrades, including electrical	\$183,158.78
C.O Frith & E.A Frith	Tara and Wilora, Northern Territory	Electrical upgrades	\$58,000.00
Community Enterprise Queensland	Doomadgee , Kowanyama , Pormpuraaw , Queensland	Purchase of six refrigerated containers across three remote communities (2 containers per community)	\$267,000.00
Djarindjin Aboriginal Corp	Djarindjin, Western Australia	Minor infrastructure, including Point of Sale and kitchen upgrades	\$95,506.00
Ehaf4 Pty Ltd	Leigh Creek, South Australia	Purchase of cool storage and electrical upgrades	\$329,331.00
Gununamanda Limited	Mornington Island, Queensland	Upgrades to cool storage facilities	\$42,691.00
Herald Lace Pty. Ltd.	Ti Tree, Northern Territory	Solar power installation	\$38,356.00

Imanpa General Store Anangu Aboriginal Corporation	Imanpa, Northern Territory	Purchase of a forklift	\$26,950.00
Indulkana Community Store Aboriginal Corporation	Indulkana South Australia	Construction of a secure, powered, shed	\$379,440.00
Jarlmadangah Burru Aboriginal Corporation	Jarlmadangah Burru, Western Australia	Purchase and installation of off-grid solar power system, including chest freezer units and modular cold room	\$111,664.00
Kiwirrkurra Council Aboriginal Corporation	Kiwirrkurra, Western Australia	Kitchen upgrades	\$67,834.93
Kunawarritji Aboriginal Corporation	Kunawarritji, Western Australia	Refrigeration upgrades	\$69,601.00
Kupungarri Aboriginal Corporation	Mount Barnett, Western Australia	Installation of solar power and cold storage solutions	\$485,912.00
Kyang-Kyang Aboriginal Corporation	Yarralin, Northern Territory	Purchase of cool storage and electrical upgrades	\$84,117.81
Lagulalya Aboriginal Corporation	Bickerton Island, Northern Territory	Point of Sale upgrade	\$13,075.00
Laynhapuy Homelands Aboriginal Corporation	Laynhapuy Homelands, Northern Territory	Purchase of cool storage and food transport equipment	\$164,892.00
Looma Enterprises Pty Ltd	Looma, Western Australia	Purchase of cool storage, shop infrastructure and repairs, and kitchen upgrades	\$125,715.14
Mangunampi Mangarri Incorporated	Yakanarra, Western Australia	Replace fresh food cool room and extend store room	\$234,000.00
Mapoon Aboriginal Council	Mapoon, Queensland	Purchase new commercial chiller, freezer and dry goods storage	\$495,000.00

Milikapiti Community Indigenous Corporation	Milikapiti, Northern Territory	Purchase and install fruit and vegetable refrigeration and takeaway equipment	\$158,182.00
Mungoorbada Aboriginal Corporation	Mungoorbada (Robinson River), Northern Territory	Build a cold room and purchase a vehicle to transport food from the airstrip	\$255,005.12
Mutitjulu Community Aboriginal Corporation	Mutitjulu, Northern Territory	Purchase of additional cool storage	\$181,065.95
s47C, s47E(d)	s47C, s47E(d)	s47C, s47E(d)	s47C,
Ngarlan Store Indigenous Corporation	Beagle Bay, Western Australia	Purchase of a new forklift and upgrades to Point of Sale equipment	\$58,175.00
s47C, s47E(d)	s47C, s47E(d)	s47C, s47E(d)	s47C, s47E(d)
Nitjpurru Aboriginal Corporation	Nitjpurru (Pigeon Hole), Northern Territory	Purchase of a forklift, upgrades to refrigeration and Point of Sale system	\$59,900.00
Ntjaminya General Store Aboriginal Corporation	Engawala, Northern Territory	Point of Sale upgrade	\$21,525.00
Numburindi Corporation Limited	Numbulwar, Northern Territory	Purchase a purpose-built refrigerated truck	\$189,663.00
Paupiyala Tjarutja Aboriginal Corporation	Tjuntjuntjara, Western Australia	Install new refrigerators, freezers and shelving	\$202,449.69
Redi.E Enterprises Pty Ltd	Wilcannia, New South Wales	Store equipment and infrastructure upgrades	\$500,000.00
Rirratjingu Aboriginal Corporation	Yirrkala, Northern Territory	Expansion of dry and cool storage, electrical upgrades, purchase of temperature controlled produce display	\$500,000.00

Seisia Community Torres Strait Islander Corporation	Seisia, Queensland	Purchase of cold rooms, refrigeration, backup generator, in-storage facilities, vehicle, forklift and staff training	\$500,000.00
Thamarrurr Development Corporation Limited	Wadeye, Northern Territory	Replace generator and associated power infrastructure	\$137,206.98
The Trustee for Gulf Regional Economic Aboriginal Trust	Normanton, Queensland	Expansion of store into a full service supermarket	\$483,000.00
Titjikala Community Store Aboriginal Corporation	Titjikala, Northern Territory	Purchase of a forklift	\$26,950.00
Uraro Community Store Pty Ltd	Kalumburu, Western Australia	Kitchen and Point of Sale upgrades	\$118,190.14
Warliburru Store Aboriginal Corporation	Minyerri, Northern Territory	Purchase of a freezer trailer and vehicle	\$73,400.86
Wirib Aboriginal Corporation	Timber Creek, Northern Territory	Kitchen and store upgrades	\$82,178.61
Wirrimanu Community Store Aboriginal Corporation	Balgo, Western Australia	Extend takeaway kitchen and training facility and purchase a refrigerated shipping container	\$209,630.14

Office of the CEO

Brief Title: International (Free, Prior and Informed Consent [FPIC], United Nations Declaration on the Rights of Indigenous Peoples [UNDRIP], Ambassador for First Nations People, Expert Mechanism on the Rights of Indigenous Peoples [EMRIP])

Appropriate SES to come forward to support response:

- Letitia Hope, Deputy CEO, Policy and Programs

Key Talking Points

Free, Prior and Informed Consent (FPIC) and United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

- The Australian Government endorsed UNDRIP in 2009 which it recognises as an expression by the international community of respect for the dignity of Indigenous peoples. While UNDRIP is not legally binding in and of itself, and Australia has not yet implemented it into domestic law, the Australian Government supports the principles underlying the UNDRIP.
- The Australian Government acknowledges the importance of engaging and collaborating in good faith with Aboriginal and Torres Strait Islander peoples on matters affecting them in line with the principles of FPIC, and since endorsing UNDRIP in 2009, gives practical effect to the Declaration through its programs and policies.
- Australia has used successive Closing the Gap frameworks since 2008 to improve adherence to the principles of UNDRIP through accountability measures such as implementation plans and the Partnership Agreement.
- Australia demonstrates its commitment to UNDRIP by promoting Indigenous rights at the United Nations (UN), having an open invitation to Special Rapporteurs and experts to conduct country visits, responding to Human Rights Council (HRC) calls for information, and engaging with treaty body processes.
- The NIAA encourages international engagement with First Nations people, through a number of multilateral fora, such as the United Nations Permanent Forum on Indigenous Issues [UNPFII], bilateral relationships and other international events.
- To facilitate First Nations international engagement, the NIAA has provided funding of \$150,000 to the Indigenous People's Organisation – Australia (IPO) to support Aboriginal and Torres Strait Islander participation and attendance at UN fora on issues affecting Indigenous people.

- Implementing the Uluru Statement from the Heart in full, including through holding a referendum to enshrine an Aboriginal and Torres Strait Islander Voice and establishing a Makarrata Commission for agreement-making and truth-telling, will demonstrate Government support for self-determination consistent with the principles of UNDRIP.

Ambassador for First Nations Peoples

- The Department of Foreign Affairs and Trade's (DFAT) First Nations Foreign Policy will incorporate First Nations identities, perspectives and practices into Australia's overseas engagement.
- This includes establishing an Office for First Nations Engagement headed by an Ambassador for First Nations Peoples to lead systematic engagement with First Nations communities and leaders and embed First Nations perspectives in Australia's international diplomacy.
- The Australian Government is currently seeking public expressions of interest from individuals to be considered for the Ambassador for First Nations People.

Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)

- The United Nations EMRIP will come to Australia in response to the invitation from the Noongar Family Safety and Wellbeing Council (the Council) based in Western Australia (WA).
- The EMRIP will advise on the implementation of the UNDRIP in relation to the contemporary removal of Aboriginal children through out-of-home care arrangements under child safety legislation.
- The scope and timing of the visit will be agreed through a terms of reference to be negotiated between the EMRIP, the Council as the requester, and other relevant stakeholders.
- The visit is anticipated for first quarter 2023. The EMRIP will meet with a range of stakeholders, including the Commonwealth and WA Governments, Indigenous organisations and service providers and will issue an advisory note at the conclusion of the visit.

Background

FPIC and UNDRIP

- The concept of free, prior and informed consent (FPIC) describes a process by which First Nations peoples are consulted on, and participate in, actions affecting their rights. Under this process, First Nations peoples have a right to provide, or withhold, their consent on any project which would affect their rights.

- FPIC is a concept predominantly outlined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The scope and content of FPIC is not defined in the UNDRIP, nor settled at international law, and is still subject to debate in international fora.
- In an Australian context, implementing FPIC is complex and has been limited under domestic legislation. Arguably, FPIC is very relevant in Australia given the many activities and developments that are conducted on or near Indigenous land and which might impact on First Nations Peoples.
- The NIAA has provided a submission to the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs responding to its inquiry on the application of the UNDRIP in Australia.

Ambassador for First Nations Peoples

- This is the first time an Ambassador position has been open to a public expression of interest, enabling qualified and interested individuals to apply.
- A five-person advisory panel comprised of Government and Aboriginal and/or Torres Strait Islander representatives will produce a shortlist of candidates for consideration by Government. DFAT and NIAA will be represented on the panel.
- The NIAA will continue to engage with DFAT and the Ambassador to discuss Indigenous issues as part of our regular bilateral engagement with the Canadian, New Zealand United States governments.
- DFAT's new policy agenda has four main pillars: shaping international norms and standards to benefit indigenous peoples, maximising opportunities for indigenous peoples in a globalised world, promoting sustainable development for all indigenous peoples, and deploying Indigenous Australian diplomats to advance Australia's national interests.

EMRIP

- EMRIP provides the Human Rights Council (HRC) with expertise and advice on the rights of Indigenous Peoples and assists Member States achieve UNDRIP goals.
- EMRIP comprises seven independent experts on the rights of Indigenous Peoples, appointed by the Human Rights Council. Its country visits deliver a constructive and practical public report.
- This is the first formal request EMRIP has made to visit Australia. Full cooperation with EMRIP highlights Australia as transparent and signals its ongoing support for human rights.
- State and territory governments have statutory and constitutional responsibility for child protection, including out-of-home care, however the Commonwealth provides national leadership in this space.

- The Department of Social Services (DSS) is the lead Commonwealth agency responsible for child protection and addressing Closing the Gap Target 12, which aims to reduce the rate of over-representation of First Nations children and young people in out-of-home care by 45 per cent by 2031.
- The NIAA provides input and advice to DSS to ensure that the perspectives and unique circumstances of First Nations families are considered and that policy approaches are culturally appropriate, accessible and trauma-aware.

Facts and figures

Indigenous Peoples Organisation (IPO)

- Funding of \$150,000 (GST exclusive) was approved through a non-competitive direct approach to IPO in August 2022.
- Funding will support Aboriginal and Torres Strait Islander participation at relevant UN mechanisms. Activities will include:
 - Representing broad Indigenous views at UN Forums, including the UNPFII, the EMRIP and the HRC;
 - Enabling the promotion of Indigenous rights at the UN, including through the development and participation in training programs;
 - Allowing for active engagement with other Indigenous organisations and people on relevant NIAA international initiatives, policies and projects, as requested by the Agency from time to time; and
 - Development of a Business Plan 2023-26 that determines its long-term strategic positioning and closer association with relevant national and international bodies.

Key Dates

- 01-2022 – the Australian Heritage Council, principal adviser to the Australian Government on heritage matters, published a policy on FPIC. This policy recognises the importance of seeking FPIC from First Nations peoples in the nomination and assessment process for the National and Commonwealth Heritage lists.
- 05-2021 – DFAT's Indigenous diplomacy agenda, launched in May 2021, is timely. It –has four main pillars: shaping international norms and standards to benefit indigenous peoples, maximising opportunities for indigenous peoples in a globalised world, promoting sustainable development for all indigenous peoples, and deploying Indigenous Australian diplomats to advance Australia's national interests.

- 28-02-2020 – Former Minister for Indigenous Australians, the Hon Ken Wyatt AM, MP and the then NZ Minister for Māori Development and Associate Minister for Trade and Export Growth, the Hon Nanaia Mahuta (Minister for Foreign Affairs) signed a Australia New Zealand Indigenous Collaboration Arrangement.

Ameet Jamble	Office of the CEO	s22(1)
s22(1)	Indigenous International	s22(1)

Program Performance Delivery

2. IAS Funding

Appropriate SES to come forward to support response:
Vance Khan Group Manager Program Performance Delivery
Sam Volker Branch Manager Select Support Report Branch

Key Talking Points

- The IAS will provide an annual average of \$1.74 billion for programs and activities that benefit Indigenous Australians, \$6.97 billion over the forward estimates.
- The IAS and Aboriginals Benefit Account (ABA) for financial year 2022-23 (as at 30 September 2022) is:
 - funding 1,641 organisations [1,589 organisations are funded under the IAS and 107 under ABA, noting that some organisations receive funding under both programs]
 - delivering 2,782 grant activities [2,636 IAS (including NAIDOC), 146 ABA]

Background

Funding to Indigenous organisations

IAS (excluding NAIDOC) – ABA reported separately below

- The proportion of 2022-23 IAS **funding** provided to Indigenous organisations is 71 per cent (\$816.63 m), up from 35 per cent at the commencement of the IAS in 2014. This reflects the proportion of expenditure this financial year of executed contracts.
- The proportion of the 1,278 **organisations** funded in the 2022-23 financial year, through the IAS that are considered Indigenous organisations is 61 per cent.
 - This is up from less than 30 per cent at the commencement of the IAS in 2014.
- The proportion of IAS **activities** delivered in the 2022-23 financial year by Indigenous organisations is 66 per cent.

ABA

- The proportion of ABA **funding** provided in the 2022-23 financial year to Indigenous organisations is 91 per cent.

- The proportion of the 146 **organisations** funded in the 2022-23 financial year through the ABA that are considered Indigenous organisations is 88 per cent.
- The proportion of ABA **activities** delivered in 2022-23 financial year, by Indigenous organisations, is 90 per cent.

Indigenous organisation funding policies

- Funding provided under the IAS is for the benefit of First Nations people.
- The Agency gives preference to Indigenous organisations for grants funding, where all other factors are equal.
 - This is done through the Agency's Grant Opportunity Guidelines which outline the approach for preferencing Indigenous organisations in funding decisions.
- Non-Indigenous organisations play a role in the IAS, where necessitated by program or activity design (i.e. they need to hold a specific licence or meet a legislative requirement), availability of a suitable Indigenous organisation or preference of the community.
- The NIAA is working with stakeholders on ways to implement Priority Reform Two under Closing the Gap, to build the community controlled sector. This includes exploring a whole-of-government approach to preferencing Indigenous organisations in particular scenarios where all other criteria have been met.

Facts and figures

IAS Grants current during 2022-23 (excludes ABA)

Program	No. of orgs	No. of grants	Per cent of grants	Total funding (\$m) (GST excl.)	Per cent of funding
1.1 - Jobs, Land & the Economy	464	661	25.08%	\$633.25	54.80%
1.2 - Children & Schooling	537	710	26.93%	\$174.75	15.12%
1.3 - Safety and Wellbeing	352	525	19.92%	\$251.94	21.80%
1.4 - Culture and Capability	517	605	22.95%	\$59.79	5.17%
1.5 - Remote Australia Strategies	110	130	4.93%	\$33.65	2.91%
1.6 - Evaluation & Research	4	5	0.19%	\$2.13	0.18%
IAS Total	1589	2636	100.00%	\$1155.51	100.00%

* Where an organisation has been funded under multiple programs the entity will be counted in each program.

Aboriginals Benefit Account (ABA) Grants current during 2022-23

Program	No. of orgs	No. of grants	Total funding (\$m) (GST excl.)
ABA	107	146	\$36.19

* Where an organisation has been funded under the IAS and ABA it will be counted in both totals in the tables above.

Indigeneity of IAS/ABA funded organisations in 2022-23 (excludes 454 NAIDOC Grants)

Indigeneity	No. of organisations	Activities		Activity funding	
		Number	Per cent	2022-23 Value (\$m) (GST excl.)	Per cent
Yes	848	1623	69.72%	\$874.46	73%
No	483	705	30.28%	\$317.22	27%
Total	1331	2328	100.00%	\$1,191.68	100%

* Counts of organisations include entities funded to deliver grants under the IAS and/or ABA.

Comparison of IAS/ABA funding to Indigenous organisations

(excludes NAIDOC)

Date	No. of Indigenous organisations	Per cent of all organisations	Activity value (GST excl.) (\$m)	Per cent of funding
Sep-2016	507	43.7	1,218.70	47.5
Jul-2017	573	44.5	1,217.04	49.8
May-2018	615	49.2	2,089.20	53.2
Oct-2019	685	58.0	2,523.89	62.0
Dec-2019	688	58.3	2,551.67	61.8
Sep-2020	698	60.0	2,666.02	60.0
Sep-2021	762	63.2	2,390.95	59.0
Feb-2022	759	62.6	2,843.77	61.6
Sep-2022	836	63.8	3,484.81	67.4
Difference (2016 - 2022)	329	20.1	2,266.11	19.9

IAS/ABA grant funding allocations current 2022-23 by organisation type

Organisation Type	Per cent of current IAS/ABA grant funding
Indigenous*	72.9%
Non-Indigenous	18.2%
Government bodies	8.9%
Total	100.0%

** An organisation is defined as Indigenous where the organisation is majority (51% or more) Indigenous owned or controlled. This is determined based on an applicant self-declaring the percentage of Indigenous ownership and control in their grant application.
The Agency does not collect information that enables it to separate profit and non-profit organisations funded under the IAS. Excludes NAIDOC grants*

IAS/ABA 2022-23* funding by service delivery locations – States/Territories and Indigeneity (excludes 454 NAIDOC Grants)

	Total			Non-Indigenous Organisations			Indigenous Organisations					
	Count of Organisations	Count of Activities	Location Attribution (\$m)	Count of Organisations	Count of Activities	Location Attribution (\$m)	Organisation		Activities		Location Attribution	
							Count	Per cent	Count	Per cent	\$m	Per cent
ACT	36	58	84.88	18	28	60.44	18	50%	30	52%	24.44	29%
NSW	340	505	155.46	161	209	57.51	179	53%	296	59%	97.95	63%
NT	315	658	349.87	101	176	67.06	214	68%	482	73%	282.81	81%
QLD	316	496	246.57	109	153	65.04	207	66%	343	69%	181.54	74%
SA	128	228	80.37	54	76	17.32	74	58%	152	67%	63.05	78%
TAS	25	45	7.61	13	16	2.77	12	48%	29	64%	4.84	64%
VIC	118	177	43.70	53	67	12.94	65	55%	110	62%	30.76	70%
WA	271	421	221.03	82	107	30.63	189	70%	314	75%	190.40	86%
Grand Total			1,189.50			313.71					875.79	

* Current funding includes total funding (past, present and future financial years) attributed to all funded activities that are active and have not reached agreement end date.

Note: this funding attribution is only an estimate based on information entered into grants administration systems by Agreement Managers. Not all activities have a location attribution.

Where an activity has multiple service delivery locations it will be counted multiple times where relevant.

IAS/ABA 2022-23 funding by service delivery locations – States/Territories and Program (excludes 454 NAIDOC Grants)

	1.1 - Jobs, Land and Economy (\$m)	1.2 - Children and Schooling (\$m)	1.3 - Safety and Wellbeing (\$m)	1.4 - Culture and Capability (\$m)	1.5 - Remote Australia Strategies (\$m)	1.6 - Evaluation and Research (\$m)	ABA (\$m)	Grand Total (\$m)
ACT	52.92	2.14	15.12	13.23	0.50	0.98		84.88
NSW	52.71	43.13	48.71	10.52	0.36	0.02		155.46
NT	182.32	38.54	68.52	19.00	5.97		35.52	349.87
QLD	139.07	37.92	48.23	6.32	15.03			246.57
SA	37.38	9.20	20.59	2.39	10.82			80.37
TAS	3.00	2.04	2.43	0.08	0.06			7.61
VIC	10.67	12.65	16.13	3.66		0.60		43.70
WA	138.52	33.58	41.64	6.60	0.15	0.53		221.03
Grand Total	616.61	179.18	261.38	61.80	32.88	2.13	35.52	1,189.50

* Current funding includes total funding (past, present and future financial years) attributed to all funded activities that are active and have not reached the end date.

Note: this funding attribution is only an estimate based on information entered into grants administration systems by Agreement Managers. Not all activities have a location attribution.

Where an activity has multiple service delivery locations it will be counted multiple times where relevant.

Grant Applications – Received (1 Jan 2021 – 30 September 2022)

Funding Round	Selection Process	2022									
		Jan-Mar		Apr-Jun		Jul-Sep		Oct-Dec		Total	
		No.	\$(m)	No.	\$(m)	No.	\$(m)	No.	\$(m)	No.	\$(m)
1,000 Jobs Package - Tranche Two	Open Non-Competitive	16	2.55	12	2.48	14	2.77			42	7.80
Aboriginals Benefit Account	Open Non-Competitive	48	46.91	53	75.93	72	155.30			173	278.13
Agency Collaborates - Community Initiated	Open Non-Competitive	6	23.36	3	1.59	6	3.64			15	28.60
Agency Collaborates - Direct Approach - Short	Closed Non-Competitive	17	85.78	35	76.05	21	12.50			73	174.33
Agency Collaborates - Direct Approach - Standard	Closed Non-Competitive	6	23.55	3	2.96	3	1.44			12	27.95
Agency Collaborates - School Readiness Program	Restricted Competitive					5	8.34			5	8.34
Indigenous Skills and Employment Program - Stage One	Open Competitive			241	21.22					241	21.22
Indigenous Youth Connection to Culture (IYCC)	Restricted Competitive			3	2.10					3	2.10
Local Investments Grant Opportunity	Restricted Competitive	37	1.94	39	1.82					76	3.76
NAIDOC Local Grants 2022	Open Competitive	851	5.21							851	5.21
Performance of representative body functions under the Native Title Act 1993 (Cth)	Restricted Competitive			1	9.02					1	9.02
Prescribed Bodies Corporate (PBC) Capacity Building Grant Funding	Restricted Competitive	7	8.73	5	3.87	5	4.12			17	16.71
SA Alcohol and Other Drugs residential rehabilitation and outreach service	Restricted Competitive					3	14.77			3	14.77
Tourism Grants for Indigenous Business	Open Competitive			50	3.08	142	8.98			192	12.07
Total		988	198.02	445	200.14	271	211.86			1704	610.02

Funding Round	Selection Process	2021									
		Jan-Mar		Apr-Jun		Jul-Sep		Oct-Dec		Total	
		No.	\$(m)	No.	\$(m)	No.	\$(m)	No.	\$(m)	No.	\$(m)
1,000 Jobs Package - Tranche Two	Open Non-Competitive	26	4.36	49	19.27	19	2.48	14	1.78	108	27.88
Aboriginals Benefit Account	Open Non-Competitive					7	7.89	35	39.15	42	47.03
Agency Collaborates - Community Initiated	Open Non-Competitive					2	4.61	4	5.84	6	10.45
Agency Collaborates - Direct Approach - Short	Closed Non-Competitive					3	2.25	8	11.20	11	13.45
Agency Collaborates - Direct Approach - Standard	Closed Non-Competitive					2	0.53	1	1.80	3	2.33
Community Led Grants	Open Non-Competitive	8	8.44	6	8.01	2	4.75			16	21.20
Department Approaches Organisation (Direct Source)	Direct	18	14.39	14	46.58	7	8.24			39	69.21
Indigenous Boarding Providers	Open Competitive					2	3.88	48	32.32	50	36.20
Indigenous Land Enterprise Infrastructure Fund	Restricted Competitive							88	22.48	88	22.48
Indigenous Local Employment Fund	Restricted Competitive					5	0.60	45	7.55	50	8.15
Indigenous Mental Health First Aid Training	Open Competitive			14	130.75					14	130.75
Indigenous Rangers	Restricted Competitive	78	759.01	2	7.26					80	766.26
Indigenous Suicide Postvention Services	Open Competitive			7	54.93					7	54.93
Indigenous Youth Connection to Culture (IYCC)	Restricted Competitive							9	3.59	9	3.59
Local Investments Grant Opportunity	Restricted Competitive	50	2.33	67	2.88	15	0.58	50	2.25	182	8.04
Murray-Darling Basin Indigenous Rangers Program	Open Competitive			14	8.07					14	8.07
NAIDOC 2021	Open Competitive	596	2.71							596	2.71
Prescribed Bodies Corporate (PBC) Capacity Building	Restricted Competitive					4	3.25	1	0.30	5	3.55
Strengthening Remote Communities - Food Security	Open Competitive							78	16.02	78	16.02
Tailored Assistance Employment Grants	Open Non-Competitive	2	0.42	84	34.59					86	35.01
Tourism Grants for Indigenous Business	Open Competitive	61	3.53	206	13.12					267	16.64
Grand Total		839	795.17	463	325.45	68	39.06	381	144.27	1751	1,303.95

Grant Applications – Approved (1 Jan 2021 – 30 September 2022)

Note: approval information below relates to grant applications assessed by PM&C/NIAA and subsequently approved by a Delegate; these are not yet executed funding agreements. These approved applications progress to negotiations with the successful applicant to enter into a Funding Agreement.

Funding Round	Selection Process	2022									
		Jan-Mar		Apr-Jun		Jul-Sep		Oct-Dec		Total	
		No.	\$(m)	No.	\$(m)	No.	\$(m)	No.	\$(m)	No.	\$(m)
1,000 Jobs Package - Tranche Two	Open Non-Competitive	27	4.65	12	3.05	14	2.12			53	9.82
Aboriginals Benefit Account	Open Non-Competitive	40	25.11	22	7.50	20	8.51			82	41.12
Agency Collaborates - Community Initiated	Open Non-Competitive	1	0.41	6	2.60	3	0.94			10	3.96
Agency Collaborates - Direct Approach - Short	Closed Non-Competitive	18	87.07	29	57.24	25	18.41			72	162.71
Agency Collaborates - Direct Approach - Standard	Closed Non-Competitive			7	25.55	2	0.79			9	26.34
Department Approaches Organisation (Direct Source)	Direct	4	3.78							4	3.78
Indigenous Skills and Employment Program - Stage 1	Open Competitive					67	3.35			67	3.35
Indigenous Land Enterprise Infrastructure Fund	Restricted Competitive	19	4.89	16	3.81					35	8.70
Indigenous Local Employment Fund	Restricted Competitive	26	4.31	7	0.97					33	5.29
Indigenous Youth Connection to Culture (IYCC)	Restricted Competitive	9	3.59	1	0.40	2	0.80			12	4.79
Local Investments Grant Opportunity	Restricted Competitive	44	2.35	57	2.69					101	5.04
NAIDOC Local Grants 2022	Open Competitive			538	1.41					538	1.41
Performance of representative body functions under the Native Title Act 1993 (Cth)	Restricted Competitive			1	8.60					1	8.60
Prescribed Bodies Corporate (PBC) Capacity Building Grant Funding	Restricted Competitive			2	1.49	7	7.39			9	8.88
Strengthening Remote Communities - Food Security	Open Competitive	43	7.99							43	7.99
Grand Total		231	144.15	698	115.31	140	42.31	0	0	1069	301.78

Funding Round	Selection Process	2021									
		Jan-Mar		Apr-Jun		Jul-Sep		Oct-Dec		Total	
		No.	\$(m)	No.	\$(m)	No.	\$(m)	No.	\$(m)	No.	\$(m)
1,000 Jobs Package - Tranche Two	Open Non-Competitive	12	1.65	33	6.44	68	16.73	9	1.25	122	26.07
Aboriginals Benefit Account	Open Non-Competitive	26	45.32			2	0.23	32	15.55	60	61.10
Agency Collaborates - Community Initiated	Open Non-Competitive							1	0.90	1	0.90
Agency Collaborates - Direct Approach - Short	Closed Non-Competitive					2	1.28	5	9.31	7	10.59
Agency Collaborates - Direct Approach - Standard	Closed Non-Competitive							2	1.98	2	1.98
Community Led Grants	Open Non-Competitive	4	3.79	5	2.77	1	0.14	2	4.08	12	10.78
Department Approaches Organisation (Direct Source)	Direct	9	5.24	27	43.37	15	27.71	18	5.32	69	81.65
Indigenous Boarding Providers	Open Competitive							42	15.72	42	15.72
Indigenous Local Employment Fund	Restricted Competitive					1	0.08	7	0.99	8	1.07
Indigenous Mental Health First Aid Training	Open Competitive					1	15.00			1	15.00
Indigenous Rangers	Restricted Competitive					80	699.10			80	699.10
Indigenous Suicide Postvention Services	Open Competitive					1	14.99			1	14.99
Local Investments Grant Opportunity	Restricted Competitive	17	0.77	97	4.07	9	0.37	30	1.10	153	6.31
Murray-Darling Basin Indigenous Rangers Program	Open Competitive					5	3.09			5	3.09
NAIDOC 2021	Open Competitive			522	1.44					522	1.44
Prescribed Bodies Corporate (PBC) Capacity Building Grant Funding	Restricted Competitive	4	0.96					4	2.90	8	3.86
Tailored Assistance Employment Grants	Open Non-Competitive	7	2.59	5	9.77	46	16.60			58	28.96
Tourism Grants for Indigenous Business	Open Competitive			12	0.59	48	2.36			60	2.95
Grand Total		79	60.32	701	68.45	279	797.68	152	59.10	1211	985.56

Selection processes:

- The CGRGs apply to all forms and types of grants. Grants may take a variety of forms, including payments made:
 - as a result of competitive or non-competitive selection processes;
 - where particular criteria are satisfied; or
 - on a one-off or ad hoc basis.^[1]
- Types of IAS/ABA selection processes:
 - **open competitive** process which have open and closed nominated dates, with eligible applications being assessed against the nominated selection criteria;
 - **open non-competitive** process under which applications may be submitted at any time over the life of the grant opportunity and are assessed individually against the selection criteria, with funding decisions in relation to each application being determined without reference to the comparative merits of other applications;
 - **restricted competitive** process which are open to a small number of potential grantees based on the specialised requirements of the grant activity under consideration;
 - **direct or closed non-competitive** process. For example, where applicants are invited by the entity to submit applications for a particular grant and the applications or proposals are not assessed against other applicants' submissions but assessed individually against other criteria; or

^[1] A one-off or ad hoc grant generally does not involve planned selection processes, but is instead designed to meet a specific need, often due to urgency or other circumstances. These grants are generally not available to a range of potential grantees or on an ongoing basis.

Vance Khan	Program Performance Delivery	s22(1)
Sam Volker	Branch Manager, Select, Support and Report Branch	s22(1)
s22(1)	Systems Support and Reporting	s22(1)

Social Policy and Programs Group

Incarceration and Deaths in Custody

- Letitia Hope, DCEO, Policy and Programs
- Ben Burdon, Group Manager, Social Policy and Programs
- Ursula Carolyn, Branch Manager, Families and Safety

Key Talking Points

- The Government is committed to improving justice outcome for First Nations people and reducing deaths in custody
 - First Nations people have disproportionate incarceration rates and reducing those rates is the best means for reducing deaths in custody.
- The Government has committed \$99 million through the 2022-23 Budget to implement a package of measures to drive meaningful change.
- The NIAA and the AGD will jointly implement these measures, including:
 - \$81.5 million to establish an independent national justice reinvestment unit and fund up to 30 community-led justice reinvestment initiatives,
 - Enhanced national reporting on deaths in custody, and
 - \$3 million to support the National Family Violence Prevention Legal Services (FVPLS) Forum and its providers, to increase access to justice for First Nations people experiencing or at risk of family violence, especially women and children.
- Through the Indigenous Advancement Strategy (IAS), the NIAA also administers funding to a range of programs that aim to reduce First Nations incarceration rates and address deaths in custody. This includes:
 - Custody Notification Services which provide a culturally appropriate health and wellbeing check and basic legal information to all First Nations people brought in to police custody and helps to address the risk of First Nations deaths in custody.
 - Adult and youth through-care programs which provide intensive case management to First Nations people to help them transition from prison or detention back into their communities and avoid reoffending.
 - Community Safety Patrols which employ First Nations people to patrol their local communities and offer culturally sensitive assistance and transportation to a safe place for those at risk of harm.
- Collective effort across all governments is vital to addressing underlying drivers and justice-specific issues that increase First Nations people's risk of contact with the criminal justice system, and incarceration rates and Targets 10 and 11 of the National Agreement on Closing the Gap.
- The Justice Policy Partnership, co-led by the Commonwealth Attorney General's Department (AGD) and the National Aboriginal and Torres Strait Islander Legal Services (NATSILS) brings together Australian and state and territory governments, the Coalition of Peaks, and independent First Nations representatives to take a joined-up approach to justice policy and accelerate progress towards achieving Targets 10 and 11.

If asked:

Will the Government be fulfilling the election commitment to hold a summit on deaths in custody?

- The Government has committed to holding a National Justice Summit with First Nations people and states and territories to drive coordinated future action.
- The timing of the Summit is to be determined.

Does the Minister / CEO support the NIAA's ("overly positive") reference at the Missing and Murdered Women Inquiry to the Deloitte Access Economics' 2018 Review of the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC)?

- As the NIAA representatives said at the time, deaths in custody remains a critical issue and incarceration rates of First Nations adults is increasing.
- While considerable effort has been made, more needs to be done collectively with all governments to address the drivers of crime that increase First Nations people's risk of contact with the criminal justice system.
- The Government is committed to addressing deaths in custody and reducing incarceration rates and has committed to do so through justice reinvestment, enhanced reporting on deaths in custody, increased support to the peak organisation for family violence prevention and legal services, support to families through coronial families and working with State and Territory governments to increase the minimum age of criminal responsibility.

Background

- The following election commitments will have a direct impact on justice targets and deaths in custody:
 - Place-based tailored justice reinvestment initiatives providing targeted supports and services in up to 30 communities.
 - Existing community-led models, such as those in Bourke and Halls Creek, have proven successful in reducing incarceration and re-offending through targeted supports in their communities.
 - Enhanced national reporting on deaths in custody.
 - Support for the FVPLS Forum and its providers, to increase access to justice for First Nations people experiencing or at risk of family violence, especially women and children.
- The central finding of RCIADIC is that "too many Aboriginal people are in custody too often" and made recommendations which addressed key underlying socio-economic determinants that put First Nations people at greater risk of contact with the criminal justice system.
- These issues were also the subject of:
 - 2017 Royal Commission into the Protection and Detention of Children in the Northern Territory Report, and
 - 2018 Australian Law Reform Commission's Pathways to Justice Report.

Facts and figures

- First Nations people are 13 times more likely to be imprisoned than non-Indigenous Australians, making up 30 per cent of the adult prison population, but approximately 2 per cent of the Australian adult population (ABS 2021).
- First Nations young people represent 5.8 per cent of those aged 10-17 years in Australia, but make up 53 per cent of young people in detention on an average day (AIHW 2020-21).
- The Productivity Commission's Annual Data Compilation Report released on 28 July 2022 shows mixed outcomes on the justice targets under the National Agreement on Closing the Gap:
 - Rates of adult incarceration are increasing, and Target 10 – to reduce the rate of incarceration at least by 15 per cent by 2031 – is **not on track** to be met based on baseline data from 2019
 - Rates of youth detention are decreasing, and these improvements indicate Target 11 – to reduce the rate of young people in detention by at least 30 per cent by 2031 – is **on track**.
- There have been 517 deaths of First Nations people in custody between 1 July 1991 (RCIADIC) and 30 June 2022.
- The Australian Institute of Criminology (AIC) Deaths in Custody in Australia Dashboard presents quarterly data on deaths in custody nationally for the most recent five years, up to 30 June 2022 (AIC 2022 – Deaths in custody in Australia Quarterly dashboard).
 - For 2021-22FY, 24 First Nations people died in custody:
 - 16 deaths were in prison custody, and
 - eight deaths were in police custody.
 - During the April to June 2022 quarter, five First Nations people died in custody:
 - three deaths were in prison custody, and
 - two deaths were in police custody.
- The Quarter 3 2022 update is scheduled for release on 29 November 2022.

Key Dates

- **October 2022** – Budget 2022 announcement:
The Government will provide \$99 million over 4 years from 2022-23 to support improved justice outcomes for First Nations people. Funding includes:
 - \$81.5 million for justice reinvestment initiatives and an independent justice reinvestment unit
 - \$13.5 million over 3 years from 2022-23 for Aboriginal and Torres Strait Island Legal Services (ATSILS) to ensure First Nations families can access culturally appropriate and timely legal assistance before, during and after coronial processes.
 - \$3 million over 3 years from 2022-23 for the Family Violence Prevention Legal Services Forum (FVPLS) Forum and all FVPLS providers to deliver legal and non-legal support to First Nations communities.
 - \$1 million over 3 years from 2022-23 for the NATSILS to support its contribution to law reform and policy development to address inequalities in the legal system.

- Enhanced national reporting of deaths in custody (costs to be absorbed).
- **May 2022** – pre election announcement:
 - \$79 million for justice reinvestment initiatives and independent national justice reinvestment unit. **Note:** this was calculated incorrectly and rectified as part of Budget 2022 announcement
 - \$13.5 million for ATSILS to provide culturally appropriate and timely legal assistance before, during and after coronial inquests
 - \$3 million for the National FVPLS Forum
 - \$1 million to build capacity and support the leadership of the NATSILS.
 - National Justice Summit (uncosted)
 - Consolidated real-time national reporting of deaths in custody (uncosted)
- **2018** – Deloitte Access Economics’ 2018 Review of the Implementation of the Recommendations of the RCIADIC
- **2018** – Australian Law Reform Commission’s Pathways to Justice Report
- **2017** – Royal Commission into the Protection and Detention of Children in the Northern Territory Report
- **1991** – RCIADIC

Ben Burdon	Social Policy and Programs Group	s22(1)
Ursula Carolyn	Families and Safety Branch	s22(1)
s22(1)	Justice Policy Section	s22(1)

Corporate Group

Indigenous Advancement Strategy Budget Position

Appropriate SES to come forward to support response:

- Nicholas Creagh, Chief Financial Officer

Key Talking Points

- The IAS budget through the 2022-23 October Portfolio Budget Statements (PBS) is **\$6.97 billion over four years**. As at 30 September 2022:
 - \$2.99 billion of funds are legally committed or reserved for demand-driven activities across the forward estimates. 43 per cent of IAS funding is legally committed across the forward estimates.
 - \$3.79 billion is for planned investments for critical and in many cases essential services, placed based targeted investment, ongoing community services and statutory requirements.
 - The \$3.79 billion for planned investment includes \$411.45 million which has been approved, by either the Minister or an NIAA delegate, but is yet to be legally committed.
 - The remaining available funding across the forward estimates is \$182.58 million (2.6% of IAS). With the assumption of the continuation of existing IAS projects, there is limited resource that can be used to absorb new measures in future budget rounds.
- For 2021-22, the Agency fully spent the appropriation, except for:
 - \$17.00 million returned to Department of Finance (DoF) as unused CDP supplementary appropriation.
 - \$56.10 million funding been moved to FY 2022-23, including:
 - \$40.00m: for the implementation of Murray-Darling Basin Aboriginal Water Entitlements Program. The funding now been transferred to Department of Climate Change, Energy, the Environment and Water (DCCEEW) to manage following the October Budget.
 - \$14.15m: remaining balance of 2021-22 appropriation for Territories Stolen Generations Redress Scheme.
 - \$1.90m: funding reserved to deliver on the IAS Evaluation Work Plan.
- For 2022-23, the Agency is forecasting for the IAS appropriation of \$1.72 billion to be fully spent. Of this, \$1.30 billion (or 76 per cent) is legally committed as at 30 September 2022. Of the remaining \$416.35 million funding:

- \$120.51 million has been approved for spending, by either the Minister or an NIAA delegate, but is yet to be legally committed, and
- \$295.84 million is for planned investments that have not yet been approved for spending by the Minister or an NIAA delegate.
- This remaining funding could be reprioritised for emerging priorities if necessary, however this would have broader community impacts as the activities are planned for essential services, place-based targeted investment, ongoing community services and statutory requirements.

Facts and figures

- The table below outlines the IAS funding and commitments as at 30 September 2022. As the IAS is capped, the planned investments are capped at the difference between legal commitments and the appropriation.

Indigenous Advancement Strategy	2022-23	2023-24	2024-25	2025-26	Total
	\$m	\$m	\$m	\$m	\$m
Total Appropriation	1,721.11	1,692.06	1,740.10	1,812.90	6,966.17
Legally committed funding	1,304.76	663.23	532.21	492.19	2,992.39
Planned Investments [#]	416.35	1,028.83	1,207.89	1,320.71	3,973.78
1.1 Jobs, Land and Economy	838.59	769.05	833.71	898.67	3,340.02
Legally committed funding	692.09	442.81	443.08	422.46	2,000.44
Planned Investments	146.50	326.24	390.63	476.21	1,339.58
1.2 Children and Schooling	260.84	245.03	276.88	279.68	1,062.43
Legally committed funding	132.55	18.55	1.57	0.75	153.42
Planned Investments	128.29	226.48	275.31	278.93	909.01
1.3 Safety and Wellbeing	457.13	420.90	384.59	387.00	1,649.62
Legally committed funding	375.04	163.43	81.60	67.10	687.17
Planned Investments	82.09	257.47	302.99	319.90	962.45
1.4 Culture and Capability*	94.81	77.79	60.38	58.09	291.07
Legally committed funding	58.95	19.77	2.80	1.88	83.40
Planned Investments	35.86	58.02	57.58	56.21	207.67
1.5 Remote Australia Strategy	59.06	170.23	173.75	178.48	581.52
Legally committed funding	41.03	15.55	3.15	0.00	59.73
Planned Investments	18.03	154.68	170.60	178.48	521.79
1.6 Evaluation and Research	10.68	9.06	10.79	10.98	41.51
Legally committed funding	5.10	3.12	0.01	0.00	8.23
Planned Investments	5.58	5.94	10.78	10.98	33.28

[#] Planned Investments includes

- \$182.59m IAS available funding, which is 2.6% of the total IAS appropriation;
- \$190.13m October budget measure for supporting community sector organisations.

Sam White	Corporate	s22(1)
Nick Creagh	Finance and IT	s22(1)
s22(1)	Administered Business Partnering	s22(1)

Attachment A: Definition of Funding Categories

- Legally committed funds have been committed under a legal contract or reserved for the outcome payment for demand driven activities. This include expenditure for the Community Development Program (CDP).
- Planned Activities include investments to support:
 - Essential services: Essential services and government priorities, have had many years of support and are often filling a significant service provision gap. The removal of services would have perverse outcomes that extends beyond the specific program.
 - Place based targeted investment: Funding for often one-off, critical projects that are focused on genuine community need.
 - Ongoing spending driven by statutory requirements: Recognition of Native Title and maximising economic and social benefit from the use of native title rights. Assisting traditional owners navigate the complexity of native title law and land rights claims.
 - Ongoing community services: Embedded programs where there is a community need for the service to continue.

Economic Policy and Programs

Indigenous Procurement Policy (IPP)

Appropriate SES to come forward to support response:

- Ms Deborah Fulton, A/g Group Manager, Economic Policy and Programs; or
- Mr Avinash Clarke, A/g Branch Manager, Business and Economic Policy

Key Talking Points

- The Government has committed to ensure more opportunities are available to Australian businesses and their employees through the **Buy Australian Plan**. This includes a commitment to increasing opportunities for First Nations businesses.
- The IPP has driven behavioural change across the Australian Public Service and is influencing the supply chains and workforces of our major suppliers.
- Since the IPP started in 2015, over 47,000 contracts with a total value of over \$6.9 billion have been awarded to over 3,000 Indigenous businesses.
- All portfolios met their targets for the number and value of contracts awarded to First Nations businesses in 2021-22 (3 per cent of the number of contracts and 1.50 per cent of addressable spend).

IPP Eligibility Criteria

Does the Government intend to change the definition?

- That is a matter for Government.
- NIAA contracts Supply Nation to maintain a First Nations business registry.
- To be IPP eligible, a business must be 50 per cent First Nations owned.
- The **current 50 per cent ownership based definition** has supported the rapid growth and maturity of the sector.
- There are differing perspectives on the appropriate definition, including that business should be 100 per cent First Nations owned, should be subject to skills and employment requirements, or should be First Nations owned, managed and controlled.
- Prominent stakeholders, including Supply Nation, are advocating a 51 per cent owned, managed and controlled definition.

Black Cladding

What is the government doing to prevent blackcladding?

- Addressing black cladding is complex – there are various perspectives on what is, and isn't, 'black cladding'.
- The Government has committed to increasing opportunities for First Nations businesses through the Buy Australian Plan and is giving consideration to ensure the intended benefits from the IPP flow to First Nations people.
- NIAA has confidence in Supply Nation's processes to verify businesses against the IPP's 50 per cent First Nations owned eligibility criteria. Robust verification and monitoring arrangements are in place including annual audits.
- All formal complaints are handled in accordance with Supply Nation's published procedures. NIAA receives regular reports and refers complaints to Supply Nation where appropriate.

- NIAA is closely monitoring the policy settings, stakeholder feedback and working with Supply Nation to strengthen verification and assurance to ensure the IPP is delivering on its intended outcomes.
- Since 2018, 64 complaints have been received with 12 relating specifically to black-cladding. Complaints include concerns in relation to the conduct of a business, suspicions or perceptions relating to Indigeneity, and commercial disputes relating to the products or services delivered.

Has the Government identified instances of black cladding amongst its contractors?

- NIAA closely monitors complaints made to Supply Nation.
- NIAA is aware of one complaint relating to a business no longer meeting the IPP eligibility criteria.
- The business was promptly de-registered by Supply Nation, who informed the Commonwealth via established processes. No compliance action was required under the IPP.
- This example shows the system working as intended.

HORSCIA IPP-related recommendations and NIAA activities

Does the government support the HORSCIA recommendations?

- In August 2021, the HORSCIA inquiry into Indigenous participation in Employment and Business made six recommendations on the IPP. This included raising eligibility standards, having better IPP performance measures and auditing government contracts to ensure black cladding is not occurring.
- The report provided useful information to inform actions that may be developed through the Buy Australian Plan, particularly the action to provide more opportunities for First Nations businesses with a view to maximise skills transfer.

Background

- The IPP increases First Nations procurement in three ways:
 - Setting targets for Commonwealth portfolios to report their First Nations business contracts to the NIAA via the IPP Reporting System.
 - Mandating First Nations businesses are given the first opportunity to quote for contracts between \$80,000 and \$200,000, and for all contracts in remote areas (called the Mandatory Set Aside).
 - Requiring all high value contracts (over \$7.5 million) include First Nations employment and business supply use targets (Mandatory Minimum Indigenous Participation Requirements or MMRs). Generally, the target is a minimum of 4 per cent and can be met through a combination of supply use and employment.

Facts and figures

	21-22 targets	21-22 actual	Difference from 20-21
Number of Indigenous businesses contracted	N/A	1,205	+224 (+22.8%)
Number of contracts	1,746	11,479	+273 (+2.4%)
Value of contracts	\$244m*	\$1.617b	+\$486m (+43.0%)
Percentage of mandatory set aside contracts going to Indigenous businesses	N/A	4%	-2 percentage points

* Targets are calculated annually by NIAA based on 'addressable spend' which excludes restricted markets (e.g. blood products and munitions) and mandatory panel arrangements.

- As a general comparison, \$52.4 billion in Commonwealth procurements were reported to AusTender 2021-22 (68,670 contracts).

Key Dates

- 30 March 2022 – Former Government response to the HORSCIA Indigenous Participation in Employment and Business report tabled.
- 30 August 2021 – HORSCIA Indigenous Participation in Employment and Business report tabled in Parliament.
- 1 July 2015 – IPP commenced (MMR became binding 1 July 2016).

Deborah Fulton	Economic Policy and Programs Group	s22(1)
Avinash Clarke	Business and Economic Policy Branch	s22(1)
s22(1)	Indigenous Procurement Policy and Targets Team	s22(1)

Truth-Telling Taskforce

Ngurra Cultural Precinct – National Resting Place

Appropriate SES to come forward to support response:

- Andrea Kelly, Acting Group Manager, Truth-Telling Taskforce
- Jeremy Mickle, Acting Branch Manager, Culture and Heritage Branch

Key Talking Points

- On **5 January 2022**, the previous Australian Government announced the National Aboriginal and Torres Strait Islander Cultural Precinct (the Precinct). The Precinct would be focused exclusively on the history and cultures of Australia's First Nations peoples and include:
 - A **National Resting Place** to house and care for repatriated limited-provenance Indigenous ancestral remains and any associated cultural material on their journey back to Country.
 - A **National Indigenous Knowledge and Cultural Centre**, including new and expanded facilities for the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), to empower and support First Nations people to tell their own stories and celebrate the 65,000-year history of our nation.
- The Precinct will increase national engagement with, and recognition of, First Nations peoples' histories and cultures and supports the Government's commitments to truth-telling and reconciliation.
- The establishment of a National Resting Place will address the lack of a holistic facility to perform the functions of housing and caring for Aboriginal and Torres Strait Islander ancestral remains with limited or unknown provenance repatriated to Australia from overseas collections. The proposal follows the 2014 national consultation with First Nations peoples on the development of a National Resting Place.
- On **4 March 2022**, AIATSIS launched an architectural design competition to determine the design concept for the Precinct.
 - The design competition is being undertaken to develop an iconic design that fitted the location and reflected First Nations peoples' aspirations, achievements and deep connection to Country.
 - s47C, s47E(d)
 - AIATSIS engaged Indigenous design and strategy studio, Balirinji, to undertake consultation with Ngunnawal and Ngambri Traditional Owners throughout the Ngurra design competition.
- The Ngurra Project lead is the CEO of AIATSIS who reports on this Project to the Minister for Indigenous Australians.
- Governance models in place to support the project include:
 - Two primary oversight boards provide support and assistance to the AIATSIS CEO, including:
 - Senior Steering Committee – the role of the Committee is to review and advise on matters relevant to the project from a

whole-of-government perspective. The Senior Steering Committee is chaired by the CEO of AIATSIS and consist of a range of senior representatives across Government, including the NIAA. The Secretariat function is performed by the AIATSIS Project Delivery Team.

- Project Control Board – the Board has oversight of the delivery of the project. The Project Control Board is responsible to the AIATSIS CEO and reports to the Senior Steering Committee.
- Separately, an Indigenous Advisory Committee, comprised of relevant First Nations experts, will be established to provide advice to the Senior Steering Committee and the Project Control Board on matters such as repatriation and education.

Background

- The detailed business case for the Ngurra Cultural Precinct was developed in accordance with the Australian Government’s two-stage Capital Works Approval Process. The business case was developed by AIATSIS, in partnership with the NIAA.
- The Government supports the repatriation of ancestral remains to their communities of origin. If the community of origin cannot be determined, ancestral remains are placed in the care of museums so that further work can be undertaken to identify the rightful custodians.
 - The Australian Government policy on Indigenous Repatriation is administered by the Office for the Arts.
 - In the past 30 years, the Australian Government has supported the return of over 1,600 ancestral remains to Australia.
 - There are over 600 Indigenous ancestral remains returned to Australia with limited provenance that have not been returned to community.

Facts and figures

- The previous Australian Government committed indicative funding of **\$316.5 million** over five years (2021-22 to 2025-26) for the design and construction of Ngurra, this remains in the Contingency reserve.
- Of this **\$8.51 million** has been appropriated, with \$4.4 million to Capital and \$4.1 million for Operational Expenditure. In addition, \$0.975 million was remaining from the Detailed Business Case phase. **\$307.9** remains in the CR.

\$ million	2021-22	2022-23	2023-24	2024-25
AIATSIS	2.4	1.7	0.0	0.0
Contingency Reserve	4.4	47.4	134.3 + 8.8 (storage)	79.7 + 8.9 (storage)

- The Ngurra Cultural Precinct will be located in Commonwealth Place, between the National Library of Australia and the National Gallery of Australia, and on the same axis as Old Parliament House and the Australian War Memorial.
- ‘Ngurra’ is a word that appears in many different Aboriginal languages, each with a similar meaning. It’s the word for ‘home’, ‘camp’, ‘a place of belonging’.
- AIATSIS is Australia’s only national institution focused exclusively on the cultures and heritage of Australia’s First Nations peoples. It maintains a collection of more than one million items, including academic research

materials, audio recordings and works by First Nations knowledge keepers, artists, filmmakers, and storytellers.

Key Dates

- s47C, s47E(d) [Redacted]
- s47C, s47E(d) [Redacted]
- **24 June 2022** – Stage 2 submissions closed.
- **2 May 2022** – Stage 2 of the Design Competition was launched.
- **1 April 2022** – Stage 1 submissions closed.
- **4 March 2022** - The former Australian Government launched the first stage of the Design Competition for the Ngurra Cultural Precinct.
- **5 January 2022** – The former Australian Government announced the construction of the Ngurra Cultural Precinct. This announcement included the \$316.5 million in funding support.
- **11 May 2021** – In the 2021-22 Budget, the former Australian Government expanded the scope of the proposal and committed **\$4.7 million** towards a detailed business case for the Ngurra Cultural Precinct.
- **17 March 2021** – The initial business cases were provided to the former Australian Government for consideration.
- **15 May 2019** – As an election commitment, the former Australian Government announced up to **\$5 million** for AIATSIS to undertake an initial business case for the establishment of a National Resting Place. Only **\$3 million** of the committed funds were expended towards the development of the business case; remaining funds contributed towards the expanded proposal for the Ngurra Cultural Precinct.
- **3 April 2019** – In its *Report on the inquiry into Canberra’s national institutions*, the Joint Standing Committee on the National Capital and External Territories recommended the Australian Government relocate and expand the remit and facilities of AIATSIS to constitute a national institution for Aboriginal and Torres Strait Islander peoples, including a National Resting Place. The Government has not responded to the report. The Government response is being led by the Office for the Arts.
- **29 November 2018** – The Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples (2018), chaired by Senator Patrick Dodson and Julian Leeser MP, recommended the Government consider the establishment of a National Resting Place in Canberra.

Andrea Kelly	Truth-Telling Taskforce	s22(1) [Redacted]
Jeremy Mickle	Culture and Heritage Branch	s22(1) [Redacted]
s22(1) [Redacted]	Strategic Policy and Engagement	s22(1) [Redacted]

Empowerment and Recognition Group

Voice

Appropriate SES to come forward to support response:

- Julie-Ann Guivarra, Group Manager, Empowerment and Recognition Group
- John Walker, Branch Manager, Voice Branch

Key Talking Points

- The Government is committed to enshrining the Aboriginal and Torres Strait Islander Voice (the Voice) in the Constitution.
- Establishing the Aboriginal and Torres Strait Islander Voice will see practical outcomes for First Nations people, helping to deliver better Closing the Gap outcomes.
 - As the Prime Minister has said, we see better outcomes when First Nations people have a say on the policies and programs affecting them.
- The specific details of the Voice will be settled after engagement with Aboriginal and Torres Strait Islander people and then agreed by Parliament.
- The Government will continue to consult, particularly with First Nations people, in relation to the detail required on the Aboriginal and Torres Strait Islander Voice prior to a referendum.
- In particular, the Referendum Working Group will advise Government on the level of information on the Voice required ahead of a referendum.
- The final detail, including the composition, role and membership selection of the Voice will be legislated by the Australian Parliament in the ordinary way, following engagement and work on the model. It will be subject to consultation, and able to be amended as circumstances change.
 - Regardless of the method by which members are selected, membership will be determined by First Nations people.
 - It is not a third chamber, not a rolling veto, not a blank cheque.
- The legislation to establish the Voice would not be put to the Parliament until after a successful referendum is held.

Background

- At its first meeting on 29 September 2022, the Referendum Working Group considered and endorsed a set of key design principles for a Voice, including that the Voice would:
 - provide independent advice to the Parliament and Government;
 - be chosen by Aboriginal and Torres Strait Islander people based on the wishes of local communities;
 - be representative of Aboriginal and Torres Strait Islander communities;
 - be empowering, community led, inclusive, respectful, culturally informed and gender balanced, and include youth;
 - be accountable and transparent;
 - work alongside existing organisations and traditional structures; and
 - not have a program delivery function or a veto power.
- These principles are consistent with the principles recommended through co-design process as underpinning the Local & Regional Voice proposal. These

also included 'Data and Evidence-based Decision Making' and 'Capability Driven'.

Regional voice arrangements

- Indigenous Affairs Ministers met in August to discuss the practical steps for implementing voice arrangements, including at the regional level.
- The Australian Government is discussing with state and territory governments and the Australian Local Government Association possible approaches to implement regional voice arrangements.
- Regional voice arrangements will build on, and align with, existing and emerging arrangements currently supported by states, territories and the Commonwealth and be determined with community.
- The pace of implementation will differ across jurisdictions and regions.

Facts and figures

- Nil.

Key Dates

- 17 August 2022 – Indigenous Affairs Ministers met to discuss the practical steps for implementing voice arrangements, including at the regional level.
- December 2021 – The Indigenous Voice Co-design Process Final Report was released by the previous Government. Minister Burney has stated the recommendations of the Final Report would be central to the debate and design of the Voice.

Julie-Ann Guivarra	Empowerment and Recognition Group	§22(1)
John Walker	Voice Branch	§22(1)
§22(1)	Voice Policy and Legislation	§22(1)

Corporate Group

Budget (External Budget overview incl. measures and 2022-23 PBS)

Appropriate SES to come forward to support response:

- Nicholas Creagh, Chief Financial Officer

Key Talking Points

- There were 17 measures (including two Whole-of-Government savings measures) announced at the October 2022 Budget and reported in the 2022-23 October Portfolio Budget Statements (PBS), resulting in a net increase to funding for the NIAA of \$262.8 million over four years since the March 2022 Budget comprising:
 - \$64.9 million departmental operating funding (includes \$50.5 million for the settlement of the *Cummings Class Action*); and
 - \$197.8 million administered operating funding.
- There was also a net increase to funding since the March 2022 Budget from other variations of \$133.8 million over four years (\$30.1 million departmental and \$103.8 million administered).
- As at the 2022-23 October PBS, NIAA funding across the forward estimates totals \$8.2 billion comprising:
 - \$1.2 billion departmental operating funding;
 - \$46.8 million departmental capital funding; and
 - \$7.0 billion administered (IAS) operating funding.

	22-23 \$'m	23-24 \$'m	24-25 \$'m	25-26 \$'m	Total \$'m
Departmental operating funding	384.7	284.3	276.9	278.1	1,224.1
Departmental capital funding	13.9	11.0	10.9	11.0	46.8
Administered operating funding	1,721.1	1,692.1	1,740.1	1,812.9	6,966.2
Total NIAA funding at Budget	2,119.7	1,987.4	2,027.9	2,102.0	8,237.0

- Average Staffing Levels (ASL) for the NIAA:

	21-22*	22-23	23-24	24-25
NIAA ASL	1,157	1,317	1,297	1,238

*Figures in 2021-22 represent actual ASL.

- The actual ASL published in the October budget 2022-23 is 1,157. The estimated actual published in the 2022-23 March PBS was 1,169, which represents a variance of 1.0%.

Measures announced at the October 2022 Budget

- The Government announced 17 measures at the October 2022 Budget, which were reported in the 2022-23 October PBS.
 - **Implementing the Uluru Statement from the Heart – Makarrata Commission:** This measure will provide the NIAA \$5.8 million over three years to commence work to progress the Australian Government’s election commitment to establish an independent Makarrata Commission to oversee processes for agreement-making and truth-telling in partnership with First Nations communities and other levels of Australian Government as part of its commitment to implement the Uluru Statement from the Heart in full.
 - **Delivery of Aboriginal and Torres Strait Islander Voice to Parliament Referendum — Preparatory Work:** The Government will provide \$8.9 million over two years for the NIAA (\$6.5 million), AGD and Finance to deliver a referendum to enshrine an Aboriginal and Torres Strait Islander Voice in the Constitution. This investment is crucial to ensuring a referendum can be delivered successfully.
 - **First Nations Justice:** As part of a package of measures, NIAA will receive \$3.0 million over three years from 2022-23 to support the National Family Violence Prevention Legal Services (FVPLS) Forum (the Forum) and FVPLS providers, who deliver legal assistance and non-legal support to First Nations victim-survivors of family and domestic violence (FDV) and sexual assault.
 - **Replacing the Community Development Program with a New Jobs Program – Trial:** As part of the Government’s commitment to replace the Community Development Program (CDP), \$9.4 million over three years (\$6.5 million absorbed by agencies) will be provided to trial new approaches to real jobs at minimum wage in remote areas with thin labour markets in order to reframe and create a replacement for the previous Government’s Remote Engagement Program (REP).
 - **Restoring Funding for Homelands:** This measure will deliver on the Australian Government’s commitment to reduce overcrowding in the Northern Territory’s (NT) First Nations remote communities and improve NT homelands. Funding will be allocated via the Treasury to the Northern Territory Australian Government across the 2022-23 (\$25.0 million) and 2023-24 (\$75.0 million) financial years.
 - **15th Anniversary of the Apology to Australia’s Indigenous Peoples:** NIAA will receive \$1.5 million in administered funding for three activities to commemorate the 15th anniversary of the formal Apology to Australia’s Indigenous People (the Apology) on 13 February 2023. Collectively, these activities support the Australian Government’s

First Nations commitment to truth-telling, and continue Australia's journey towards reconciliation.

- **Responsible Investment to Grow our Regions:** As part of a package of measures, NIAA will receive \$3.0 million over two years for immediate and medium term crime prevention and community safety measures to improve community safety in Central Australia. To enable the services be delivered ahead of the October 2022 Budget, the NIAA will engage with existing service providers to implement funding agreements under the IAS.
- **Next Phase of Natural Heritage Trust Funding:** As part of a package of measures, NIAA will receive \$7.9 million over the forward estimates (\$13.3 million over five years from 2022-23) to continue the highly successful Indigenous Protected Areas (IPA) program, beyond 30 June 2023, when the current program ceases. NIAA resourcing will also support the Australian Government's commitment to boost funding for IPAs by \$10.0 million each year and to protect 30 per cent of our land and 30 per cent of our oceans by 2030.
- **Closing the Gap Housing Policy Partnership:** This measure will establish the Housing Policy Partnership between all Australian Governments and First Nations representatives, selected by the Coalition of Peaks, to support the Australian Government's commitment under the National Agreement on Closing the Gap. NIAA will absorb the costs associated with this measure.
- **Support for Community Sector Organisations:** The Australian Government will provide the NIAA \$190.1 million over four years as an uplift in funding in the IAS for support to Community Sector Organisations (CSO), to account for the increase in costs due to the minimum wage decision and rising cost of living expenses.
- **Eileen Cummings v Commonwealth of Australia – Settlement:** The Government will provide \$50.450 million in 2022-23 for the settlement costs associated with the Eileen Cummings v Commonwealth of Australia Class Action. The class action was lodged on 28 April 2021 in the Supreme Court of New South Wales against the Commonwealth claiming damages in respect of the alleged forcible removal by the Commonwealth of First Nations children from their families in the NT during the period of the Commonwealth's administration of the NT (1911 to 1978).
- **Strengthening First Nations Health:** As part of a package, this measure will implement three election commitments exclusively focused on improving the health and wellbeing of First Nations peoples. The Government will provide \$0.272 million (absorbed within the IAS) to improve the quality of care, and health and wellbeing outcomes, for First Nations peoples by enhancing access to community amenities at the Merana Aboriginal Community Association (Merana), the Mingaletta Aboriginal and Torres Strait Islander Corporation (Mingaletta) and The Glen for Women (The Glen).

- **First Nations – Community Projects:** The Australian Government will commit \$2.3 million (absorbed within the IAS) over two years from 2022-23 to 2023-24 to improving infrastructure in regional Australia which will improve education, health and wellbeing outcomes. These projects include Laverton Short Stay, Warlpiri Cultural Project and Borroloola Ablution Blocks
- **Scotdesco – Water Security Feasibility Study:** The Australian Government will provide \$0.5 million over 2 years from 2022-23 (offset from the IAS) to provide for a water security feasibility study at the remote community of Scotdesco, South Australia. This project is to assess and cost options to improve long-term water security in the community.
- **Funding for Six Rivers Aboriginal Corporation:** The Australian Government will provide \$0.6 million over three years (absorbed within the existing resources of the IAS) to the Six Rivers Aboriginal Corporation to enable them to improve the operation of the Tiagarra Aboriginal Cultural Centre and Museum
- **Whole-of-Australian Government Savings (two measures):** These measures will reduce NIAA departmental funding by \$7.9 million over three years (including \$7.3 million in 2022-23) through Whole-of-Government savings measures for 'Election Commitment Savings' and 'APS Reform Offsets'.

Departmental Operating

Departmental operating funding changes since the 2022-23 March PBS:

	2022-23 \$'m	2023-24 \$'m	2024-25 \$'m	2025-26 \$'m	4 Years \$'m
PBS 2022-23 (March 2022)	325.6	270.5	265.9	267.7	1,129.7
New Measures	50.6	7.7	3.9	2.7	64.9
Other variations	8.5	6.1	7.1	7.7	29.4
Total Change	59.2	13.8	11.0	10.4	94.3
PBS 2022-23 (October 2022)	384.7	284.3	276.9	278.1	1,224.1

The net increase of \$94.3 million over four years is attributable to:

- 2022-23 Budget Measures: \$64.9 million (includes \$50.5 million for the settlement of the *Cummings Class Action*); and
- Other variations of \$29.4 million
 - Funding Re-profiles: \$5.9 million
 - 2021-22 Appropriation correction: \$2.7 million
 - Parameter Adjustments: \$20.9 million

Departmental Capital

Departmental capital funding changes since the 2022-23 March PBS:

	2022-23 \$'m	2023-24 \$'m	2024-25 \$'m	2025-26 \$'m	4 Years \$'m
PBS 2022-23 (March 2022)	13.9	10.8	10.7	10.7	46.1
New Measures	0.0	0.0	0.0	0.0	0.0
Other variations	0.0	0.2	0.2	0.2	0.7
Total Change	0.0	0.2	0.2	0.2	0.7
PBS 2022-23 (October 2022)	13.9	11.0	10.9	11.0	46.8

The increase of \$0.7 million is attributable to parameter adjustments.

Administered

As at the 2022-23 October Budget, administered operating funding for the IAS is:

- \$1.708 billion in 2022-23 and
- \$6.966 billion over the forwards (from 2022-23 to 2025-26).

	2022-23 \$'m	2023-24 \$'m	2024-25 \$'m	2025-26 \$'m	4 years total \$m
1.1 Jobs, Land and Economy	838.6	769.1	833.7	898.7	3,340.0
1.2 Children and Schooling	260.8	245.0	276.9	279.7	1,062.4
1.3 Safety and Wellbeing	457.1	420.9	384.6	387.0	1,649.6
1.4 Culture and Capability	94.8	77.8	60.4	58.1	291.1
1.5 Remote Australia Strategies	59.1	170.2	173.8	178.5	581.5
1.6 Evaluation and Research	10.7	9.1	10.8	11.0	41.5
Total	1,721.1	1,692.1	1,740.1	1,812.9	6,966.2

Administered operating (IAS) funding changes since the 2022-23 PBS:

	2022-23 \$'m	2023-24 \$'m	2024-25 \$'m	2025-26 \$'m	4 Years \$'m
PBS 2022-23 (March 2022)	1652.2	1,619.2	1,622.0	1,731.1	6,664.6
New Measures	52.9	48.9	48.5	47.5	197.8
Other variations	16.1	23.9	29.5	34.2	103.8
Total Change	68.9	72.8	78.1	81.8	301.6
PBS 2022-23 (October 2022)	1,721.1	1,692.1	1,740.1	1,812.9	6,966.2

The net increase of \$301.6 million is attributable to:

- 2022-23 October Budget Measures: increase of \$197.8 million.
- Other variations: net increase of \$103.8 million, which is primarily attributable to parameter adjustments \$87.7 million.
- Key Dates
 - The March PBS was tabled 29 March 2022.
 - The October Budget was tabled 25 October 2022.

Background

- N/A

Sam White	Corporate Group	s22(1)
Nick Creagh	Finance and IT	s22(1)
s22(1)	External Budgets	s22(1)

Program Performance Delivery Group

3. CATSI Act

Appropriate SES to come forward to support response:

- Vance Khan, Group Manager, Program Performance Delivery
- Sarah Clough, Branch manager Grant Design Branch

Key Talking Points

- The Government is considering options to introduce a bill to amend the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act), to ensure that the CATSI Act continues to meet the needs of First Nations organisations into the future.
- Over the past few years, there have been 3 reviews of the CATSI Act which have made recommendations to improve its operation.
- These reviews involved extensive consultation. This included a 6 month consultation period as part of the most recent review, the 2019 - 2020 Comprehensive Review.
- This resulted in the introduction of the *Corporations (Aboriginal and Torres Strait Islander) (CATSI) Amendment Bill 2021* (the 2021 Bill) to Parliament.
- This Bill lapsed when Parliament was prorogued ahead of the 2022 election.

Background

- The CATSI Act establishes the role of the Registrar of Indigenous Corporations and allows First Nations groups to form corporations and access tailored support.
- The majority of directors must be Aboriginal or Torres Strait Islander. In a corporation with:
 - 5 or more members, 51 per cent of the members must be Aboriginal and Torres Strait Islander persons
 - 2–4 members, all the members, or all but one of the members, must be Aboriginal and Torres Strait Islander persons
 - only one member, that member must be an Aboriginal and Torres Strait Islander person.
- Organisations choose to incorporate under Commonwealth, state or territory law, including under either the *Corporations Act 2001* (Corporations Act) or the CATSI Act¹.
- The CATSI Act has never been amended since it commenced in 2006. The Corporations Act has been amended to improve its effectiveness many times.
- The three recent reviews are:
 - 2016 KPMG Review
 - 2017 DLA Piper Technical Review
 - 2020 Comprehensive CATSI Act Review (2020 Review)

¹ The *Native Title Act 1993* requires corporations to register under the CATSI Act if they are determined by the Federal Court to hold and manage native title rights and interests.

- Stakeholders have long called for changes to modernise the CATSI Act and provide regulatory relief through the reduction of red tape and greater transparency for members.
- Special administration enables the Registrar to provide early proactive assistance if a corporation experiences financial or governance difficulties.
- Attachment A details CATSI corporations with recent difficulties.

Facts and figures

- As at 6 October 2022:
 - CATSI Act has been in operation for 16 years.
 - 3562 total registered corporations under the CATSI Act; 251 of these are Native Title Corporations.
 - 1033 CATSI corporations are also registered with the Australian Charities and Not for Profits Commission (ACNC).
- 2022-23 Budget appropriation for ORIC over the forward estimates:
 - Future of Prescribed Bodies Corporate - \$5.8 million
 - Strengthening Indigenous Leadership and Governance - \$1.4 million.

Key Dates

- 11 Apr 2022 - General election called for 21 May 2022, Parliament prorogued and the *Corporations (Aboriginal and Torres Strait Islander) (CATSI) Amendment Bill 2021* lapsed.
- 16 to 26 Nov 2021 - Consultation on the CATSI Amendment Regulations exposure draft.
- 14 Oct 2021 - Senate Finance and Public Administration Legislation Committee released its report supporting introduction of the 2021 Bill.
- 2 Sep 2021 - 2021 Bill passes in the House of Representatives (HoR) and is introduced into the Senate.
- 1 Sep 2021 - Senate Standing Committee for the Scrutiny of Bills reported on the 2021 Bill.
- 25 Aug 2021 - The 2021 Bill is introduced into the HoR.
- 30 Jun 2021 - Exposure draft of the 2021 Bill released.
- 16 Feb 2021 - Final report and submissions of the 2020 Review published.
- 11 Dec 2019 - Commencement of the **2020 Review**.
- 11 Apr 2019 - Parliament prorogued and general election called for 18 May 2019 and the *Corporations (Aboriginal and Torres Strait Islander) Amendment (Strengthening Governance and Transparency) Bill 2018* (2018 Bill) lapsed.
- 5 Dec 2018 - The 2018 Bill is introduced into the Senate and is referred to the Finance and Public Administration Legislation Committee.
- Jul to Nov 2017 - DLA Piper **2017 Technical Review of the CATSI Act**.
- 5 Jul 2017 - 2016 KPMG Review released by the Minister.
- Sep 2016 to Dec 2016 - **Review of ORIC by KPMG** to identify opportunities to improve effectiveness of ORIC and enhance the CATSI Act.
- 1 Jul 2007 - CATSI Act comes into effect, replacing the *Aboriginal Councils and Associations Act 1976* (ACA Act).
- Oct 2006 - Australian Parliament passes the CATSI Act.

CEO Brief

Vance Khan	Program Performance Delivery Group	§22(1)
Sarah Clough	Grant Design Branch	§22(1)
§22(1)	Design & Indigenous Funding Policy Section	§22(1)

Attachment A

Recent sensitivities

NATIVE TITLE TRUSTS

- Media has reported the concerns of common law holders about the accountability and transparency of some native title trust arrangements and the management of native title benefits.
- Trusts often have limited or no requirements to report to common law holders or the related PBC on trust activity depending on the type of structure and its rules.
- Trust entities are governed by trust and contract law and state and territory trust legislation.

ADNYAMATHANHA TRADITIONAL LANDS ASSOCIATION (ABORIGINAL CORPORATION) RNTBC (ATLA)

- ATLA was incorporated on 12 February 2001 and is a Registered Native Title Body Corporate (RNTBC).
- ORIC undertook an examination of ATLA in November 2019.
- ATLA has been under special administration since 26 March 2020 when serious concerns with the standard of corporate governance and financial management of ATLA were identified.
- ATLA has received media coverage with particular focus on comments made by a Mr Vince Coulthard who identified as a spokesperson for the Adnyamathanha common law holders.
 - In articles and personal press releases, Mr Coulthard has criticised ORIC and the special administration of ATLA, including calling for an investigation into ORIC's conduct.
- The length of ATLA's special administration is due to the complexity of the matters as well as there being a case before the Supreme Court of South Australia.
 - The special administrator instructed that native title compensation payments be temporarily suspended to Rangelea – a trust responsible for the distribution of payments to the common law holders.
 - Rangelea subsequently commenced an action in the Supreme Court of South Australia seeking orders that the compensation payments immediately be paid to Rangelea.
- It would be inappropriate to speculate on the outcome of this case.

Empowerment and Recognition

Closing the Gap National Agreement and Implementation Plan – Annual Report

Appropriate SES to come forward to support response:

- Julie-Ann Guivarra, Group Manager, Empowerment and Recognition
- Ian Bartholomew, Branch Manager, Closing the Gap

Key Talking Points

- The Australian Government has committed to continue to work with the Coalition of Peaks, First Nations partners and all levels of government to raise the ambitions and ensure sustained progress over the life of the National Agreement on Closing the Gap (National Agreement).
- The National Agreement was established in July 2020.
- Joint Council met on 26 August in Adelaide and members acknowledged the considerable effort since the National Agreement commenced, and collectively reaffirmed their commitments to working together to progress actions under the Agreement. The next Joint Council is scheduled for December.
- The Commonwealth Closing the Gap Annual Report (Annual Report) will be tabled in the Australian Parliament by the end 2022.
- The Annual Report outlines the achievements and actions the Commonwealth has made against its commitments under the National Agreement and Implementation Plan in the preceding year.
- The Commonwealth Closing the Gap Implementation Plan will be updated post the tabling of the Annual Report to focus on efforts moving forward to achieve the outcomes, targets and Priority Reforms under the National Agreement.
- The Commonwealth is continuing development of a holistic and systematic modelling framework for understanding and quantifying the impacts of important drivers on achieving Closing the Gap outcomes.
- All Commonwealth agencies have responsibilities for embedding the four Priority Reforms to transform the way Government works with First Nations people.
- Key achievements over the past six months include:
 - Establishment of new Policy Partnerships for Early Childhood Care and Development (ECCD) and Social and Emotional Wellbeing (SEWB). The Commonwealth committed to fund \$10.2 million in establishment costs for the ECCD Policy Partnership over three years for partnership, governance and meeting support and activities. This is in addition to the \$8.6 million previously committed to the SEWB Policy Partnership.
 - Agreement of the Disability and Housing Sector Strengthening Plans. Furthering the existing Health Sector Strengthening Plan, the Commonwealth announced it is progressing a \$52.9 million commitment to train 500 new First Nations health workers. The health workers will help to fill critical workforce shortages in Aboriginal Community Controlled Health Services.

- Joint Council agreement to recommend a new target on Inland Waters to First Ministers, the Lead Convenor of the Coalition of Peaks and the President of the Australian Local Government Association for agreement to measure progress on First Nations interests in water bodies inland from the coastal zone.
- Confirmation that the new Community Infrastructure target has been agreed by all Parties. The target is now active, with the goal that discrete First Nations communities will receive essential services that meet or exceed the relevant jurisdictional standard by 2031.
- Agreement of the Data Development Plan at Joint Council on 26 August 2022, prioritising the data development actions under each of the 17 socio-economic outcomes arising from the Agreement.
 - The aim of the Data Development Plan is to ensure that each socio-economic outcome has a richer array of high quality data sources attached to it over the life of the National Agreement.
- Progress on embedding the Priority Reforms.
 - Priority Reform One – A Partnership Stocktake was undertaken between March and April 2022 to count and review existing partnership arrangements between the Commonwealth and First Nations organisations and communities. The first Stocktake provides a baseline measurement with 40 partnerships identified that meet some or all of the strong partnership elements set out in Clauses 32 and 33 of the National Agreement.
 - Priority Reform Four – Shared Access to Data: Four locations have been identified for the development of community data projects which will enable First Nations communities and organisations to access and use location specific data on the Closing the Gap outcome areas.

Background

- The Australian Government has committed to continue to work with the Coalition of Peaks, First Nations partners and all levels of government to raise the ambitions and ensure sustained progress over the life of the National Agreement.
- Updates by the Productivity Commission released 30 June 2022 show that there are nine of the eighteen applicable Closing the Gap targets with new data available since the baseline year.
 - Of these nine, five are not on track (children commencing school developmentally on track, out-of-home care, adult imprisonment, suicide deaths, and sea country subject to rights and interests). Four are on track (healthy birthweight of babies, the enrolment of children in the preschool, youth detention rates and land mass subject to rights and interests).
 - While these assessments are based on a small number of data points, and should be treated with caution, they nevertheless indicate that there is considerable work to do.

Facts and figures

- The Commonwealth has committed \$10 million over 4 years (2022-2026) to the Coalition of Peaks to support their participation in the Partnership, including their role as Co-Chair of the Joint Council.

- The Commonwealth has committed \$46.5m to a Virtual Funding Pool to support the Community-Controlled Sector under Closing the Gap. To date, \$35.917m has been committed, and of this, \$8.34m has been expended to date.

Key Dates

- December 2022 – Joint Council on Closing the Gap meeting
- 26 August 2022 – Joint Council on Closing the Gap meeting (Adelaide)
- 5 August 2021 – Commonwealth Implementation Plan released
- 27 July 2020 – National Agreement on Closing the Gap established

Julie-Ann Guivarra	Empowerment and Recognition	s22(1)
Ian Bartholomew	Closing the Gap	s22(1)
s22(1)	Governance and Agreement	s22(1)

Empowerment and Recognition Group

Constitutional Recognition

Appropriate SES to come forward to support response:

- Julie-Ann Guivarra, Group Manager, Empowerment and Recognition Group
- Simon Gordon, Branch Manager, Constitutional Recognition Branch

Key Talking Points

- As part of the Australian Government's commitment to implement the Uluru Statement from the Heart, the Prime Minister has stated a referendum will be held next financial year to enshrine an Aboriginal and Torres Strait Islander Voice in the Australian Constitution.
- The Prime Minister advised this in his address to the Referendum Engagement Group on 29 September 2022.
- The work to deliver the referendum is being overseen by the Constitutional Recognition Committee of Cabinet, chaired by the Minister for Indigenous Australians.
- Enshrining a Voice will be a permanent means to advise the Australian Parliament and Government on the views of Aboriginal and Torres Strait Islander people. As the Prime Minister has outlined:
 - Our nation's birth certificate should recognise that our history didn't begin in 1788, and that this should be a source of pride for all Australians. Australians have so much to learn from the Aboriginal and Torres Strait Islander people;
 - If you are making decisions that have an impact on Aboriginal and Torres Strait Islander peoples, you should ask them for their advice on these decisions. It is a matter of good manners.
 - It is also about better decision making. A Voice to Parliament will help future Governments make better policies that will make a practical difference to First Nations people. First Nations people know what Government needs to do when it comes to things like education, health, housing and family violence. The Voice will mean that First Nations people will be advising Government when decisions are made about laws and policies impacting Aboriginal and Torres Strait Islander Australians.
- The referendum will require an Act of Parliament which will detail the specific change to the Constitution and determine the wording of the question on the ballot paper.
- The composition, role and membership selection of the Aboriginal and Torres Strait Islander Voice will be legislated by Parliament in the ordinary way. It will be subject to consultation, and able to be amended as circumstances change.

2022-23 Federal Budget

- The 2022-23 Federal Budget delivered on the Government's commitment to the Uluru Statement. The Budget provided \$75.1 million over two years to prepare for the delivery of the referendum and increase First Nations enrolment and participation in future electoral events:

- \$66.3 million over two years to the Australian Electoral Commission to commence preparations and support work to deliver the referendum to enshrine a Voice in the Constitution, and to increase First Nations enrolment and participation in future electoral events; comprising:
 - \$50.2 million in 2022-23 for the referendum preparatory work
 - \$16.1 million (\$9.6 million in 2022-23 and \$6.5 million in 2023-24) for increasing First Nations enrolment and participation.
- \$6.5 million over two years to NIAA to support the referendum, including the establishment of a governance structure to support the advisory groups that will engage with stakeholders and provide advice to the Government.
 - This includes \$4.8 million to support the governance structure and \$1.7 million for referendum resourcing.
- The Departments of Finance and Attorney-General's will also receive \$0.8 million and \$1.6 million respectively to support the necessary work to deliver the referendum.
- Separately, \$5.8 million has also been allocated in the Budget to commence work on establishing an independent Makarrata Commission to oversee processes for agreement making and truth-telling.
- Not only has the Government delivered on the Uluru Statement, it is continuing to deliver on its commitment to improve real outcomes for Aboriginal and Torres Strait Islander peoples.
 - The 2022-23 Budget contains \$1.2 billion in practical measures to Close the Gap for First Nations people and communities, and to begin preparations for a referendum on a Voice to Parliament.

Aboriginal and Torres Strait Islander engagement

- The Government is working with Aboriginal and Torres Strait Islander people to consider the approach to the referendum. The Government will ensure Aboriginal and Torres Strait Islander views are front and centre in the Government's decision making leading up to the referendum.
- The Government has established and met with two groups of Aboriginal and Torres Strait Islander people – the Referendum Working Group and the Referendum Engagement Group.
- The Government has also established the Constitutional Expert Group to provide advice to the Referendum Working Group.

Background

Governance

- The referendum project is being jointly led by the Minister for Indigenous Australians and the Attorney-General, with the assistance of the Special Envoy for Reconciliation and the Implementation of the Uluru Statement from the Heart. The Prime Minister is also playing a pivotal leadership role.
- A new Constitutional Recognition Committee of Cabinet has been established.
- Staff have been seconded to NIAA from the Attorney-General's Department (AGD) and Department of the Prime Minister and Cabinet (PM&C).
- A Deputy Secretary-level group and an Inter-departmental Committee have been established to help guide the work.
 - Membership includes representatives from NIAA, PM&C, AGD, the Department of Finance and the Australian Electoral Commission.

- The Government is also engaging closely with Aboriginal and Torres Strait Islander groups (see below).

Referendum Working Group and Engagement Group

- The Referendum Working Group will provide advice to Government on successfully implementing a referendum, including considering:
 - The timing to conduct a successful referendum;
 - Refining the proposed constitutional amendment and question; and
 - The information on the Voice necessary for a successful referendum.
- The Referendum Engagement Group:
 - An important part of the Referendum Engagement Group's role is to engage with Aboriginal and Torres Strait Islander people and communities to build understanding, awareness and support for the successful referendum.
 - The work of the Referendum Engagement Group will inform the deliberations of the Referendum Working Group.
 - The draft terms of reference was discussed with the Group, however is yet to be finalised.
- Both Groups met formally for the first time on 29 September 2022.
 - The Referendum Working Group discussed common principles for the Voice and the process for delivering a referendum. It also agreed that the Attorney-General would establish a Constitutional Experts Group.
 - The Referendum Engagement Group discussed what more could be done to ensure Australians understand the Voice, and how best to build support in communities, and acknowledged the need for tailored and specific information.

Referendum Act

- The referendum process is governed by the *Referendum (Machinery Provisions) Act 1984* (the Referendum Act).
- The Government considers amendments to the Referendum Act are required to modernise the Act and align it with the *Commonwealth Electoral Act 1918*. This will ensure the referendum process aligns with voter expectations.
 - On 7 November, Minister Burney said publicly that amendments will be introduced into the Parliament before the end of the year.
- The Special Minister for State, supported by the Department of Finance, is leading the process for the Referendum Act and questions on this should be referred to them.

Draft Constitutional amendment

- On 30 July 2022 at the Garma festival, the Prime Minister announced a draft constitutional amendment for the Voice for public consideration:
 1. *There shall be a body, to be called the Aboriginal and Torres Strait Islander Voice.*
 2. *The Aboriginal and Torres Strait Islander Voice may make representations to Parliament and the Executive Government on matters relating to Aboriginal and Torres Strait Islander Peoples.*
 3. *The Parliament shall, subject to this Constitution, have power to make laws with respect to the composition, functions, powers and procedures of the Aboriginal and Torres Strait Islander Voice.*

- In the same address, the Prime Minister also announced a draft referendum question to appear on the ballot paper:
 - *Do you support an alteration to the Constitution that establishes an Aboriginal and Torres Strait Islander Voice?*
- The Prime Minister has made clear this language is not final but that the draft text would provide the basis for further consultation.
- The Referendum Working Group will consider the draft amendment with the advice of the Constitutional Expert Group.
- Questions associated with the wording of the amendment should be referred to the Attorney-General's Department.
- Questions on the ballot paper question should be referred to the Department of Finance.

Facts and figures

- The previous Government set aside \$160 million in the contingency reserve for the delivery of a referendum. Questions about the costs of delivering the referendum should be referred to the Australian Electoral Commission or the Department of Finance.
- The 2022-23 Federal Budget delivered on the Government's commitment to the Uluru Statement. The Budget provided \$75.1 million over two years to prepare for the delivery of the referendum and increase First Nations enrolment and participation in future electoral events.

Key Dates

- 28 October 2022 – Referendum Working Group 2nd formal meeting.
- 28 October 2022 – 1st meeting of the Constitutional Expert Group.
- 25 October 2022 – 2022-23 Federal Budget.
- 29 September 2022 – 1st formal meetings of both the Referendum Working Group and Referendum Engagement Group in Canberra.
- 9 September 2022 – Referendum Working Group informal meeting in Canberra.
- 8 September 2022 – Minister Burney announcement of First Nations Referendum Groups.
- 18 August 2022 – Prime Minister and Minister Burney met with Torres Strait Islander leaders to discuss the Voice to Parliament and constitutional recognition.
- 17 August 2022 – Indigenous Affairs Ministers' Meeting.
- 30 July 2022 – Prime Minister's Garma speech including the draft amendment and question.
- 21 May 2022 – Election night speech referencing the Uluru Statement from the Heart as a key priority.

Julie-Ann Guivarra	Empowerment and Recognition Group	s22(1)
Simon Gordon	Constitutional Recognition Branch	s22(1)
s22(1)	Constitutional Recognition Policy	s22(1)

Truth-Telling Taskforce

Indigeneity

Appropriate SES to come forward to support response:

- Andrea Kelly, Acting Group Manager, Truth Telling Taskforce
- Jeremy Mickle, Acting Branch Manager, Culture and Heritage Branch
- Brendan Jacomb, Branch Manager, Legal Services
- Deb Fulton, Acting Group Manager, Economic Policy and Programs Group
- Julie-Ann Guivarra, Group Manager, Empowerment and Recognition Group

Key Talking Points

- Aboriginal and/or Torres Strait Islander identity is a personal matter and can be extremely complex.
- Indigeneity is the business for First Nations peoples.
- The Australian Government does not have a role in confirming Aboriginal and/or Torres Strait Islander identity.
- The Australian Government has applied a three-part test of Indigeneity for access to government assistance and services since the 1980s (see Background).
- Under migration law, the courts (and therefore the Department of Home Affairs) have applied a more stringent form of the three-part test.
- Policy matters relating to the application of the three-part test in the migration context are a matter for the Minister for Immigration.
- Programs and services to address the social, health, educational and land issues that First Nations peoples face require proof of Indigeneity to ensure the intention of the assistance is honoured.
- Most individuals seeking government assistance are required to provide a certified statement from an appropriately qualified individual or organisation to prove their identity and eligibility to receive services.
- Generally, confirmation can be provided by an Aboriginal and/or Torres Strait Islander community or organisation if it is satisfied that an applicant has Aboriginal and/or Torres Strait Islander ancestry, identifies as an Aboriginal and/or Torres Strait Islander person, and is accepted by their local community as Aboriginal and/or Torres Strait Islander person.

If asked about the High Court's decisions relating to Indigeneity and immigration [Brendan Jacomb to support]

- I am aware of the High Court's decisions regarding Mr Love and Mr Thoms and the Federal Court's decisions on Mr Helmbright and Mr Montgomery.
- Questions on the implications for each individual are matters for the Minister for Home Affairs.
- I note the courts have relied on the widely-accepted three-part test of Indigeneity referenced in *Mabo v Queensland [No.2]* (1992).
- I am aware of the High Court proceedings in relation to Mr Montgomery.
- I note the appellant Ministers filed a notice of discontinuance in the High Court on 28 July 2022, bringing the *Montgomery* appeal to an end.

- Questions about the Mr Montgomery matter are for the Minister for Home Affairs.

If asked about the former Government seeking to have the Love and Thoms ruling overturned by the High Court [Brendan Jacomb to support]

- I am aware the former Government asked the High Court to revisit the decisions of the *Love* and *Thoms* cases.
- Commonwealth Ministers filed a notice of discontinuance in the High Court on 28 July 2022, bringing the *Montgomery* appeal to an end. Questions about the High Court proceedings are a matter for the Minister for Home Affairs and the Attorney-General.

If asked about the discontinuance of the Montgomery appeal

- The Australian Government is committed to working with Aboriginal and Torres Strait Islander people on matters that affect them.
- The Government will carefully consider the position of Aboriginal and Torres Strait Islander people who are not Australian citizens in light of the discontinuance.
- The NIAA is working with agencies across the Government, including the Department of Home Affairs, the Attorney-General's Department, the Department of Prime Minister and Cabinet, the Department of Health, and the Department of Social Services to identify particular challenges faced by non-citizen, non-aliens in Australia.
- Questions about the High Court proceedings are a matter for the Minister for Home Affairs and the Attorney-General.

If asked about risk of fraud from 'black cladding' [Deb Fulton to support]

- Under the Indigenous Procurement Policy (IPP), the Government has protections in place to minimise the risk of fraud, non-compliance and 'black cladding'.
- All incorporated joint ventures are required to register on Supply Nation's Indigenous Business Direct, meet a 50 per cent Indigenous ownership and control test, and have a skills capability transfer and Indigenous workforce plan in place.
- The Government has contracted Supply Nation to maintain a directory of businesses that meet IPP eligibility requirements. This includes undertaking assessments of Indigeneity, regular reviews of business ownership, and complaint investigation.
- Where IPP concerns are raised, it is important that these concerns are considered on a case-by-case basis in an appropriate and sensitive manner

If asked about the referral of Sydney University to the NSW ICAC

- The matter has been referred to the NSW ICAC and it would not be appropriate for me to comment.
- If the NSW ICAC investigates and makes findings on this matter, we will consider those findings.

If asked about the Darkinjung Local Aboriginal Land Council submission to the Joint Committee Inquiry into National Anti-Corruption Commission (NACC) Bill 2022 on calls for the NACC to consider the conduct of officials in the application of the three-part test of Indigeneity.

- This is a matter for the NACC once established.

If asked about the disproportionate increase in the First Nations population in the results of the 2021 Census?

- First Nations identity is a deeply personal matter and there are a number of reasons why someone may identify as Aboriginal and/or Torres Strait Islander throughout their life where they hadn't previously.
- The Australian Government recognises the three-part test of Indigeneity.
- For the purposes of the Census, a person's Indigeneity is self-reported.

Background

- The Australian Government generally applies a three part test of Indigeneity for administrative purposes, which requires that a person:
 - Has Aboriginal and/or Torres Strait Islander ancestry, and
 - Identifies as an Aboriginal and/or Torres Strait Islander, and
 - Is recognised/accepted as an Aboriginal and/or Torres Strait Islander person by the community in which they live or have previously lived.
- Therefore the Australian Government does not have a role in confirming Aboriginal and/or Torres Strait Islander identity.
- The three-part test is applied in some state legislation, such as the *Aboriginal Land Rights Act 1983* (NSW).
- While there are no examples of the test in Commonwealth legislation, this matter has been dealt with by the courts in a number of cases, including:
 - *Commonwealth v Tasmania* (1983)
 - *Mabo v Queensland [No. 2]* (1992)
 - *Gibbs v Capewell* (1995)
 - *Shaw v Wolf* (1998)
- More recently, First Nations identity was considered in *Love v Commonwealth of Australia* (2020) and *Thoms v Commonwealth of Australia* (2020).
- Under migration law, the courts (and therefore the Department of Home Affairs) have applied a more stringent form of the three-part test. In short, requiring both that recognition (third limb of the test) be in accordance with traditional law and custom which has not been observed uninterrupted since sovereignty, and that the recognition be by the same First Nations community from which the person is descended (which may not be the community in which they now live).
- On 14 October 2021, media noted that the former Federal Government was trying to overturn a landmark High Court ruling, which found that First Nations people, who are 'non-citizen, non-aliens', could not be deported.
- The previous Government initiated a legal challenge in the High Court asking the Court to revisit the correctness of the decision in *Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs & Ors vs Montgomery*. Commonwealth Ministers filed a notice of discontinuance in the High Court on 28 July 2022, bringing the *Montgomery* appeal to an end.

- According to the Department of Home Affairs, 18 people have been released from immigration detention following the *Love/Thoms* decision; 13 people by the Department of Home Affairs after assessing an individual's claim, and five following Court decisions or other legal processes.
- The Department of Home Affairs continues to assess information from individuals in immigration detention who claim to be Aboriginal or Torres Strait Islander people.
- There is no clear statistical information on how many people may be non-citizen non-aliens as described by the High Court in *Love/Thoms*, and it is difficult to obtain such statistics due to practical barriers (such as obtaining information on persons residing overseas) and the need to assess the facts of each case.
- Details of some of the recent court cases, including key dates, are at Attachment A.
 - On 21 September 2022, the Australian Bureau of Statistics (ABS) announced the Australia's Aboriginal and Torres Strait Islander population has reached 984,000, or 3.8 per cent of the total Australian population. Over the five years to June 2021, the Aboriginal and Torres Strait Islander population increased by 23.2 per cent, or 185,600 people.

Andrea Kelly	Truth-Telling Taskforce	§22(1)
Jeremy Mickle	Culture and Heritage Branch	§22(1)
§22(1)	First Nations Heritage and Community Capability	§22(1)

ATTACHMENT A**KEY DATES OF RECENT COURT CASES**

Event	Date it occurred
<i>Love/Thoms</i> handed down by the High Court	11 February 2020
<i>Montgomery</i> removed from Full Federal Court to High Court	3 December 2021
<i>Montgomery</i> appeal discontinued while judgment reserved	28 July 2022

DETAILS OF RECENT COURT CASES*Love and Thoms*

- Mr Love and Mr Thoms were detained in 2018 by Australian immigration authorities and faced deportation to Papua New Guinea and New Zealand, respectively, pursuant to the cancellation of their permanent residency visas under the *Migration Act 1958* (Migration Act).
- Mr Love was subsequently released after a delegate of the Minister for Home Affairs revoked the cancellation of this visa. Mr Thoms remained in immigration detention.
- Lawyers for both men have said that, by virtue of their Aboriginality, neither man can be considered “alien” for the purposes of s51(xix) of the Australian Constitution and their immigration detention was, therefore, unlawful.
- On 11 October 2019, the High Court invited further submissions on whether members of an Aboriginal society have such a strong claim to the protection of the Australian Crown that they may be said to owe permanent allegiance to the Crown (such that those peoples cannot meet the description of “alien”).
- On 11 February 2020, the High Court’s decided, by a 4:3 majority, that Aboriginal Australians are not within the reach of the ‘aliens’ power conferred by s 51(xix) of the Constitution.
- The Court also found that Mr Thoms is an Aboriginal Australian and therefore not an alien. Mr Thoms was released from detention on 11 February 2020.
- The Court was unable to agree whether Mr Love is an Aboriginal Australian on the facts before the Court and was unable to answer the question of whether he is an alien.
 - The issue of Mr Love’s Indigeneity was remitted to the Federal Court, which has not yet determined the matter.
 - Mr Thoms’ claim for compensation for his detention is currently before the High Court.

Mr Shayne Paul Montgomery

- Mr Shayne Montgomery, adopted as a Wakka and Mununjali man by the Bundi Monsell family, has lived in Australia for more than 20 years but is not an Australian citizen. Mr Montgomery, who was born in New Zealand but migrated to Australia as a young boy, has been held in detention after having his visa cancelled over a criminal conviction and jailing. He is seeking to broaden the definition of First Nations peoples to include informal traditional adoptions, even if they have no First Nations biological heritage. Mr Montgomery is now trying to prevent his deportation by using the precedent set by the Love and Thoms decisions.

- Mr Montgomery is a New Zealand resident who was held in immigration detention after having his visa cancelled. Mr Montgomery sought a writ of habeas corpus and further, or alternatively, a declaration that he is not an alien within the meaning of s 51(xix) of the Constitution and an order that he not be detained under the Migration Act. Mr Montgomery claims he is an Aboriginal Australian by adoption rather than by biological descent.
- On 15 November 2021, Justice SC Derrington of the Federal Court of Australia handed down judgment in *Montgomery v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2021] FCA 1423. Based on the reasoning of the High Court in *Love*, her Honour held that the delegate of the Minister did not hold a reasonable suspicion that Mr Montgomery was an 'unlawful non-citizen' (which consistent with *Love*, does not include Aboriginal Australians, even if they are non-citizens) for the purposes section 189 of the Migration Act. This was based on uncertainty regarding the application of the tripartite test for Aboriginality set out in *Mabo v Queensland (No. 2) (1992)* to Mr Montgomery. On this basis, her Honour found that Mr Montgomery was entitled to a writ of habeas corpus, and ordered his release from detention.
- The former Ministers subsequently filed an appeal from the decision, and the appeal was moved by the Attorney-General from the Full Federal Court into the High Court. The then Attorney-General intervened in the High Court appeal proceedings on 7 December 2022. The main issues to be considered by the High Court were as follows:
 - Should *Love* be overruled?
 - If *Love* is not overruled, should Justice Derrington have held that s189 of the Migration Act applied to Mr Montgomery, given that there is no evidence that he is biologically descended from any Aboriginal or Torres Strait Islander person? (Biological descent was identified as the first part of the tripartite test in *Mabo (No 2)*.)
 - If *Love* is not overruled, did Justice Derrington err by finding that the delegate did not reasonably suspect that Mr Montgomery was an unlawful non-citizen?
- Submissions for the Commonwealth were filed on 28 January 2022.
- Mr Montgomery's submissions were due on 25 February 2022. The Commonwealth's reply was due on 25 March 2022.
- On 28 July 2022, the Commonwealth filed a noticed of discontinuance in relation to the High Court proceedings.

Complaint about the University of Sydney

- Two NSW land councils (Darkinjung Local Aboriginal Land Council, backed by Metropolitan Local Aboriginal Land Council) representing more than 40,000 Aboriginal people, have lodged a formal complaint with the Independent Commission Against Corruption over the number of staff and students at the University of Sydney who self-identify as First Nations.
- The complaint states "The University of Sydney is not checking (the bona fides of those who claim to be Indigenous) and jobs, and scholarships and other benefits are flowing to people" who are not eligible to receive them.

Central Group

Stronger Futures in the Northern Territory 2012, including alcohol policy in the Northern Territory

Appropriate SES to come forward to support response:

- Rachael Jackson, Acting Group Manager, Central Group
- Tom Dyer, Branch Manager, NT Strategy and Policy, Central Group

Key Talking Points

- While the sunseting of the *Stronger Futures in the Northern Territory Act 2012* in July 2022 means the Commonwealth no longer has a formal role in alcohol legislation, the Government is committed to improving outcomes for First Nations people and communities impacted by alcohol related harm.
- Like all states and territories, the NT Government has the necessary legislation and authority to manage alcohol, including regulating alcohol access through the *Liquor Act 2019 (NT)*.
- On 17 May 2022, the NT Government amended their *Liquor Act 2019* to include an 'opt-in' process for those areas affected by the sunseting of the Stronger Futures Act to opt in to continued alcohol restrictions.
- The NIAA is working with the NT Government as well as with peak community service organisations to monitor indicators of alcohol related harm.
- So far, the NT Government have informed NIAA that general data trends do not indicate an increase in alcohol related harm.
- The NT Chief Minister, Hon Natasha Fyles MLA, has given an assurance that if the data shows it is necessary, she will act with the appropriate alcohol policies and measures.
- Through the IAS, the NIAA invests approximately \$13 million in funding for the 2022-23 financial year, to 12 organisations to deliver 15 AOD support and residential rehabilitation activities in the Northern Territory [for more information refer to CEOSEB22-000098].
- Through the 2022-2024 extension of the National Partnership on Northern Territory Remote Aboriginal Investment (NTRAI), the NIAA will provide an additional \$11.072 million per year in funding for Alcohol Action officers and related harm minimisation programs.
- The Australian Government recently announced a \$3 million package to deliver more community safety patrols, youth services and family and domestic violence support services in Alice Springs and its surrounding town camps.

Public Hearing on 19 October 2022

- Executives from NIAA and the NT Government appeared at the public hearing on 19 October 2022 for the Inquiry into Community Safety, Support Services and Job Opportunities in the Northern Territory that was referred to the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs.

Stronger Futures in the Northern Territory Act 2012

- *The Stronger Futures in the Northern Territory Act 2012* (Cth) (Stronger Futures Act) ceased on 17 July 2022.
- Prior to sunset, the NIAA liaised with the NT Government and Aboriginal Peak Organisations of the NT (APONT), including Land Councils, regarding options for sunset with the expectation that the management of elements under the Stronger Futures Act would transfer to NT legislation, where appropriate.
- Prior to sunset, the NIAA worked with the NT Government to transition measures to NT management, including for:
 - alcohol management
 - land reform
 - food security.
- The NT Government agreed to accept \$7.5m to design and implement a remote stores licensing scheme.

Background

- The Stronger Futures Act was created as a vehicle for some ongoing elements of the *Northern Territory National Emergency Response Act 2007* (NTER).
- From 2012 to 2022, the Stronger Futures Act provided for:
 - alcohol restrictions in remote areas;
 - economic development in town camps and community living areas; and
 - food security through a stores licensing scheme.
- Part 10 of the Classification Act 1996 (Cth) also sunset on 17 July 2022 and is considered part of the Stronger Futures legislative package.

Facts and figures

Situation following the sunset of Stronger Futures – Alcohol

- As at 13 October 2022, 13 areas (3 communities, 4 town camps and 6 homelands) have formally opted in to alcohol restrictions (see below table).
- There are 73 communities in the Northern Territory:
 - 67 of the communities are unaffected by the sunset of the Stronger Futures Act. This means they don't need to opt-in to alcohol restrictions because they continue to have alcohol restrictions in place under the NT Liquor Act 2019.
 - 3 of the communities, Bulman and Weemol in Northeast of Katherine and Peppimenarti in the Daly River region have opted in to the restrictions.
 - This means 70 out of 73 communities in the Northern Territory have alcohol restrictions.
 - 3 of the communities are not covered by restrictions.
- There are 43 town camps in the Northern Territory:
 - 6 of the town camps are unaffected by the sunset.
 - 4 of the town camps have opted into the restrictions, including Bagot town camp in the centre of Darwin. This means 10 out of 43 town camps in the Northern Territory have alcohol restrictions.
 - 33 town camps are not covered by restrictions.

- There are between 400-600 homelands and outstations in the Northern Territory. Some are small settlements of 50 or less people, some are not permanently occupied, whilst others are unoccupied without infrastructure:
 - Around half of the homelands are unaffected by the sunseting.
 - 6 homelands have opted into the restrictions.

Areas opted in	Community (original 73)	Town Camp	Homeland/ Outstation	Land Council
Knuckey Lagoon Indigenous Village		x		NLC
Palmerston Indigenous Village		x		NLC
Railway Dam		x		NLC
Bagot Town Community		x		NLC
Bulman Community	x			NLC
Weemol	x			NLC
Peppimenarti	x			NLC
Garanydjirr			x	NLC
Bayagida			x	NLC
Dhipirrinjura			x	NLC
Kewulyi			x	NLC
Jodetluk			x	NLC
Mooronga			x	NLC

Key Dates

- 17 July 2022 – the Stronger Futures Act sunset
- 17 May 2022 – the Northern Territory Government passed the Associations and Liquor Amendment Bill 2022 to amend the *Associations Act 2003* (NT) and the *Liquor Act 2019* (NT)

Rachel Jackson	Central Group	s22(1)
Tom Dyer	NT Strategy and Policy Branch	s22(1)
s22(1)	Senior Advisor, NT Strategy and Policy Branch	s22(1)

Economic Policy and Programs

Youpla Group (formerly the Aboriginal Community Benefit Fund)

Appropriate SES to come forward to support response:

- Ms Deborah Fulton, A/g Group Manager, Economic Policy and Programs; or Mr Avinash Clarke, Branch Manager (A/g) Business and Economic Policy

Key Talking Points

- Sorry Business has deep cultural importance to First Nations people. Youpla's collapse in March 2022 has impacted the ability of former members to undertake Sorry Business, inflicting financial and emotional harm.
- The Government has established the Youpla Group Funeral Benefits Program (Treasury-led) to support the families of deceased Youpla Group policy holders, so they can get on with Sorry Business and bury their loved ones.
- The Program pays a funeral benefit for those who have passed away and were a Youpla member on or after 1 April 2020. Applications will be open from 7 September 2022 until 30 November 2023.
 - At 30 September 2022, Treasury has received 71 applications; rejected 2 applications; and has approved 27 applications (totalling \$292,000).
- The program is an interim measure while Government investigates what further steps are required to bring resolution to this matter.
 - The Government has been engaging with stakeholders, including the Save Our Sorry Business Coalition.
 - Further data is required from Youpla's liquidator to support this process.
 - We intend to have a resolution before the interim program concludes in November 2023.
- **SPECIFIC QUESTIONS ON THE YOUPLA GROUP FUNERAL BENEFITS PROGRAM SHOULD BE REFERRED TO THE TREASURY**

Background

- Youpla members were overwhelmingly First Nations people.
- Youpla operated in a predatory manner for decades, including hawking their products door-to-door and falsely representing themselves as an Indigenous organisation.
- A number of Government actions impacted Youpla's ability to operate, including:
 - the decision in 2019 to change the law to require providers of funeral benefit insurance to obtain a financial services license, which Youpla failed to obtain. This contributed to the collapse of the company but no provisions to assist members were put in place; and
 - in August 2015, Youpla was excluded from Centrelink's Centrepay system as part of a range of consumer protection measures for Centrelink customers. This resulted in at least 6,000 fund members having policies cancelled (many without knowledge) for non-payment.

- The Save Sorry Business Coalition is a key stakeholder and lobby group who has gained significant media coverage in recent months. It has been consulted on the rollout of the Youpla Group Funeral Benefits Program and has publicly requested all former Youpla members (or in some cases remaining members) get their money back.
 - The Save Sorry Business Coalition is likely to have been expecting an announcement of the next stage of Government action in the October 2022 Budget.

Facts and figures

- The Youpla Group Funeral Benefits Program will cost \$7.2 million over 2022-23 and 2023-24, and is expected to pay 520 claims in that period. **This measure is referenced in the October 2022-23 Budget papers (page 194 of Budget Paper No.2).**
- Youpla had approximately 14,500 active members when its funds entered liquidation in March 2022.
- From 1 August 2015, when the Government removed Youpla from Centrepay, the number of active members at any point after that date is estimated to be around 40,000. This requires further confirmation from data held by the liquidator, which needs to be cleaned for further use.
- The exact number of former Youpla members is unknown, but is estimated to be around 90,000 to 100,000 in the period from its inception in 1993. Data retrieved by the liquidator to date does not indicate Youpla tracked the Indigeneity of members.

Key Dates

- 7 September 2022 – The Youpla Group Funeral Benefits Program begins (jointly [announced](#) on 5 September).
- 25 July 2022 – The Minister for Indigenous Australians and Minister for Financial Services [jointly announce](#) the Government will pay unmet funeral claims for former Youpla members.
- 11 March 2022 – Youpla’s remaining three funds are placed into liquidation, after one entered voluntary administration in December 2021.
- 1 April 2020 – Law changes prevented Youpla from selling new policies without a financial services licence (which it didn’t have and was not granted).
- 4 February 2019 – The Financial Services Royal Commission handed down its final report, recommending law changes as a result of Youpla’s deceptive and misleading conduct.
- 1 August 2015 – The Government decides to remove Youpla from Centrepay. The change did not take effect until 2017, following appeals from Youpla.
- 1993 – Youpla (as the Aboriginal Community Benefit Fund) commenced marketing itself as ‘Australia’s only funeral insurance plan dedicated to the Aboriginal community’ despite being a non-Indigenous organisation.

Deborah Fulton	Economic Policy and Programs	s22(1)
Avinash Clarke	Business and Economic Policy	s22(1)
s22(1)	Indigenous Procurement Policy and Targets	s22(1)

Social Policy and Programs Group

Youth Crime and Support for Youth

Appropriate SES to come forward to support response:

- Letitia Hope, DCEO, Policy and Programs
- Ben Burdon, Group Manager, Social Policy and Programs
- Ursula Carolyn, Branch Manager, Families and Safety

Key Talking Points

- The Government is committed to improving First Nations youth justice outcomes by reducing contact with the justice system and reducing youth crime.
- The Minister for Indigenous Australians, the Hon Linda Burney MP and the Attorney-General, the Hon Mark Dreyfus KC MP, are joint leads for Outcomes 10 and 11 of the National Agreement on Closing the Gap (the National Agreement).
- The Government's key commitment to improving First Nations youth justice outcomes is the \$81.5 million commitment to establish an independent justice reinvestment unit and justice reinvestment initiatives with up to 30 communities across Australia.
- The Attorney-General's Department (AGD) and the National Indigenous Australians Agency (NIAA) will be responsible for implementing this commitment.
- Justice reinvestment broadly aims to redirect resources from incarceration into initiatives that create safer communities and address the underlying drivers that lead people into the criminal justice system.
- The Justice Policy Partnership (JPP), established under Closing the Gap, brings together Australian, state and territory governments, Coalition of Peaks organisations and First Nations representatives to take a joined up approach to First Nations justice policy and drive First Nations community-led outcomes under the National Agreement.
- State and territory governments are primarily responsible for the criminal justice system and corrections facilities, including policing, youth justice, youth detention centres and relevant criminal laws.
 - Substantive discussions at JPP meetings have focused on agreeing to a set of justice policy priorities to inform the development of a three-year strategic plan. This includes consideration of youth justice policy issues and the minimum age of criminal responsibility.
- Work to review the minimum age of criminal responsibility (MACR) is being progressed through the Standing Council of Attorneys-General (SCAG) (formerly the Meeting of Attorneys-General).
- On 12 August 2022, jurisdictions agreed the Age of Criminal Responsibility Working Group would continue to develop a proposal to increase the MACR, paying particular attention to eliminating the overrepresentation of First Nations children in the criminal justice system.
- Through the Indigenous Advancement Strategy, the NIAA funds a range of activities that support youth wellbeing.

Background

- Under the \$81.5 million Justice Reinvestment commitment, the AGD and NIAA will establish the National Justice Reinvestment Unit (NJRU), in close consultation with First Nations experts, and informed by the recommendation of the Australian Law Reform Commission in its 2018 *Pathways to Justice* report.
- Subject to final design, the NJRU may perform functions such as coordinating and supporting justice reinvestment initiatives, conducting research, data analysis and evaluation of trial programs, and providing technical expertise and best practice advice.
- The Justice Reinvestment program will enable communities to expand or establish community-led initiatives to reduce crime and recidivism, for example, rehabilitation services, family or domestic violence support, homelessness support and school retention programs.
- The JPP is the first of 5 policy partnerships to be established under Priority Reform One of the National Agreement.
- The JPP first met in September 2021 and meets quarterly to progress its work plan. The JPP has identified existing partnerships between policing agencies and First Nations people and organisations, and governance arrangements in each jurisdiction to drive joined-up action on justice outcomes and is considering the provision of recommendations to Joint Council.

Facts and figures

- Under the Closing the Gap National Agreement, Outcome 11 aims to reduce the rate of First Nations young people (10-17 years) in detention by 30 per cent by 2031.
- Based on the Productivity Commission's Dashboard, Outcome 11 is **on track** to be met. The rate (per 10,000 young people) of First Nations young people in detention on an average day nationally has decreased from the baseline year of 2018-19.
- First Nations young people represent 5.8 per cent of those aged 10-17 years in Australia, but 53 per cent of young people in detention on an average day (2020-21).
- First Nations young people are 18 times as likely as non-Indigenous young people to be in detention.¹

Key Dates

- 12 August 2022 – The Meetings of Attorneys-General (going forward this will be known as the Standing Committee of Attorneys-General) agreed the Age of Criminal Responsibility Working Group.

Ben Burdon	Social Policy and Programs Group	s22(1)
Ursula Carolyn	Families and Safety Branch	s22(1)
s22(1)	Justice Policy Section	s22(1)

¹ AIHW (2022), Youth Justice in Australia 2020-21.

Social Policy and Programs Group

Cashless Debit Card

Appropriate SES to come forward to support response:

- Ben Burdon, Group Manager Social Policy and Programs
- Yvonne Uren, Branch Manager, Health and Wellbeing

Key Talking Points

- The Government is implementing its election commitment to abolish the Cashless Debit Card program (CDC).
- The Minister for Social Services, the Hon Amanda Rishworth and the Department of Social Services (DSS) is primarily responsible for CDC and implementation of this measure.
- The NIAA has been assisting DSS with engaging First Nations providers and individuals in communities where CDC is ceasing.
- Participants in Ceduna, East Kimberley, Goldfields and Bundaberg-Hervey Bay are now able to transition off CDC.
- Participants in the NT, Cape York and Doomadgee, and volunteers in other sites, will transition to a new, enhanced card early next year.
- To support these communities into the future the Government is investing over \$75 million to continuing current services and add new services including as alcohol and drug treatment and employment initiatives.

Background

NIAA Support

- NIAA is supporting the delivery of CDC ceasing and meets regularly with DSS at both a national and local level.
- Currently NIAA's support is focussed on transition and implementation for Ceduna, East Kimberley, Bundaberg/ Harvey Bay and the Goldfields. NIAA regional staff are providing support to community and to DSS/SA around their engagement with community.
- NIAA has also provided details of NIAA funded services in each CDC region which has been included in the service delivery map available on the DSS website.
- The NIAA executive and Ministers have been meeting with communities as implementation progresses.

Family Responsibilities Commission (FRC) NIAA engagement

- The CEO of NIAA is the Commonwealth Representative on the Family Responsibilities Board with the Director General of the Queensland Department of Agriculture and Fisheries, Mr Robert Gee and the Cape York Institute Founder, Mr Noel Pearson. They meet twice yearly but also have ad hoc meetings as required.
- NIAA participates in FRCs monthly meetings with DSS and Services Australia on income management operations. NIAA regional staff also meet with FRC on a regular basis on community operational issues.

Cashless Debit Card program (CDC)

- Welfare recipients on CDC have a portion of their income support payments quarantined so these funds cannot be withdrawn as cash or used to buy alcohol or gambling products.
- CDC currently operates throughout the NT and in Ceduna, East Kimberley, Goldfields, Bundaberg-Hervey Bay, Cape York and Doomadgee.
- In Cape York and Doomadgee CDC is delivered in partnership with the community driven Family Responsibilities Commission.
- Several audits and evaluations of CDC have failed to demonstrate that it has achieved its objectives.

Facts and figures

- At 30 September 2022, there were 16,616 participants on the CDC program across Australia, around 53 per cent of whom are First Nations people.
- Since people have been able to transition from the program:
 - The most recent data shows that, as at 4 November 2022, a total of 9,022 people (73 per cent) had transitioned in Ceduna, East Kimberly and Goldfields, Bundaberg and Hervey Bay. This included 8,967 people who exited the program and 55 people who have made the decision to move to voluntary IM (as at 4 November 2022).
 - As at 4 November –7,567 people remain on the CDC, including 4,286 in the NT and Cape York (who will automatically transition on 6 March). and 3,281 still to transition off the card.
 - Currently, 53 per cent of CDC participants and 82 per cent of IM participants are First Nations people (as at 30 September 2022), compared with 3.2 per cent of people who identify as First Nations within the Australia community.

Key Dates

- 4 October 2022: CDC participants in Ceduna, East Kimberley, Goldfields and Bundaberg-Hervey Bay were able to transition off the program.
- 30 September 2022: The Social Security (Administration) Amendment (Repeal of Cashless Debit Card and Other Measures) Bill 2022 (the Bill) received Royal Assent.

Ben Burdon	Social Policy and Programs Group	s22(1)
Yvonne Uren	Health and Wellbeing Branch	s22(1)
s22(1)	Transitional Health Policy team	s22(1)

Truth-Telling Taskforce

Indigenous Cultural Heritage Protection

Appropriate SES to come forward to support response:

- Andrea Kelly, Group Manager, Truth-Telling Taskforce
- Jeremy Mickle, Branch Manager, Culture and Heritage Branch

Key Talking Points

- The Australian Government is committed to working in partnership with the First Nations Heritage Protection Alliance (the Alliance) and other stakeholders to reform the Commonwealth's heritage protection framework, including through new stand-alone First Nations heritage protection legislation.
- On 29 November 2021, the Commonwealth formed a partnership with the Alliance to implement a national engagement process to consult with First Nations peoples on reforms to First Nations heritage protection at the national level.
- The partnership will develop options for reforming First Nations cultural heritage protection for consideration by the Minister for the Environment.
- A Directions Report summarising Stage One findings and potential options for further consultation will be released shortly.
- The second stage of the national engagement process, which builds on stage one, commenced in September 2022. This second stage will involve broad national engagement to explore options for reform to identify options for the Government's consideration.
- The Australian Government is finalising its responses to the report of the Parliamentary inquiry into the destruction of Juukan Gorge
 - As at 11 November 2022, the report has **not** been tabled.
- The second independent review of the EPBC Act (Samuel Review, January 2021) also highlighted deficiencies of the First Nations cultural heritage protection regime at the national level and recommend urgent reforms be implemented.
- The Government will provide \$14.7 million over 4 years from 2022–23 to support the protection of Australia's cultural and First Nations heritage sites by empowering local communities and First Nations people to assess and identify priorities for the protection of heritage. The cost of this measure will be partially met from within the existing resourcing of the Department of Climate Change, Energy, the Environment and Water (DCCEEW). This budget measure will:
 - improve engagement with First Nations people to support heritage
 - support the addition of cultural and First Nations heritage values to existing World Heritage and National Heritage-listed areas
 - pursue the UNESCO World Heritage listing of the Murujuga Cultural Landscape and Flinders Ranges.

If asked about links with First Nations cultural heritage protection reforms

- The Australian Government is committed to working in partnership with the Alliance and other stakeholders to reform the Commonwealth heritage

protection framework, including through new stand-alone First Nations heritage protection legislation.

- The Australian Government is working in genuine partnership with the Alliance in undertaking a national engagement process to canvass the views of First Nations peoples on options for reforms to the national cultural heritage protection framework.
- The NIAA continues to work with the DCCEEW in relation to First Nations heritage protection reforms, including as a member on the Joint Working Group (JWG) formed as part of the partnership agreement with the Alliance.
- The members of the JWG are:
 - Ms Rachel Perkins (Alliance, Co-chair)
 - Cr. Leanne Hampton (Alliance)
 - Mr. Kevin Smith (Alliance)
 - Ms. Melissa McEwen (Commonwealth – DCCEEW, Co-chair)
 - Ms. Anne-Marie Roberts (Commonwealth – DAFF)
 - Ms Andrea Kelly (Commonwealth – NIAA)
- The NIAA's role also includes providing advice in relation to engagement with First Nations stakeholders.

Background

- The primary legislative responsibility for the protection of First Nations cultural heritage rests with the states and territories.
- The Commonwealth has a role in First Nations heritage protection through the EPBC Act, the ATSIHP Act and the *Protection of Movable Cultural Heritage Act 1996* (PMCH Act). The Minister for the Environment is responsible for administering both the EPBC Act and the ATSIHP Act. The Minister for the Arts has responsibility for the PMCH Act.
- Where appropriate, the Minister for Indigenous Australians provides advice from a First Nations perspective to inform policy on First Nations heritage.
- DCCEEW has responsibility for First Nations cultural heritage protection and for administering the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP Act) and the *Environment Protection and Biodiversity Act 1999* (EPBC Act).
- The NIAA works closely with DCCEEW, providing advice on First Nations perspectives relevant to the reform process and on First Nations heritage protection in general.
- The EPBC Act provides for the management and protection of Australia's heritage places, including World Heritage properties. Natural, historic or Indigenous places of outstanding national heritage value as well as heritage places on Commonwealth lands and waters or under Australian Government control are protected under this Act.
- The ATSIHP Act provides for the protection of areas and objects that are of particular significance to First Nations Australians in accordance with their traditions.

Facts and figures

- The work on the reforms to the national cultural heritage protection framework align with the commitment of all jurisdictions through the National Agreement on Closing the Gap to undertake policy making in full and genuine partnership with First Nations peoples, where it significantly impact their lives.
 - This work aligns with priority reform 1 of the National Agreement, which commits to formal partnerships and shared decision making with First Nations peoples, and priority reform 3 which commits to transforming government organisations.
- The first stage of the national engagement process on First Nations heritage protection reforms concluded in July 2022 and involved thirty-two Stage One Engagements from March to June 2022. An Options paper informed by the outcomes of stage one consultations will form the basis of the public consultations in late 2022.

Key Dates

- September 2022 – Second stage of national engagement process with First Nations peoples on First Nations cultural heritage reforms commenced.
- July 2022 – First stage of national engagement process concluded.
- 31 March 2022 – Second Ministerial Roundtable on Indigenous Heritage.
- 7 March 2022 – First stage of national engagement commenced.
- 29 November 2021 – Partnership Agreement between the Commonwealth Government and the First Nations Heritage Protection Alliance signed.
- 18 October 2021 – Final Report of the Parliamentary Inquiry into Juukan Gorge destruction released.
- 16 June 2021 – *A Pathway for Reforming National Environmental Law* released (by the former Minister for the Environment in response to the review of the EPBC Act).
- 28 January 2021 – Final report of the review of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) released.
- 9 December 2020 – Interim Report of the Parliamentary Inquiry into Juukan Gorge destruction tabled.
- 21 September 2020 – First Ministerial Roundtable on Indigenous Heritage.
- 20 July 2020 – Interim report of the review of the EPBC Act released.
- 24 May 2020 – Destruction of the Juukan Gorge rock shelters by Rio Tinto.

Andrea Kelly	Truth-Telling Taskforce	§22(1)
Jeremy Mickle	Culture and Heritage Branch	§22(1)
§22(1)	First Nations Heritage and Community Capability	§22(1)

Economic Policy and Programs

New Jobs Program

Appropriate SES to come forward to support response:

- Deborah Fulton, A/g Group Manager Economic Policy and Programs Group
- Kate Phipps, Branch Manager Remote Employment Policy
- Kate Elliott, Branch Manager CDP Strategy

Key Talking Points

- The Government has committed to replace the Community Development Program (CDP) with a new program with real jobs, proper wages and decent conditions – developed in partnership with First Nations people.
- As a first step, the Minister for Indigenous Australians hosted a Remote Employment Roundtable on 31 August 2022 leading into the National Jobs and Skills Summit where she announced the opportunity for CDP providers to re-direct their funding to work with remote communities to trial new approaches to real jobs.
- Almost all providers have worked with remote communities to develop proposals to ‘Trial Pathways to Real Jobs’, with trials commencing on 1 November 2022.
- As a next step the Minister announced in the October Budget, \$6.2 million for additional targeted pilots to fund 200 real jobs. The ‘New Jobs Program Trial’ will allow a broader range of organisations to test approaches to inform the new program. Locations for pilots have not yet been determined.
- The Government has begun a comprehensive consultation process involving key stakeholders. We will be starting consultation on possible pilots with Cashless Debit Card (CDC) regions where CDP operates, and Barkly (NT), Eyre (SA), Ngaanyatjarra Lands (WA), Mid-West (WA) and Palm Island (QLD), which are areas that are already working on CDP reform.
- The start date for the new program has not yet been decided, as it will be informed by outcomes from consultation and the trials and pilots.
- The Government is moving deliberately towards the new program. The combination of trying practical solutions and consulting on new ideas will help build the best possible new jobs program in remote Australia.

Background

New Jobs Program Trial

- The trial will support pilots that focus on Government providing funding for jobs that do not currently exist but are considered necessary by the community in remote regions with limited existing job opportunities.
- Government will fund community organisations (employers) for jobs that will be filled by eligible CDP job seekers (those aged 18 and over and in receipt of working age payments). These job seekers will transition from being serviced by a CDP provider and will enter into an employment relationship with their employer (the community organisation) and will receive all benefits of employment including a wage, superannuation and other relevant entitlements.
- The Trial in the Ngaanyatjarra Lands WA continues in accordance with a Federal Court settlement.

Consultation

- Interested individuals and organisations are able to comment on the 'Issues for Discussion' paper that was published on the NIAA website on 24 August 2022 (the same paper that guided the Roundtable discussions).
- Individuals can also subscribe via the NIAA website to receive updates on the progress of design and development of the new remote jobs program.

Facts and figures

- Since CDP began in July 2015, the program has supported 34,980 job seekers – including 24,823 First Nations peoples – into 57,494 jobs. 17,903 of these have resulted in outcomes of at least 26 weeks employment (up to 30 September 2022).
- As at 30 September 2022 there were 40,113 job seekers on the CDP caseload (85 per cent identify as First Nations people).
- Forty of the 47 CDP providers across the 60 CDP regions are majority First Nations-owned or local councils. At least 75 per cent of CDP providers are not-for-profit. CDP provider agreements have an end date of 30 June 2023.
- Forty five of the 47 CDP providers have opted in to 'Trialling Pathways to Real Jobs', with trials commencing from 1 November 2022.
- A wide range of innovative approaches to support CDP participants into real jobs will be trialled, including:
 - paid jobs with community organisations to build skills and experience
 - subsidised work trials to encourage organisations to employ job seekers with barriers to work

- development of local community enterprises in areas such as hospitality, art, agriculture, care services and construction
- addressing barriers to employment such as transport, licences and clearances.

Key Dates

- 1 Nov 2022 – Implementation of proposals for trialling pathways to real jobs begins
- 25 October 2022 – The Government announced an additional pilot to fund up to 200 real jobs.
- 14 Oct 2022 – Proposals for trialling pathways to real jobs due
- 6 Oct 2022 – NIAA staff attend Jobs Australia conference
- 5 Oct 2022 – Minister for Indigenous Australians address at National Employment Services Association conference
- 31 Aug 2022 – Remote Employment Roundtable

Attachments

Attachment A – ‘Putting remote employment issues on the table’ (media release)

Attachment B – CDP funding tables

Deborah Fulton	Economic Policy and Programs	s22(1)
Kate Phipps	Remote Employment Policy	s22(1)
Kate Elliott	CDP Strategy	s22(1)
s22(1)	Remote Employment Policy	s22(1)
s22(1)	CDP Strategy	s22(1)

Attachment A – ‘Putting remote employment issues on the table’**The Hon Linda Burney MP
Minister for Indigenous Australians****MEDIA RELEASE****Putting remote employment issues on the table**

The Australian Government is committed to replacing the Community Development Program (CDP) with a program with real jobs, proper wages and decent conditions.

To begin discussions, the Minister for Indigenous Australians, Linda Burney today hosted the Remote Employment Roundtable in Canberra, in the lead up to the Jobs and Skills Summit.

The Roundtable was designed to bring a number of experts together to share their insights on employment challenges and labour markets in remote Australia, before more targeted consultations are held in remote communities.

The Minister hosted representatives from peak bodies, relevant alliances and unions, community and business leaders as well as a number of local councils, to have frank and open discussions on key employment challenges and opportunities in remote Australia.

As a first step towards a new program, the CDP will be adjusted to give providers the opportunity to work with remote communities to trial new approaches to real jobs.

The Roundtable discussion, community consultations and learnings from trialling new approaches will inform the new program.

Individuals, community organisations, service providers, and businesses can also provide views on the challenges, barriers and opportunities in remote employment through the National Indigenous Australians Agency website, www.niaa.gov.au/remote-employment

Quotes attributable to Minister Burney:

"We are moving decisively to replace the Community Development Program with a new program with real jobs, proper wages and decent conditions for Australians living remote communities.

"It is vital we put all the issues on the table, really debate them, and then in partnership, explore models that work for each community and their social and economic aspirations.

"We are deeply committed to being transparent with our program design and bringing First Nations perspectives into Government policy making, through forums like this Roundtable and further consultations."

Quotes attributable to Assistant Minister Malarndirri McCarthy:

"The Coalition's Community Development Program has been an absolute failure and caused real hurt in communities across Australia.

"Developing a new program in partnership with First Nations people is a great first step towards providing hope for a better future and dignified work opportunities."

31 August 2022

Attachment B - CDP funding tables

The Remote Employment Program budget forecast is included in the table below:

\$ million	2022-23	2023-24	2024-25	2025-26
Remote Employment Programs*	409.53	314.36	313.88	314.00

* Includes CDP, New Jobs Program pilot (trial), 1000 Jobs Program, Time-to-Work Employment Service (TWES), and the trial in the Ngaanyatjarra Lands.

* Does not include funding to other departments for the New Jobs Program pilot (trial).

* CDP is a demand driven program and does not have fixed annual allocations.

Budget measure 25 October 2022:

Replacing the Community Development Program with a New Jobs Program – trial

Payments (\$m)

	2021-22	2022-23	2023-24	2024-25	2025-26
National Indigenous Australians Agency	-	2.7	0.2	-	-
Department of Employment and Workplace Relations	-	1.0	-	-	-
Services Australia	-	-0.1	-	-	-
Department of Social Services	-	-2.0	-0.7	-0.2	-
Total – Payments	-	1.7	-0.5	-0.2	-

The Government will provide \$9.4 million over 3 years from 2022–23 to establish a trial of a New Jobs Program. The trial will create up to 200 job opportunities in remote and very remote locations with thin labour markets. Jobs under the trial will pay real wages and provide proper conditions. The Government will also consult with key stakeholders and communities around the design for the new program.

The cost of this measure will be partially met from within the existing resourcing of the Department of Employment and Workplace Relations and the National Indigenous Australians Agency.

This measure will redirect partial funding from the 2022–23 March Budget measure titled *Remote Engagement Program* and savings identified as part of the Spending Audit.

This measure supports the Government’s election commitment as published in the *Plan for a Better Future*.

Overarching

Uluru Statement from the Heart

Appropriate SES to come forward to support response:

- Julie-Ann Guivarra, Group Manager, Empowerment and Recognition Group
- Simon Gordon, Branch Manager, Constitutional Recognition Branch
- Andrea Kelly, Acting Group Manager, Truth-Telling Taskforce

Key Talking Points

- The Uluru Statement from the Heart (the Uluru Statement) calls for a First Nations Voice to Parliament enshrined in Australia's Constitution, and the establishment of the Makarrata Commission charged with overseeing truth-telling and agreement-making.
- The Prime Minister has committed to implement the Uluru Statement in full.
- The 2022-23 Federal Budget delivered on the Government's commitment to the Uluru Statement. The Budget provided \$75.1 million over two years to prepare for the delivery of the referendum and increase participation of Aboriginal and Torres Strait Islander peoples in future electoral events.

Referendum

- The Government will hold a referendum to enshrine an Aboriginal and Torres Strait Islander Voice in the Constitution in the next financial year.
- The Government has moved quickly to implement this key commitment:
 - the Prime Minister appointed Senator Pat Dodson as the Special Envoy for Reconciliation and the Implementation of the Uluru Statement from the Heart;
 - the Constitutional Recognition Committee of Cabinet was established;
 - the Prime Minister announced a possible referendum question and amendment for the Voice at the Garma festival on 30 July 2022 as a basis for discussion;
 - on 17 August 2022, Indigenous Affairs Ministers from all states and territories agreed to continue to back the Government's work towards a Voice to the Australian Parliament enshrined in the Constitution;
 - the Government established a Referendum Working Group and a Referendum Engagement Group.
 - The Working Group has now met formally twice (29 September and 28 October 2022)
 - The Engagement Group has met once on 29 September 2022.
 - the Attorney-General established a Constitutional Expert Group which met for the first time on 28 October 2022.
- The Government will work with Aboriginal and Torres Strait Islander peoples to consider next steps, including through the Referendum Working Group and the Referendum Engagement Group.

Makarrata Commission

- The Australian Government announced, as part of the October 2022 Budget, an investment of \$5.8 million to commence work to progress the establishment of an independent Makarrata Commission as part of its commitment to implement the Uluru Statement from the Heart in full.
- Details about this commitment are a matter for Government.
- The remaining funds (\$21.9 million) have been provisioned in the Contingency Reserve.

Background

- The Uluru Statement followed a decade of consideration and consultation on appropriate forms of recognition and representation of Aboriginal and Torres Strait Islander people:
 - 2012: Expert Panel on Constitutional Recognition of Indigenous Australians recommended a range of amendments to the Constitution including a constitutional ban on racial discrimination.
 - 2015: Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples recommended s25 of the Constitution be repealed and amendments to the races power, section 51(xxvi).
 - The 2017 Referendum Council recommended an amendment in the Constitution to provide for a Voice.
- Following the Uluru Statement, the 2018 Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples was convened, chaired by Senator Patrick Dodson and the Hon Julian Leeser MP. The Committee recommended a co-design process for a Voice model.
- The 2020-21 Indigenous Voice Co-design Process was chaired by Professor Dr Marcia Langton AO and Professor Tom Calma AO and proposed a model for the Voice with a National Voice and Local and Regional Voices part. This process did not consider options for constitutional change.

Facts and figures

- The 2022-23 Federal Budget delivered on the Government's commitment to the Uluru Statement. The Budget provided \$75.1 million over two years to prepare for the delivery of the referendum and increase participation of Aboriginal and Torres Strait Islander peoples in future electoral events:
 - \$66.3 million over two years to the Australian Electoral Commission to commence preparations and support work to deliver the referendum to enshrine a Voice in the Constitution, and to increase First Nations enrolment and participation in future electoral events; comprising:
 - \$50.2 million in 2022-23 for referendum preparatory work
 - \$16.1 million (\$9.6 million in 2022-23 and \$6.5 million in 2023-24) for increasing First Nations enrolment and participation
 - \$6.5 million over two years to NIAA to support the referendum, including the establishment of a governance structure to support the advisory groups that will engage with stakeholders and provide advice to the Government.

- The Departments of Finance and Attorney-General will also receive \$0.8 million and \$1.6 million respectively to support the necessary work to deliver the referendum.
- Separately, \$5.8 million has been allocated over three years from 2022-23 to NIAA to commence work on establishing an independent Makarrata Commission to oversee processes for agreement making and truth-telling.
 - This is part of the Government's \$27.7 million election commitment to establish a Makarrata Commission. The remaining funds (\$21.9 million) have been provisioned in the Contingency Reserve.

Key Dates

- 28 October 2022 – Referendum Working Group 2nd formal meeting
- 28 October 2022 - 1st meeting of the Constitution Expert Group
- 25 October 2022 – 2022-23 Federal Budget
- 12 October 2022 – Minister Burney's key note address at the ANTaR 25th Anniversary Dinner
- 29 September 2022 – 1st formal meeting of Referendum Working Group and Referendum Engagement Group.
- 08 September 2022 – Minister Burney's key note address at the CEDA conference dinner on Uluru Statement and announcement of Groups.
- 18 August 2022 – Prime Minister and Minister Burney met with Torres Strait Islander leaders to discuss constitutional recognition.
- 17 August 2022 – Indigenous Affairs Ministers met to discuss the Implementation of the Uluru Statement from the Heart.
- 30 July 2022 – The Prime Minister announced a possible referendum question and amendment as a basis for discussion.
- 21 May 2022 – Election night speeches referencing the Uluru Statement from the Heart as a key priority.

Julie-Ann Guivarra Andrea Kelly	Empowerment and Recognition Group Truth-Telling Taskforce	s22(1) [REDACTED] s22(1) [REDACTED]
Simon Gordon	Constitutional Recognition Branch	s22(1) [REDACTED]
s22(1) [REDACTED] s22(1) [REDACTED]	Constitutional Recognition Policy Truth-Telling Taskforce	s22(1) [REDACTED] s22(1) [REDACTED]

Social Policy and Programs

First Nations Justice Election Commitments

- Letitia Hope, DCEO, Policy and Programs
- Ben Burdon, Group Manager, Social Policy and Programs
- Ursula Carolyn, Branch Manager, Families and Safety

Key Talking Points

- The Government is committed to improving First Nations justice outcomes and has committed \$99 million through the 2022-23 Budget to implement a package of measures to drive meaningful change.
- The NIAA and the Attorney-General's Department are jointly responsible for implementing these measures, including.
 - \$81.5 million to establish an independent national justice reinvestment program and unit and fund up to 30 community-led justice reinvestment partnerships.
 - \$13.5 million for Aboriginal and Torres Strait Islander Legal Services (ATSILS) to ensure First Nations families who have lost a loved one in custody can access culturally appropriate, timely and fair legal assistance before, during and after all coronial processes.
 - \$1 million to build capacity and support the leadership of the National Aboriginal and Torres Strait Island Legal Services (NATSILS).
 - \$3 million to support the work of the National Family Violence Prevention Legal Services (FVPLS) Forum and all 16 FVPLS providers, who deliver culturally safe legal and critical non-legal wrap-around support to First Nations women and children subjected to family and domestic violence and sexual assault.
 - Enhanced national reporting of deaths in custody.

If asked:

Will the Government be fulfilling the election commitment to hold a summit on deaths in custody?

- The Government committed to holding a National Justice Summit with First Nations people and states and territories to drive coordinated future action.
- The timing of the Summit is a matter for Government.

Background

- The First Nations Justice commitments will deliver meaningful change in partnership with states and territories and First Nations communities through:
 - Place-based tailored justice reinvestment initiatives providing targeted supports and services in up to 30 communities.
 - Existing community-led models, such as those in Bourke and Halls Creek, have proven successful in reducing incarceration and re-offending through targeted supports in their communities.

- Improving culturally appropriate legal support for First Nations peoples by building the capability and leadership capacity of NATSILS and the FVPLS Forum.
- Increasing funding to ATSILS to increase capacity to provide culturally appropriate legal assistance to First Nations clients in coronial inquests.
- Improving accountability through more timely and comprehensive national reporting of First Nations deaths in custody.
- The funding for the National FVPLS Forum will enable the Forum to strengthen its current resource capabilities within the Forum Secretariat, continue its important national advocacy work, strengthen and deliver increased data analysis capabilities and support all FVPLS providers in a broad range of ways.
- The Forum is the peak body for 13 of the 16 FVPLS providers across Australia and they are a member of the Coalition of Peaks and the Justice Policy Partnership.
- The Government sees the Forum as having both an enabling and leadership role in assisting all FVPLS providers to deliver improved services and wants all providers to have benefit from this significant funding commitment.

Facts and figures

- s34

Key Dates

- **October 2022** – Budget 2022 announcement:
The Government will provide \$99 million over 4 years from 2022-23 to support improved justice outcomes for First Nations people. Funding includes:
 - \$81.5 million for justice reinvestment initiatives and an independent justice reinvestment unit
 - \$13.5 million over 3 years from 2022-23 for ATSILS to ensure First Nations families can access culturally appropriate and timely legal assistance before, during and after coronial processes
 - \$3 million over 3 years from 2022-23 for the FVPLS Forum to deliver legal and non-legal support to First Nations communities
 - \$1 million over 3 years from 2022-23 for NATSILS to support its contribution to law reform and policy development to address inequalities in the legal system
 - Enhanced national reporting on deaths in custody (not funded)
- **May 2022** – pre election announcement of:
 - \$79 million for justice reinvestment initiatives and independent national justice reinvestment unit.
 - **Note:** this was calculated incorrectly and rectified as part of Budget 2022 announcement
 - \$13.5 million for ATSILS to provide culturally appropriate and timely legal assistance before, during and after coronial inquests

- \$1 million for NATSILS to build capacity and support the leadership of the NATSILS
- \$3 million for the National FVPLS Forum
- Consolidated real-time national reporting on deaths in custody (uncosted)
- National Justice Summit (uncosted)

Ben Burdon	Social Policy and Programs	s22(1)
Ursula Carolyn	Families and Safety Branch	s22(1)
s22(1)	Justice Policy	s22(1)
s22(1)	FVPLS Team	s22(1)

Economic Policy and Program Group

Indigenous Skills Employment Program (ISEP)

Appropriate SES to come forward to support response:

- Deb Fulton, Group Manager Economic Policy and Programs
- Dr Michael Blanchard, A/g Branch Manager, Economic Policy

Key Talking Points

- The Minister has agreed to the continuation of the Indigenous Skills and Employment Program (ISEP) that was announced in the 2021-22 Budget.
- Applicants have been notified of the ISEP Stage One outcome.
- Successful applicants will have till mid-April 2023 to work with community stakeholders in developing their respective projects.
- The Government acknowledges the design of ISEP was in large part community-led: between August and September of 2021, NIAA convened a number of roundtables with stakeholders. 939 people took part and 62 written submissions were received from Aboriginal community-controlled organisations, traditional owner groups, land councils, service providers, and many others.

Background

- ISEP was a 2021-22 Budget measure and is fundamentally different from the Indigenous Employment Programs (IEPs) it replaced. Evaluations of the IEPs found they were not delivering the desired outcomes:
 - Program access was not consistent across all regions in Australia and wraparound support for jobseekers varied significantly between providers.
 - Understanding long-term employment outcomes is challenging due to limited robust data.
 - The programs had limited impact on growing Australian employers' cultural competencies including embedding new Indigenous employment practices into their business.
 - Need for community engagement in the design and delivery of activities so to address local labour market needs and community priorities.
- ISEP was designed based on extensive consultation with communities and stakeholders to be able to respond to regionally identified priorities, local social circumstances and the government services profile in the area.

- ISEP is a two stage competitive assessment process. The criteria used are set out in the Grant Opportunity Guidelines. Successful projects will:
 - demonstrate how they will deliver sustainable jobs, and address local workforce demands of employers, industry and Indigenous community/ties or groups;
 - have involved the target Indigenous community/ies or group and other key stakeholders in designing the project and committed to continuing this partnership.
 - demonstrate how the intended outcomes of the activities will be delivered and sustained in the long term including how the projects will build the capacity of First Nations organisations.
- Successful projects will also be required to implement monitoring and evaluation frameworks that set clear targets and metrics for success (developed in consultation with communities).

Facts and figures

- ISEP – Stage One:

NIAA Region	Applications Received	Recommended Applications	Recommended Indigenous Organisations	Funding for Stage One co-create	NIAA Region Annual Allocation
Arnhem Land and Groote Eylandt	11	6	3 (50%)	\$300,000	\$2.59m
Central Australia	14	5	2 (40%)	\$250,000	\$1.75m
Eastern NSW	29	7	5 (70%)	\$350,000	\$2.26m
Greater WA	35	7	7 (100%)	\$350,000	\$5.76m
Kimberley	11	6	6 (100%)	\$300,000	\$4.73m
North QLD	27	4	2 (50%)	\$200,000	\$2.57m
South QLD	29	6	4 (66%)	\$300,000	\$2.46m
South Australia	20	7	3 (42%)	\$350,000	\$3.13m
Top End and Tiwi	15	5	4 (80%)	\$250,000	\$8.15m
Victoria and Tasmania	34	6 & 3	7 (78%)	\$450,000	\$2.80m
Western NSW	16	4	3 (80%)	\$250,000	\$6.60m
Grand Total	241	66 (27%)	47 (70%)	\$3.30m	\$42.80m

- There is still one active EPI project. It is scheduled to end on 31 December 2022.
- There are currently 55 organisations delivering 65 TAEG activities.
- There are 37 TAEG projects – run by 37 providers – that are still active from the competitive TAEG round that was established to assist with the transition from the terminating IEPs to ISEP. The remaining 28 activities derive from the open non-competitive TAEG period.
- **1 November 2022** – Successful applicants notified of the ISEP Stage One grant process outcome.
- **27 October 2022** – Minister for Indigenous Australians, agreed that the ISEP process would continue and applicants be notified of the Stage One grant process outcome.

- **06 October 2022** – Minister for Indigenous Australians, attended the National Employment Services Association’s annual conference. In response to a question from Maxima regarding when ISEP applicants would be informed of the outcome of the grant round, the Minister indicated that ISEP would proceed, with possible timing changes, and that an announcement would be forthcoming.
- **22 May 2022** – Federal election.
- **26 April 2022** – ISEP grant round closed.
- **22 March 2022** – ISEP grant round opened.
- **18 March 2022** – Previous Minister for Indigenous Australians, the Hon Ken Wyatt MP, approved Grant Opportunity Guidelines.
- **11 May 2021** – 2021-22 Budget released, announcing ISEP will replace EPI, TAEG and Vocational Training and Employment Centres initiatives that had been established following the then Abbott Government’s response to the Forrest Review in 2014.

Deb Fulton	Economic Policy and Program Group	s22(1)
Michael Blanchard	Employment Branch	s22(1)
s22(1)	ISEP Design Team	s22(1)

Economic Policy and Programs Group

Establishment of the Northern Territory Aboriginal Investment Corporation

Appropriate SES to come forward to support response:

- Deborah Fulton, A/g Group Manager Economic Policy and Programs
- Rachel Kerrigan, Branch Manager, Economic Policy and Programs

Key Talking Points

- The Northern Territory Aboriginal Investment Corporation (NTAIC) is on track for commencement by the end of this year.
- The NTAIC will be funded from the Aboriginals Benefit Account (ABA) and have access to \$680 million over three years (and opportunities for ongoing funding subject to Ministerial approval) to invest in Aboriginal businesses, commercial projects and communities.

Establishment of the NTAIC and Appointments

- The NTAIC interim Board has met five times since establishment in April 2022.
 - It has delivered on statutory obligations including appointing two Independent Directors; establishing the NTAIC investment Committee; and appointing an acting CEO.
- The interim Board has also agreed an implementation plan for the NTAIC's corporate operations, including financial arrangements, staff engagement, ICT, property and facilities, and insurance.
- The interim Board is made up of 12 Directors: eight Land Council-appointed Directors (two appointed by each Land Council); two independent Directors appointed by the Board; and two Government-appointed Directors (appointed by the former Government).
- The interim Board will transition to the permanent Board on commencement.
 - All Directors have been appointed for three years, with the exception of the Northern Land Council (NLC) members. The NLC will confirm NTAIC appointments at its Full Council meeting.
- The NTAIC will legally commence by proclamation on 15 November 2022. The ABA Advisory Committee is also repealed on NTAIC commencement.
- The NTAIC will replace the current NIAA managed ABA beneficial grants program with its own newly designed program.
 - The final ABA grant round closed on 2 October 2022 and NIAA has worked with applicants and the NT Land Councils to support final applications. The NTAIC is developing a new process so people can apply for funding in the first half of 2023 to minimise any waiting period.

If asked about the appointment of the NTAIC Acting CEO

- On 1 September 2022, the Australian Government agreed to the NTAIC's appointment of Ms Leeanne Caton as the NTAIC acting CEO, for a period of six months, on commencement of the corporation.

- This followed an open and transparent recruitment process, independently overseen by Indigenous executive search firm, Pipeline Talent.
 - The role was publicly advertised between 27 May and 22 June 2022, through online job-advertisements, social media and targeted online advertising.
 - Ms Caton is a Kalkadoon and Waanyi woman with strong connections throughout the NT.
 - Ms Caton is a passionate local leader who has strong leadership experience, including at the CEO level, across many issues affecting Aboriginal people in the NT, including housing and legal services.
- *If asked about the appointment of the NTAIC Independent Directors and Investment Committee Members*
 - The NTAIC Board is responsible for these appointments.
 - An executive search company, Challis and Company, was engaged to lead the recruitment process.
 - The positions were publicly advertised from 26 May 2022 to 12 June 2022.
 - Mr Peeyush Gupta and Mr Anthony Ashby were appointed as independent Directors to the interim Board on 2 August 2022.
 - Mr Gupta is the Chair of Charter Hall and a Non-Executive Director of National Australia Bank. Mr Anthony Ashby is the Partner of Ashby & Co Chartered Accountants and Chair of Aboriginal Hostels Limited.
 - Mr Richard Brandweiner and Ms Janice Morris were appointed to the NTAIC Investment Committee on 26 September 2022. Mr Brandweiner is the current Chief Executive Officer Pandal Group, and Ms Morris is the Fund Executive Director for Impact Investment Partners.

Background

- Establishment of the NTAIC follows passage of the *Aboriginal Land Rights (Northern Territory) Amendment (Economic Empowerment) Act 2021*, which NT traditional owners, through their Land Councils, asked for to better support their economic, cultural and social aspirations.
- The NTAIC shifts decision making over \$680 million of Aboriginals Benefit Account funding from Canberra to an Aboriginal-led Board in the NT.

Facts and figures

- The NTAIC will deliver \$60 million a year in grant funding (over its first three years) to support First Nations social, cultural and economic aspirations.
- The NTAIC will receive an endowment of \$500 million once it has developed and tabled in Parliament a Strategic Investment Plan (within 18 months after commencement).
 - The investment priorities of the NTAIC will be set out in the Strategic Investment plan, prepared by the Board, through widespread consultation with Aboriginal people and organisations in the NT.

Key Dates

- 13 December 2022 – latest date for NTAIC commencement and repeal of the ABA Advisory Committee.
- 5-6 September 2022 – fifth NTAIC interim Board meeting
- 1 September 2022 – Government agreed NTAIC Acting CEO

- 4 August 2022 – fourth NTAIC interim Board meeting
- 29 July 2022 – third NTAIC interim Board meeting
- 28-29 June 2022 – second NTAIC interim Board meeting
- 27-28 April 2022 – first NTAIC interim Board meeting
- April 2022 – Establishment of the NTAIC interim Board.

Deborah Fulton	Economic Policy and Programs	s22(1)
Rachel Kerrigan	Land Branch	s22(1)
s22(1)	ABA Reform Taskforce	s22(1)

Social Policy and Programs

First Nations Health Election Commitments

Appropriate SES to come forward to support response:

- Ben Burdon, Group Manager, Social Policy and Programs
- Yvonne Uren, Branch Manager, Health and Wellbeing

Key Talking Points

- First Nations Health election commitments will be delivered through the *Strengthening First Nations Health* package announced in the October 2022-23 Budget. These measures will contribute to Outcome One of the National Agreement on Closing the Gap: Aboriginal and Torres Strait Islander people live long and healthy lives.
- *Strengthening First Nations Health* budget measures are the portfolio responsibility of the Hon Mark Butler MP, Minister for Health and Aged Care, who works closely with Senator the Hon Malarndirri McCarthy, the Assistant Minister for Indigenous Health.
- Questions relating to these measures should be directed to the Department of Health and Aged Care (DoHAC), with the exception of the following commitments, administered by the NIAA (totalling \$272,000 in 2022-23).
 - **Merana Aboriginal Community Association (Merana):** Funding of \$150,000 will be used to create a private medical consulting room and to replace the rubber surface of the outdoor play space at Merana's Richmond site, New South Wales (NSW).
 - **Mingaletta Aboriginal and Torres Strait Islander Corporation (Mingaletta)** Funding of \$97,000 will be used to construct a playground, new outdoor awnings and a sign for the NSW Central Coast facility.
 - **The Glen for Women (The Glen):** Funding of \$25,000 will be used to provide gym equipment for a newly constructed gym. The Glen provides a safe place for women on the NSW Central Coast who have experienced the impacts of harmful substance use and offers a 12-week support program, including fitness training.
- The above proposals implement election commitments for community amenities for three First Nations organisations in NSW.

Background

- As announced in the 2022-23 October Budget, the Government has committed to strengthen First Nations health by investing \$314.8 million to increase the First Nations health workforce, improve health service infrastructure and delivery, and tackle significant gaps in health outcomes. Budget measures include:
 - \$54.3 million to train 500 new First Nations health workers in partnership with the National Aboriginal Community Controlled Health Organisation (NACCHO).

- \$164.3 million for vital health infrastructure projects that will provide modern, high-quality health clinics in areas of large and growing First Nations populations, and to build capacity in targeting chronic disease treatment and rehabilitation.
- \$45 million for 30 four-chair dialysis units to provide better renal services across Australia.
- \$22.5 million to build a dedicated Birthing on Country Centre of Excellence at the Waminda health service in Nowra, New South Wales.
- \$14.2 million to double existing funding to the NACCHO to combat Rheumatic Heart Disease in high-risk communities over three years.
- \$1.9 million to provide two dialysis treatment buses in Far West NSW and upgrade medical equipment to improve the care of First Nations patients with chronic disease at Tharwal and Redfern.
- The Government will work with NACCHO, communities and health experts to deliver these commitments, which will help improve health and wellbeing outcomes for First Nations people by:
 - increasing the number of First Nations health workers and practitioners will improve First Nations peoples' access to health care by ensuring services are culturally safe and responsive;
 - increasing employment opportunities for First Nations Australians will positively impact on life outcomes for individuals and their communities; and,
 - improving access through capital upgrades to health services.

If asked: Do the First Nations health measures duplicate existing investment?

- Questions about these measures should be directed to DoHAC.
- The measures complement existing investments that seek to strengthen the First Nations health sector, by improving its capacity to meet the demand for culturally safe and accessible services.

If asked: What about funding for other First Nations health infrastructure projects?

- Questions should be directed to DoHAC.
- The Government is aware of the First Nations health infrastructure need and that existing funding allocations are oversubscribed.

Facts and figures

- NIAA is administering three projects totalling \$272,000.

Key Dates

- 25 October 2022 – Budget 2022-23 announcement.

Ben Burdon	Group Manager, Social Policy and Programs	s22(1)
Yvonne Uren	Branch Manager, Health and Wellbeing Branch	s22(1)
s22(1)	Director, Strategic Health Policy Section	s22(1)

Economic Policy and Programs

Remote Housing and Homelands

Appropriate SES to come forward to support response:

- Deborah Fulton, A/g Group Manager, Economic Policy and Programs
- Simone Persson, Branch Manager, Housing and Infrastructure

Key Talking Points

- Under Outcome 9 of the National Agreement on Closing the Gap, the target is for 88% of Aboriginal and Torres Strait Islander people to be in appropriately sized (not overcrowded) housing by 2031.
- First Nations people have the highest rate of overcrowding in Australia, and the highest of all is in the NT – 2021 Census found 43.4 per cent of NT First Nations people were appropriately housed, compared with 81.4 per cent of First Nations people nationally.
- Government will work with States, Territories and First Nations stakeholders through the agreed Housing Policy Partnership and the development of a National Housing and Homelessness Plan, which will specifically address issues for First Nations housing and homelessness.
- The Government has committed to provide \$200 million from the Housing Australia Future Fund for the repair, maintenance and improvements of housing in remote Indigenous communities, across Western Australia, South Australia, Queensland and the NT. The development of the Housing Australia Future Fund will be led through the Department of the Treasury.
- The NIAA will work with Treasury, DSS, Housing Australia and peak bodies to make sure these disbursements from the Housing Australia Future Fund are well targeted and reach those most in need.

Northern Territory Remote Housing

- The Commonwealth's \$550 million, five-year National Partnership for Remote Housing in the NT (National Partnership), matched by NT Government to reach \$1.1 billion, ends 30 June 2023.
- The Government has committed to negotiating a new partnership with NT housing stakeholders, including land councils and Aboriginal Housing NT.
- The National Partnership is to deliver **1,950 Australian Government funded** bedrooms, and property and tenancy management (PTM) for 73 remote communities and 17 Alice Springs town camps.
- Delivery is behind schedule. At June 2022, joint government investment has delivered 1,525 bedrooms, **609 Australian Government funded**.
- NT Government is responsible for construction of capital works and have a pipeline of works underway to help improve delivery.

- A Joint Steering Committee (JSC) is responsible for monitoring the National Partnership.
- Following an ANAO audit of the National Partnership in 2021-22, stronger governance and verification processes have been implemented for milestone assessments and payments.

Northern Territory Homelands

- The Government has committed to providing \$100 million to start work immediately on urgent housing and essential infrastructure on NT homelands.
- An independent audit of homelands, to be completed November 2022, will establish cost estimates for the upgrade of assets in homelands to liveable, serviceable, and sustainable standards and inform the focus of the \$100 million investment.
- Government has agreed to provide \$25 million this financial year and \$75 million next financial year, with all money to be committed in this time.
- A Federal Funding Agreement between NT Government and the Commonwealth will be negotiated for the investment, to provide appropriate governance and oversight.

Background

- Labour and supply chain delays, and the wet season, led the NT Government to signal they are unlikely to meet capital works targets.
- NT is the only jurisdiction where the Commonwealth still invests specifically in remote housing. South Australia, Western Australia (WA) and Queensland (Qld) received final payments from the previous government. The Australian Capital Territory (ACT), New South Wales (NSW) and Victoria exited the National Partnership Agreement for Remote Indigenous Housing in 2016.

Facts and Figures

- NT homelands - \$100 million, in line with election commitment

Key Dates

- 30 March 2019 – the National Partnership for Remote Housing NT commenced
- November 2022 – Audit of NT Homelands expected to be delivered
- Late 2022 – Housing Policy Partnership to be established (DSS lead)
- 30 June 2023 – expiry of National Partnership for Remote Housing NT
- Late 2023 – expected start for disbursements from the Housing Australia Future Fund

Deborah Fulton	Economic Policy and Programs	s22(1)
Simone Persson	Housing and Infrastructure	s22(1)
s22(1)	Northern Territory Housing Partnerships	s22(1)

Economic Policy & Programs

First Nations Water Issues

Appropriate SES to come forward to support response:

- Deborah Fulton – Acting Group Manager, Economic Policy and Programs

Key Talking Points

- The Australian Government is committed to increasing First Nations ownership and involvement in decision-making of water policy and governance.
- The NIAA is progressing First Nations water rights and access through:
 - the Closing the Gap Inland Waters Target; and
 - supporting First Nations related water reform initiatives in conjunction with Commonwealth agencies with water responsibilities, such as the implementation of the Murray-Darling Basin Aboriginal Water Entitlements Program (AWEP).
- The allocation of water is primarily within the jurisdiction of state and territory governments:
 - The Australian Government encourages states and territories to consider First Nations cultural values and interests when making water management and allocation decisions.

Murray-Darling Basin Aboriginal Water Entitlements Program

- Under the 2022-23 Budget funding and responsibility for administering the \$40 million AWEP was transferred to the Department of Climate Change, Energy, the Environment and Water (DCCEE) as the lead agency delivering the Government's plan to safeguard the Murray-Darling Basin.
- AWEP aims to achieve cultural and economic benefits for First Nations communities through water entitlements in the Basin, designed with First Nations people.

If asked: Why was AWEP transferred back to DCCEE causing a further delay to progress?

- The transfer will provide a smoother pathway to implementation as the Water Division in DCCEE has significant expertise in water, which will support delivery; and has First Nations water experts embedded in advisory processes like the Committee on Aboriginal Water Interests.
- Based on engagement processes completed since 2018 and additional engagement on final design, the Australian Government intends to move through a design and delivery program that would see the commitment completed in 2023.

- The Australian Government is committed to ensuring that the delivery of AWEF supports self-determination of First Nations people. None of the \$40 million has yet been spent – it all remains fully available for its intended purpose.

If asked: How will the Murray-Darling Basin Authority (MDBA) decision to defund the Northern Basin Aboriginal Nations (NBAN) affect the delivery of AWEF?

- The Government will work with the breadth of First Nations stakeholders in the Northern Basin.

If asked: why didn't the Government intervene to ensure the water entitlements associated with the Moonbi property remained in First Nations ownership?

- The Government worked with First Nations people to explore potential avenues to keep the entitlements in First Nations hands.

Scotdesco Water Security Project

- The October 2022-23 Budget included a commitment of \$500,000 over two years as a contribution toward identifying and delivering a permanent solution to long term drinking water problems in the community.
- Funding for the project will be paid directly to the South Australian Government through a Federation Funding Agreement.
- The NIAA will negotiate the Federation Funding Agreement with South Australia during the 2022-23 financial year.
- The project budget is \$500,000 over two years (2022-23 and 2023-24) from the IAS 1.5 Remote Australia Strategies program. No funding has been expended.

Safe and reliable water supply

- While primarily the responsibility of state and territory governments, the NIAA through the Closing the Gap Community Infrastructure Target is working to support improved access to safe and reliable water supplies for First Nations communities, including remote communities.
- The NIAA is an observer on the National Health and Medical Research Council's Water Quality Advisory Committee, which coordinates a rolling review of the Australian Drinking Water Guidelines.
- The NIAA is also working with DCCEEW to ensure First Nations communities can benefit from the expanded scope of the National Water Grid Investment Framework.

Outcome 15, Target 15c: Closing the Gap Inland Water Target

- On 26 August 2022, the Joint Council on Closing the Gap agreed to recommend a new Inland Waters Target to First Ministers, the President of the Australian Local Government Association and the Coalition of Peaks for agreement.

- The target is yet to be agreed by all First Ministers, the Lead Convenor of the Coalition of the Peaks and the President of ALGA and therefore has not been added to the National Agreement.
- The proposed new Closing the Gap Inland Water target: by 2031, the volume of water access entitlements allocated under State and Territory water rights regimes to Aboriginal and Torres Strait Islander corporations is 3% of the total volume of water access entitlements.
 - This new target will measure progress on First Nations interests in water bodies inland from the coastal zone under state and territory water rights regimes.
 - The new target excludes entitlements for drinking water supplies and household power generation.

Outcome 9, Target 9b: Closing the Gap Community Infrastructure Target

- On 26 August 2022, the Joint Council on Closing the Gap confirmed the new Community Infrastructure Target, that by 2031 Aboriginal and Torres Strait Islander households receive essential services that meet or exceed the relevant jurisdictional standard. Essential services include access to water supply and wastewater infrastructure.

Background

- NIAA has been informally advised that Northern Star Aboriginal Corporation sold water entitlements associated with a property known as Moonbi or Mapoga Farm to a NSW irrigator. An Aboriginal organisation was approached to purchase the water but was unable to act in the limited timeframe.
 - There may be a perception that if AWEP was delivered in a timely manner, it may have presented a means to maintain this entitlement for First Nations people.
- Some state and territory programs provide specific First Nations water entitlements such as the NT Strategic Aboriginal Water Reserves Program and the Queensland Government's Indigenous water reserves.
- In March 2022, the Victorian Government announced 1.36 gigalitres of water had been set aside for First Nations people in northern Victoria.
- First Nations people have raised concerns over large water allocations and potential contamination threats, which has both cultural and environmental consequences. Examples include:
 - Traditional Owners of Fitzroy River (Martuwarra), WA are concerned about the consultation and environmental damage of the WA government proposal of a 300 gigalitre annual extraction.
 - Traditional Owners of Singleton Station in NT are currently seeking to overturn a decision by the Northern Territory Government to grant

Fortune Agribusiness the right extract 40,000 megalitres of water annually.

- Traditional owners in the Beetaloo Basin, together with pastoralists and environmental groups, are critiquing the NT Government’s new water licencing plan.

Facts and figures

- AWEF funding will primarily be used to purchase water entitlements and associated activities from the Murray-Darling Basin water market.
 - Water entitlements in the Murray-Darling Basin total \$16.5 billion. Indigenous ownership of water entitlements in the Basin is low, estimated to be less than 0.2%.
 - The \$40 million provided under AWEF is estimated to purchase less than 0.3% of total Basin water entitlements.
- The Scotdesco Water Security Project is expected to run from 25 October 2022 to 30 June 2024.
 - Nil funds of the project budget of \$500,000 have been committed or expended to date.

Key Dates

- See Attachment A

Deborah Fulton	Group Manager, Economic Policy and Programs	s22(1)
Lauren Gray	Branch Manager, Land Policy and Environment	s22(1)
s22(1)		s22(1)
s22(1)	Senior Adviser, Environment Policy	s22(1)

Attachment A

AWEP Key Dates

- 25 October 2022: The Government transferred AWEP back to DCCEEW from NIAA.
- 3 November 2022: The Murray-Darling Basin Authority advised Northern Basin Aboriginal Nations (NBAN) it would cease funding NBAN and would find a new approach to ensuring First Nations engagement in the northern Basin.
- 19 July and 17 August 2022: Interdepartmental meeting with the DCCEEW, Murray-Darling Basin Authority, Indigenous Land and Sea Corporation and the Commonwealth Environmental Water Holder to plan engagement and a way forward on AWEP.
- 10 August 2022: NIAA representatives provided an update on AWEP to Murray Lower Darling Rivers Indigenous Nations (MLDRIN).
- 20 May 2022: NIAA LPE Branch met with Sarah Bartrim from Native Title Service Provider for Aboriginal Traditional Owners (NTSCORP) for NSW and ACT. NTSCORP indicated its interest in being informed on AWEP without being included in the Partnership Agreement.
- 16 May 2022: MLDRIN provided with an updated draft Appointment Agreement for comment.
- 9 May 2022: MLDRIN met with NIAA CEO Jody Broun to discuss AWEP and MLDRIN's proposed sitting fees for engagement.
- 24 March 2022: MLDRIN met with NIAA representatives to discuss AWEP and proposed sitting fees for engagement.
- 17 February 2022: MLDRIN and NBAN provided with a draft Partnership Agreement and supporting documents for engagement on a recommended delivery model for the program.
- 12 November 2021: Ministers Wyatt and Pitt wrote to MLDRIN, NBAN and other key Indigenous organisations in the Murray-Darling Basin advising of the transfer of the program from DCCEEW to the NIAA.
- 29 October 2021 to present: Early NIAA engagement with NBAN, MLDRIN and other Indigenous community stakeholders.
- 28 October 2021: The Prime Minister approved transfer of AWEP from DCCEEW to the NIAA including the extension of the program to June 2024.
- 1 April 2021: MLDRIN and NBAN wrote to Minister for Water, the Hon Keith Pitt MP, regarding delays in program delivery and indicating their willingness to work with the Government.

- May 2018–Aug 2021: DCCEEW consulted stakeholders on program design.
- 7 May 2018: \$40 million AWEP announced as part of package to support implementation of the Murray-Darling Basin Plan.

Economic Policy & Programs

Indigenous Rangers

Appropriate SES to come forward to support response:

- Deborah Fulton, A/g Group Manager, Economic Policy and Programs

Key Talking Points

- Indigenous ranger programs assist First Nations peoples to manage and care for their land and sea Country.
- The Australian Government is funding over \$1.4 billion in Indigenous ranger programs through the NIAA from 2021-2028.
 - including \$636.4 million from 2022-23 Budget to double the number of rangers by 2030, increase women rangers and provide increased opportunities for junior rangers.
 - The expansion of the IRP will be through a series of competitive grant opportunities for both existing and new ranger provider organisations, beginning in the first half of 2023.
- The Murray-Darling Basin Indigenous River Rangers Program (MDBIRR) funds projects to manage and restore waterway health. This program has been extended to 30 June 2025 and all current providers are being contacted about the opportunity to vary their funding agreements.
- The NIAA, with the Indigenous rangers sector and all levels of government is developing an Indigenous Ranger Sector Strategy to build workforce and enterprise capability, and to amplify outcomes for First Nations people, organisations and communities.

Background

- The NIAA administers and funds the IRP, administers the MDBIRR, and funds the Indigenous Rangers Biosecurity Program (IRBP) until 2023.
- The IRBP supports biosecurity grants, training and development, and fee-for-service activities.
- The NIAA is preparing to appoint a First Nations Reference Group to work together with a Cross-jurisdictional Working Group of Commonwealth and State and Territory agency representatives to finalise the strategy.
- A map of Indigenous Ranger Groups and Indigenous Protected Areas is at Attachment A.
- Further detail on other rangers programs and programs that provide employment opportunities for First Nations rangers is at Attachment B.

Facts and figures

- \$746.5 million already allocated to extend existing IRP activities from 2021-2028
 - Supports 129 ranger groups contracted to employ a minimum of 894.75 FTE staff with 769.6 FTE positions filled by First Nations people.

- There were approx. 2,227 full-time, part-time and casually employed staff employed throughout 2021-22. This included 2,087 First Nations people (93% of people employed in the IRP) and 793 women (36%).
- 2021-22 FY funding: \$103.3 million committed; \$99.6 million expended. \$3.7 million less due to COVID-19 related underspends.
- 2022-23 FY funding: \$109.8 million and \$25 million expended as at 30 September 2022.
- 2022-23 Budget commitment of \$636.4 million for Indigenous rangers includes \$605.7 million administered, and \$30.7 million departmental funding.
 - Contribute towards doubling the number of rangers by the end of the decade to 3,800.
- \$15.3 million for the MDBIRR from 2021-22 to 2024-2025. Includes \$12.6 million administered and \$2.7 million departmental funding.
 - Supports 5 projects to employ up to 30 FTE, with a minimum of 24 First Nations staff.
 - 2021-22 FY funding: \$1.74 million committed and fully expended.
 - 2022-23 FY funding: \$1.4 million and \$1.1 million expended as at 30 September 2022.
 - \$12.2 million committed through the Mid-Year Economic and Fiscal Outlook (MYEFO) to extend the program: \$9.5 million administered and \$2.7 million departmental.
- \$25.3 million on Indigenous Rangers Biosecurity Program (IRBP) from 1 July 2020 to 30 June 2023.
- 258 stakeholders provided feedback on Indigenous Ranger Sector Strategy.

Key Dates

IRP

- Tbc November 2022: IRP expansion targeted consultations began
- 31 July 2021: Minister Wyatt announced IRP extension grants
- 1 July 2021: commencement date for 7 year existing IRP agreements
- July – August 2020 – consultations on IRP to inform the extension

Indigenous Ranger Sector Strategy

- 1 April 2022: Public consultation opened on the draft strategy
- 30 June 2022: Consultation workshops concluded
- 8 July 2022: Submission of written feedback closed

MDBIRR

- 1 March 2022: date by which all projects commenced
- 31 July 2021: Minister Wyatt announced grant round outcomes

Deborah Fulton	Economic Policy and Programs Group	s22(1)
Lauren Gray s22(1)	Land Policy and Environment Branch	s22(1) s22(1)
s22(1)	Environment Programs Operations	s22(1)

Indigenous Protected Areas - Commonwealth Funded Indigenous Ranger Programs - October 2022

NT - Indigenous Ranger Groups

- 1 Anangu Luritjku Rangers
- 2 Anmatyerr Rangers
- 3 Muru-wariyi Ankkul Rangers
- 4 Tjuwanpa Rangers
- 5 Tjuwanpa Women Rangers
- 6 Kaltukatjara Rangers
- 7 Warlpiri Rangers
- 8 North Tanami Rangers
- 9 Bulgul Land and Sea Rangers
- 10 Malak Malak Land and Water Management Rangers
- 11 Wagiman Rangers
- 12 Thamarrur Rangers
- 13 Waanyi Garawa Rangers
- 14 Garawa Rangers
- 15 Li-Anthawirriyara Sea Rangers
- 16 Tiwi Rangers
- 17 Anindilyakwa Rangers
- 18 Warnbi Rangers
- 19 Werenbun Rangers
- 20 Crocodile Islands Rangers
- 21 Yirralka Rangers
- 22 Dhimurru Rangers
- 23 Bawinanga Rangers
- 24 Warddeken Rangers
- 25 Gamgi Land and Sea Management Rangers
- 26 Gumurr Marthakal Rangers
- 27 Yugul Mangi Land and Sea Management Rangers
- 28 Arafura Swamp Ranger Groups
- 29 Mardbalk Land and Sea Management Rangers
- 30 Mimal Rangers
- 31 Numbulwar Numburindi Land and Sea Management Rangers
- 32 Jawoyn Rangers
- 33 Njanjima Rangers
- 34 Mangarrayi Rangers
- 35 Tjakura Rangers
- 36 Asyrikarrak Kirim Rangers

WA - Indigenous Ranger Groups

- 1 Yawoorroong Miriuwung Gajerrong Rangers
- 2 Balangarra Rangers
- 3 Bardi Jawi Rangers
- 4 Gooniyandi Rangers
- 5 Karajarri Rangers
- 6 Yanunijarra Ngurrara Rangers
- 7 Nyikina Mangala Rangers
- 8 Nyul Nyul Rangers
- 9 Paruku Rangers
- 10 Unguu Rangers
- 11 Wungurr Rangers
- 12 Jigalong Rangers
- 13 Punmu Rangers
- 14 Parnngurr Rangers
- 15 Kunawarrtji Rangers
- 16 Warburton Women Rangers
- 17 Warburton Men Rangers
- 18 Blackstone Rangers
- 19 Warakurna Rangers
- 20 Kija Rangers
- 21 Nyangumarta Rangers
- 22 Goldfields Land Management Rangers
- 23 Spinifex Rangers
- 24 Mid West Aboriginal Rangers
- 25 Ngadju Rangers
- 26 Kiwirrkurra Rangers
- 27 Yawuru Rangers
- 28 Tjaltrajak Rangers

SA - Indigenous Ranger Groups

- 1 APY Land Management Rangers
- 2 Gawler Ranges Rangers
- 3 Nantawamina Rangers
- 4 Ngarrindjeri Rangers
- 5 Raukkan Rangers
- 6 Australian Landscapes Trust Ranger Team
- 7 Yalata Rangers
- 8 Oak Valley Rangers
- 9 Arabana Rangers
- 10 Coorong and Murray Lower Lakes Area Rangers
- 11 River Murray and Mallee Aboriginal Corporation Ranger Team

SA - IPAs

- A Nantawamina
- B Yalata
- C Watamu
- D Walakara
- E Mount Willoughby
- F Kalka - Pipalyatjara
- G Aparra - Makiri - Puntj
- H Antara - Sandy Bore
- I Yappala
- J Wardang Island
- K Maralinga Tjarutja Lands
- L Wardang Island Sea Country

VIC - IPAs

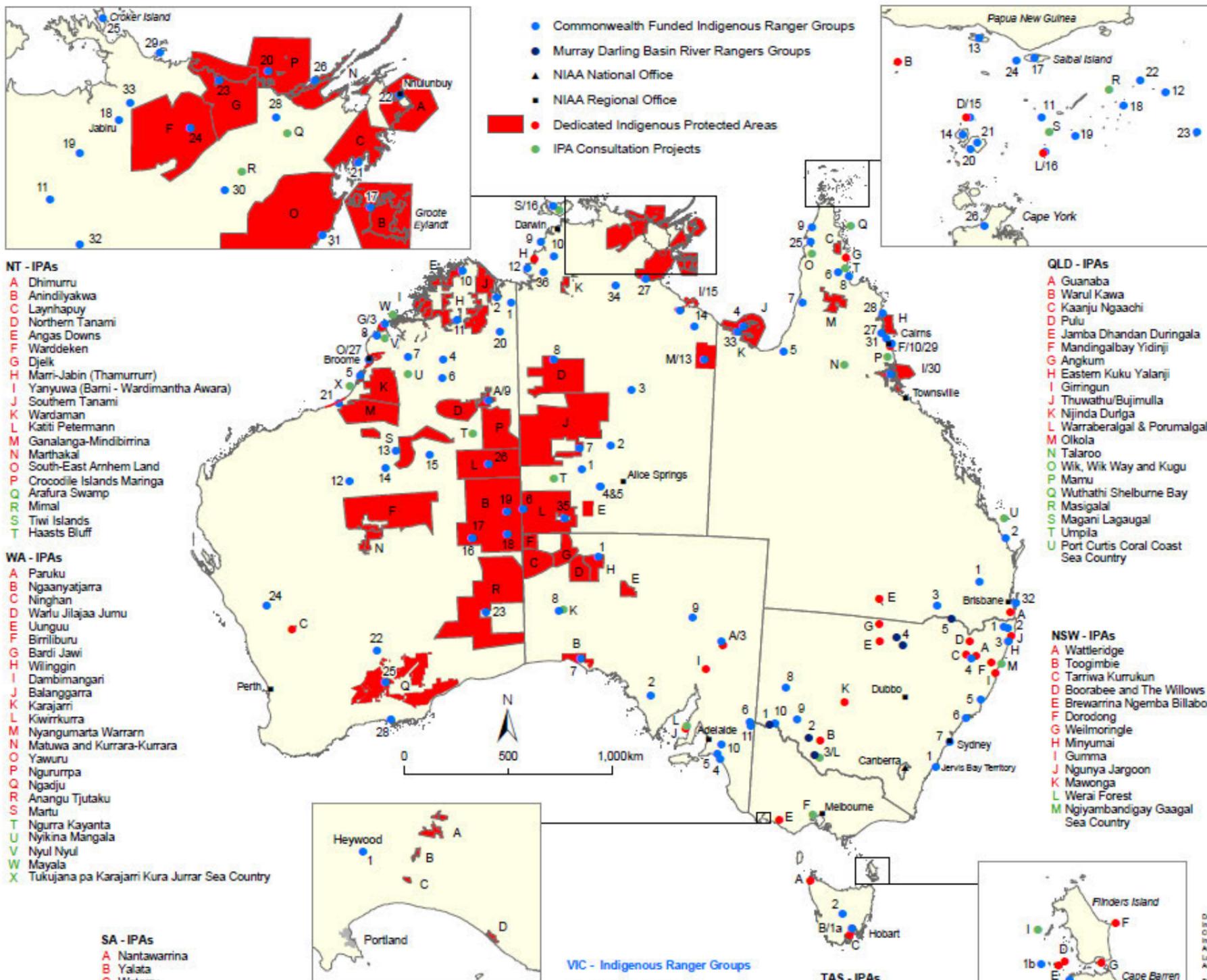
- A Lake Condah
- B Kurtonitj
- C Tyrendarra
- D Deen Maar
- E Framlingham Forest
- F Wurdi Youang

VIC - Indigenous Ranger Groups

- 1 Budj Bim Rangers
- TAS - Indigenous Ranger Groups
- 1 milaythina pakana Rangers (1a & 1b)
- 2 Tasmania PWS Trainees
- 3 truwana Rangers
- ACT/Jervis Bay Territory - Indigenous Ranger Groups
- 1 Bhowere Rangers

TAS - IPAs

- A Preminghana
- B Risdon Cove
- C Putalina
- D Mount Chappell Island
- E Badger Island
- F Babel Island
- G Great Dog Island
- H Iungatalanana
- I tayanitja Sea Country



QLD - Indigenous Ranger Groups

- 1 Bunya Mountains Murr Rangers
- 2 Gidarij Land and Sea Rangers
- 3 Queensland Murray Darling Rangers
- 4 Gangalidda Garawa (Burketown) Rangers
- 5 Kurtjar, Gkuthaam, and Kukatj (Normanton) Rangers
- 6 Kalan Rangers
- 7 Kowanyama Indigenous Rangers
- 8 Lama Lama Rangers
- 9 Mapoon Land and Sea Rangers
- 10 Mandingalbay Yidinji Rangers
- 11 lamalgal Rangers
- 12 Erubam Rangers
- 13 Malu Kjai Rangers
- 14 Mura Badhugal Rangers
- 15 Mabuygiw Rangers
- 16 Warraberalgal Rangers
- 17 Mura Buway Rangers
- 18 Masigalgal Rangers
- 19 Porumalgal Rangers
- 20 Mua Lagalgau Rangers - Kubin
- 21 Mua Lagalgau Rangers - St Pauls
- 22 Ugaram Rangers
- 23 Meriam Gesep Rangers
- 24 Simakal Rangers
- 25 Nanum Wungthim Rangers
- 26 Apudthama Land and Sea Rangers
- 27 Eastern Kuku Yalanji Indigenous Rangers
- 28 Yuku-Baja-Muliku Indigenous Rangers
- 29 Gunggandji Rangers
- 30 Giringun Rangers
- 31 Yirrganydji Indigenous Land and Sea Rangers
- 32 Quandamooka Rangers
- 33 Wellesley Islands Rangers

NSW - Indigenous Ranger Groups

- 1 Githabul Rangers
- 2 Ngulingah Aboriginal Rangers
- 3 Jahnalra Yenbalehla Rangers
- 4 Wattlebridge & Tarriva Kurrkun Rangers
- 5 Mid North Coast Indigenous Rangers
- 6 Worimi Green Team Rangers
- 7 Gamay Rangers
- 8 Barkandji River Rangers
- 9 Willandra Lakes Region Indigenous Rangers
- 10 Barkindji Maraura Elders Environment Team

Murray Darling Basin River Ranger Groups

- 1 Lindsay Mulora and Walpolla Islands River Rangers
- 2 Gayini River Rangers
- 3 Yarkuwa Indigenous River Rangers
- 4 Ngarrangarra-li Walaaybaa Walgett River Rangers
- 5 Northern Gomerol River Rangers

Data Sources:
 Indigenous Protected Areas © Commonwealth of Australia, Department of Climate Change, Energy, the Environment and Water.
 Indigenous Ranger Groups © Commonwealth of Australia, National Indigenous Australians Agency.
 Localities, State and Territory Borders © Commonwealth of Australia, Geoscience Australia.

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Map produced by:
 Environmental Resources Information Network (ERIN), Department of Climate Change, Energy, the Environment and Water (DCCCEEW).

Alberts Equal Area projection on the GDA94 Datum, Date: 14/10/2022

Employment
1,000 FTE
(estimated
additional)

Economic Policy and Program Group

Indigenous Protected Areas (IPA) Program

Appropriate SES to come forward to support response:

- Deborah Fulton – Acting General Manager EPPG

Key Talking Points

- The IPA Program supports First Nations communities to voluntarily establish protected areas of land and sea Country for biodiversity conservation and compatible uses.
- The Australian Government will invest \$231.5 million to extend funding for the Indigenous Protected Areas (IPA) Program by 5 years to June 2028, and to expand the program.
- This delivers on the Australian Government's commitment to increase investment in IPAs by \$10 million per year.
 - Public statements about an investment of \$66.5 million refer to the commitment for additional IPAs, and to continue and enhance the existing IPA Program.
- It will boost funding for the management of IPAs and provide long term funding security to 2028. Funding will:
 - establish 10 new IPAs, prioritising areas of importance for biodiversity.
 - support a minimum effective workforce for each IPA, creating around 70 new jobs for land and sea managers in regional and remote Australia;
 - encourage an increase in opportunities for women, including in management and leadership roles.
- The Department of Climate Change, Energy, the Environment and Water (DCCEEW) and the NIAA are developing an implementation plan for the next phase of the IPA Program.
 - IPA provider organisations will be contacted with more information about how to engage in the implementation process to extend currently funded IPA projects.

Background

- DCCEEW and the NIAA co-manage the IPA program:
 - Refer questions relating to the policy objectives and outcomes of the program to DCCEEW.
 - The NIAA manages the delivery of IPA funding agreements, including performance monitoring, reporting and compliance.
- Funding for the IPA Program to mid-2023, which is jointly managed by the NIAA and the DCCEEW, is through the IAS, Natural Heritage Trust (NHT) and the Oceans Leadership Package (OLP).
- The IPAs assist First Nations people to manage and care for their land and sea Country in accordance with Traditional Owners' aspirations, and contribute to Australia's National Reserve System.
- IPA's support long-term social and economic benefits for First Nations people, directly contributing to Closing the Gap.
- From 1 July 2023, funding will be appropriated through the NHT. The Program will continue to be jointly administered by DCCEEW (policy authority, assessment of

new IPA projects and technical environmental expertise) and the NIAA (management of grant agreements, stakeholder engagement).

- On 7 May 2022, 10 new Sea Country IPA consultation projects were announced to increase sea Country protection under the guidance of Traditional Owners. Those agreements are scheduled to end 30 June 2023 – DCCEEW is considering extensions.
- The NIAA and DCCEEW commissioned an independent evaluation of the IPA Program in November 2021.
- Outcomes from the evaluation are expected in the first half of 2023 and will guide continuous improvement in future program design.
- Early desktop and literature reviews (including annual reporting, research papers and the State of the Environment Report) show evidence of positive outcomes for conservation and for First Nations people generated through the Program.

Facts and figures

- 82 dedicated IPAs, covering more than 87 million hectares and representing around 50% of Australia's National Reserve System.
- 18 IPA projects are in the consultation phase prior to potential dedication.
- 10 Sea Country IPA (SCIPA) consultation projects. Of these, 4 are yet to have agreements finalised but are within the final stages of execution.
- 112.7 full time equivalent (FTE) positions are funded through the IPA Program, with an additional 40 FTE through the new Sea Country IPAs. This equates to:
 - 721 jobs for First Nations people from total of 769 jobs (full-time, part-time and casuals) in 2020-21 [full performance reporting data for 2021-22 is yet to be finalised].
 - The expansion is expected to create additional 70 jobs
- 73 IAS funded Indigenous Rangers Program groups operate on 66 IPAs.
- Over \$190 million administered funding committed for IPAs over ten years from 1 July 2013 to 30 June 2023:
 - IAS - \$88.1 million from 2018 - 2023.
 - NHT - \$15 million from 2017 - 2023 (current).
 - NHT - \$77.8 million from 2013 - 2018 (historical).
 - OLP - \$9.7 million from 2022-2023.
- IPA commitment and expenditure:

Program	Funding Source	2021-22 Commitment (\$'m)	2021-22 Expenditure (\$'m)	2022-23 Commitment (\$'m)	2022-23 Expenditure (\$'m) to 30 Sept 22
IPA	IAS	17.4	16.0	\$16.6	\$5.0
	NHT	3.3	3.2	\$3.4	\$0.2
SCIPA	OLP	-	-	\$9.7	\$1.9
	Total	20.7	19.2	\$29.7	\$7.1

Key Dates

- 25 October 2022 – Australian Government budget announcement of IPA extension and expansion
- 21 November 2021 – IPA evaluation commenced.

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s22(1) [REDACTED]		s22(1) [REDACTED]
s22(1) [REDACTED]	ILWM Programs Section	s22(1) [REDACTED]