Central Land Council submission to Senate Inquiry into the IAS tendering process

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Introduction

The Central Land Council (CLC) welcomes this opportunity to provide a submission into the Senate Inquiry into Commonwealth Indigenous Advancement Strategy (IAS) tendering process. The CLC is hoping that the Senate Inquiry will help make the IAS funding decisions and the government's underlining policy intentions more transparent, ultimately leading to greater accountability. The CLC remains deeply concerned that the IAS program design does not support Aboriginal people and their communities to determine funding priorities, nor adequately ensure that funding is directed to Aboriginal controlled service provision as a priority.

The CLC is a statutory authority established under the *Aboriginal Land Rights (Northern Territory) Act 1976* ('ALRA'). The CLC has statutory responsibilities for Aboriginal land acquisition and land management over an area of approximately 780,000 km² across the southern portion of the Northern Territory. The CLC is also a Native Title Representative Body established under the *Native Title Act 1993*. Through its elected representative Council of 90 community delegates the CLC continues to represent the aspirations and interests of approximately 17,500 traditional landowners

and other Aboriginal people resident in its region, on a wide range of land-based and socio-political issues at the local, regional, Northern Territory and national level. The CLC's core operational funding comes via the Aboriginals Benefit Account, however for critical land management initiatives (including the community ranger program) and other developing programs in CLC, we have sought funding from the IAS.

The CLC's submission includes the following:

- Problems with the IAS program design
- CLC's experience with the IAS
- CLC's concern with ranger development in Central Australia
- IAS process and Aboriginal organisations

1. Problems with IAS program design

The CLC's main concerns with the IAS program are:

- Streamlining of government funding has left **shortfalls** in some critical areas of service delivery and programs (including youth, drug and alcohol, governance)
- Many Aboriginal organisations have lost funding due to the **competitive tendering process**
- No **engagement** with Aboriginal people on **priorities and process** for IAS
- Lack of clarity on IAS funds allocation and intended outcomes, particularly with regard Native Title
- Lack of a development approach in IAS program design.

These issues are discussed further in this section below.

Shortfalls in service delivery

The IAS seeks to streamline a large number of Indigenous programs and aims to deliver longer-term, simpler funding and reporting arrangements. The IAS allows for projects to be funded for up to three years and, where possible, will establish a single funding agreement between the Department of the Prime Minister and Cabinet and each funded organisation. These are welcome changes, particularly for small Aboriginal organisations with limited senior staff or administrative capacity. We recognise the need for reducing the administrative burden and compliance requirements caused by large numbers of different funding streams, however the CLC is concerned that the IAS program design has left shortfalls in certain areas (including alcohol and other drugs sector) and cut off funding for critical existing programs (including in youth services). Many Aboriginal organisations in Central Australia are concerned that their services may reduce or worse, that they will have close, due to lack of funding[1].

Fortunately, the CLC's core funding comes via the Aboriginals Benefit Account, however, the CLC still relies on other funding streams to support specific programs or extend our capacity to work in new areas. See section 2 and 3 below for more detail on the CLC's applications that did not receive funding through IAS.

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[1] Combined Aboriginal Organisations – Alice Springs – Advocate and Northern Territory News

Recommendation 1: Transitional support should be offered to Aboriginal organisations whose operational budgets have been significantly cut as a result of IAS outcomes.

Problems with competitive tendering process

The competitive tendering process has meant that existing Aboriginal organisations that provide services to remote communities have had to compete with outside institutions, including universities and large non-government organisations. These institutions are likely to have more capacity to complete the application forms than small Aboriginal organisations but not necessarily the experience and expertise in delivering services to remote Aboriginal people.

Aboriginal organisations have long delivered services in the Northern Territory, often using a community development approach with an emphasis on good governance, Aboriginal leadership local involvement and capacity strengthening. At a meeting of the CLC Council on 30 April 2015, Minister Scullion stated that through IAS there has been a 15 percent increase in the number of Aboriginal organisations funded in NT compared with non-Indigenous, representing a rise from 30 percent to 45 percent. It is very important that data and information can verify these statements, and critically it is also important to understand the overall percentage of funding going to various organisations, including the details of how much of the IAS funding is going to Aboriginal organisations versus non-Aboriginal organisations or institutions. Changing government policy and a lack of ongoing resourcing is having a real impact on the effectiveness of Aboriginal organisations. The CLC remains concerned about the consequences of the increasing use of non-Aboriginal non-government organisations (NGOs) in Aboriginal service provision, particularly in relation to the fragmentation of service delivery, lack of coordination with Aboriginal organisations and service providers, lack of genuine capacity development outcomes and indeed the gradual erosion, undermining and loss of Aboriginal-controlled organisations.

Recommendation 2: The IAS includes public targets on IAS funding for Aboriginal organisations.

Recommendation 3: Overtime, the IAS fund should be primarily directed to Aboriginal service providers and organisations with a reduction in the amount of funding going to non-Indigenous NGOs, governments and universities.

Engagement with Aboriginal people on the IAS program

The CLC agrees with others that defining the IAS priorities without significant input from Indigenous people regarding those priorities is problematic. As Cox (2015: 85) identified:

> *Scullion talks about the government investing "4.8bn" to streamline more than 150 individual programmes and services into the so-called Indigenous advancement strategy, "with the sole objective of achieving real results in the government's priority areas". That's just it: the government's priority areas. Not priority areas determined by Aboriginal people themselves. The Abbott government has made it clear in this budget that it will define what "advancement" means to Aboriginal people.*

The CLC has severe reservations regarding the very limited IAS program design which may lead to further disadvantage of Aboriginal people and the organisations most equipped to support them. Further, the policy process seems to be more of a political process that is looking for short-term (and

likely unsustainable) gains, rather than a process that will lend to systematic long-term change in improving outcomes for Aboriginal people.

Recommendation 4: The IAS process should be redesigned to encompass a development approach which enables Indigenous input into regional priorities and funding decisions.

Lack of clarity on IAS outcomes with regard to Native Title

The CLC found a lack of inconsistency and clarity across the IAS documentation on the outcomes to be achieved through IAS, particularly in regards to Native Title. For example, the following statements are from IAS guidelines[2] and relate to native title objectives, outcomes and what will be funded:

> ***ensuring*** *Indigenous people receive **economic and social benefits** from the **effective management** of their land and native title rights (pg 3);*

> ***assist*** *Indigenous people to generate **economic and social benefits** from land and sea use and native title rights**, particularly in remote areas** (pg 4);*

> ***Effective*** *agreement-making under the Native Title Act 1993, to generate **sustainable economic and social benefits** from native title rights and interests (pg 12);*

> ***Facilitation***, *assistance and **settlement** of native title claims (pg 12); and,*

> *Building **capacity** of native title corporations to assist in managing native title rights and interests to **promote** sustainable economic and social benefits, and meet their statutory obligations (pg 12).*

There is also an IAS outcome 'indicator' of the 'Number of Native title claims finalised' (pg 12). The above quotes highlight inconsistency in terminology on outcomes objectives of IAS, objectives range from merely **assisting** to **ensuring** economic and social benefits. There is a disjuncture between the statutory objects of the *Native Title Act 1993* and the policy intent of the IAS. The outcomes attributed to the Jobs, Land and Economy Program relate to increased employment, business and economic development. Whilst those outcomes are welcome and may well be the consequence of legal recognition, it is not the reason the Commonwealth parliament enacted the NTA, nor the reason that it provides funds to Native Title Representative Bodies and Native Title Service Providers (NTRBs/SPs) to undertake relevant functions set out in the legislation.[3]

Consistent with the position expressed by the National Native Title Council, the CLC strongly supports the position that funding for NTRBs/SPs be provided outside of the framework of the IAS.

The CLC welcomes the commitment from Minister Scullion, detailed in a letter to the National Native Title Council dated 26 March 2015, that native title funding will be quarantined and allocated separately to the IAS process.

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[2]Department of Prime Minister and Cabinet. 2015. *IAS guidelines* http://www.dpmc.gov.au/sites/default/files/publications/ias_guidelines.pdf, accessed 5/5/2015
[3] National Native Title Council Policy Statement, 24th March 2015

Recommendation 5: The funding for Native Title Representative Bodies and Native Title Service Providers (NTRBs/SPs) should be provided outside of the framework of the IAS.

Development approach in IAS

The CLC believes that overcoming Indigenous disadvantage requires significant investment in a development approach. The CLC's own experience through the Community Development Program[4] demonstrates the outcomes that can be achieved when Aboriginal people are involved in real decision making processes within communities and regions. Under the IAS, there remains no strategy in place to ensure indigenous people have a key role in determining where and how money should be spent. Organisations are simply asked to make a funding case based on need against the key policy objectives of 'getting kids to school, adults to work and making communities safer'. It is easy to write an application that meets these criteria, but that does not mean real outcomes will be achieved. What process was used to assess whether applications represented a worthwhile investment?

If you look at Central Australia, it is a region characterised by some of the highest levels of disadvantage faced by Aboriginal people in Australia. The divide in outcomes in education, employment, health, income, housing and access to opportunities and livelihood choices between non- Aboriginal and Aboriginal people is clearly evident in the town of Alice Springs. Poverty, youth crime, high incarceration rates and alcohol and drug abuse are manifestations of the town's underlining issues of discrimination, racism and marginalisation faced by Aboriginal people on a day to day basis living in Central Australia. There is a significant body of evidence[5], including government reviews[6], which find that the most effective process to address these problems requires empowering communities and their leaders in the design of policy and program solutions. The Australian Government's policy intent focused on 'changing individual behaviours' in school attendance, employment and economic advancement and 'mainstreaming' programs will have minimal success, without engaging and empowering communities in strategies and policy and programs designed to address these concerns. The government cannot continue to put 'band aid' fixes on the problems without addressing the underlining lack of community governance and control.

The CLC remains very concerned that the government's focus is missing the real and obvious target area regarding building governance of Aboriginal communities and regions, so that they are empowered to make decisions regarding future funding. The IAS process needs to include funding to support communities and regions to develop governance mechanisms that empower communities to develop solutions that appropriate to their communities and regions. The CLC is watching closely the government's response to "Empowered Communities" and is keen to ensure that funding for models that support regional and community decision making are supported in future IAS funding rounds. It will be important to assess the types of programs funded under Remote Australia Strategies as well, as it is unclear what is intended to be covered in this theme.

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[4] Roche and Ensor. 2014. *Independent Evaluation of CLC's community development and governance programs*, http://www.clc.org.au/files/pdf/2014_Evaluation_of_CLCs_Development_work-La_Trobe_University.pdf
[5] Hunt and Smith 2005
[6] AIHW 2011
http://www.aihw.gov.au/uploadedFiles/ClosingTheGap/Content/Publications/2011/what_works_to_overcome_disadvantage_2009-10.pdf

Recommendation 6: IAS should include an overarching theme that focusses on governance and empowerment of Aboriginal communities and regions. This area needs to be properly resourced by governments, recognising that governance development work is complex and long-term.

Recommendation 7: IAS should include flexible funding pools so that regions and communities with sufficient governance capacity can make decisions regarding funding priorities.

2. CLC's experience of IAS

As with many Aboriginal organisations, the CLC devoted much effort and time to ensure that the projects selected for IAS application aligned with the Australian Government's policy priorities and that our application contained great detail on the projects. A significant amount of work was undertaken by a range of CLC staff in the development of the application. Whilst, the CLC has capacity within its current staff levels to do this, we know of other small Aboriginal organisations that may have struggled with the application process and therefore only partly submitted applications and/or chose not to submit applications. The short time frame for applications of 6 weeks also reduced the ability of some organisation to submit applications.

The CLC's IAS application covered six main project areas and requested a total of $29,253,389 from IAS. The application included $7,445,446 from other funding sources and $2,230,500 in-kind contribution towards the projects. Table 1 below provides a summary of the projects, the amount of funding requested and the outcome.

Table 1: Projects included in the CLC's application to IAS 2014-15

Project	Funding requested via IAS	Funding outcome
Project 1 Ranger Program		
1.1 Funding for 4 ranger programs: – Ltyentye Apurte (Santa Teresa), Munguru Munguru (Daguragu), Arltarpilta Inelye (Harts Range) and Angas Downs	$9,057,580	Angas Downs Ranger Program: 1.675 M for 3 years[7]
1.2 Funding for individualised workplace support for 120 rangers, including LLN training	$2,827,200	Not funded
1.3 Ranger infrastructure and capital, including co-ordinator accommodation	$2,250,000	Not funded
1.4 Ranger Expansion program: to expand ranger groups to communities that have requested	$10,146,964	Not funded
Project 2: Enterprise and partnership development: To employ an Enterprise Development Facilitator	$493,918	Not funded
Project 3: Feral animal management – development of local and regional management strategies	$769,870	Not funded
Project 4: Repatriation and archival of cultural materials	$1,392,075	Not funded
Project 5: Support for ceremonial and funeral arrangements	$1,200,00	Not funded
Project 6: Support for Indigenous landowners in the management of pastoral enterprises (Tanami Downs Station, Huckitta Station, Bluebush Station, Mistake Creek Station, Alcoota Station)	$600,000	Not funded

[7] The other three rangers programs included in IAS application [Ltyentye Apurte (Santa Teresa), Munguru Munguru (Daguragu), Arltarpilta Inelye (Harts Range)] are currently being considered for continued funding through the Indigenous Land Corporation (ILC) *Real Jobs* Program.

On 4 March 2015, the CLC received a letter from Minister Scullion notifying us that the CLC's IAS application had been successful, but the letter did not contain any detail on projects funded or the amount of funding. In a subsequent telephone conversation between our Director, David Ross, and a senior officer in the Department of PM+C, the CLC was informed that the only project that was successfully funded through the IAS was the Angas Downs Ranger Program (part of 1.1 sub-project – see table 1). To date, the CLC has not received a contract or written correspondence as to exact funding arrangements, but we have been advised that the amount of funding for the Angas Downs Ranger program is $1.675 M. In summary, the vast majority of projects applied for by the CLC to the IAS were not successful (as per Table 1).

The CLC has requested written clarification on the approved funding and feedback on the projects that were unsuccessful, but we have only received email confirmation responses (see appendix 1), and more recently a conversation with staff from PM&C providing a general level of feedback. Although, many of the CLC's questions regarding specific feedback on our application still remain unanswered.

On the whole, the CLC is extremely disappointed with the IAS decisions on the CLC projects related to land and Ranger Program development. The CLC's work over many years on the ranger program has shown very clear employment, social and cultural outcomes for Aboriginal men and women in communities in Central Australia (see section 2 below for further information).

We are also disappointed by the lack of support for the repatriation and archival of cultural materials project, although we have subsequently applied for funding through the ABA. This project had a significant amount of funding from other sources, and the request to IAS was both modest and reasonable. A total of $1,392,075 was requested from IAS over a 3 year period, with funding already sourced from other sources amounting to $694,446. The project is very significant for Aboriginal people in Central Australia who consistently make enquiries to CLC staff about retrieving data and artefacts obtained from their ancestors. Without the project, the CLC is concerned that much of this cultural material will remain un-repatriated. Additionally, work has stopped on the significant archival database that the CLC has been working on for the past few years. The database gives constituents in our region access to photographs, footage, stories and other documentation that the CLC and others have collected. To date only a small amount of materials has been uploaded to the archive (see http://clc.ara-irititja.com/archive/). The CLC remains concerned that whilst 'culture and capability' is priority under IAS, that there were a scarce number of projects funded under this area in this IAS round.

Further, we are disheartened that the request for a position of Enterprise Development Facilitator was not funded under IAS. Much of the current government's policy statements have been centred on their concern to see Aboriginal people achieve 'economic parity'. In Central Australia, opportunities to create enterprises are challenging for a variety of reasons, including remoteness and distance from markets, low levels of numeracy and literacy and limited experience/exposure to business and enterprise development. The CLC has recognised that enterprise development is most successful when partnerships are brokered between existing business and potential Aboriginal entrepreneurs. At present, there are very few support mechanisms that help Aboriginal people engage in forming these partnerships and the CLC has an important brokering role in this space, particularly with regard to enterprise development on Aboriginal land. We recognise that employing

someone with an entrepreneurial background and with the ability to negotiate complex partnership arrangements is likely to be a necessary factor in developing more sustainable businesses. The lack of funding provided for this initiative from the government through the IAS tender process signals to Aboriginal people that the government is unwilling to fund the support needed to develop Aboriginal enterprises in Central Australia.

Recommendation 8: The IAS tendering process should include specific timeframe requirements to make information publicly available and to respond to unsuccessful applicants requesting feedback.

3. CLC's concern with ranger development in Central Australia

As discussed above, the CLC submitted to the IAS for the purposes of securing funding to both continue and enhance the outcomes of the eleven existing successful Indigenous Ranger Groups operating across central Australia, and allow for expansion of the program in order to meet the demands of other communities. The Ranger Program provides remote based Aboriginal people with activities that directly support employment, training and work readiness outcomes. The program also provides a relevant setting for skills development in the workplace around career pathways in ranger work that are transferrable to employment in other industries. Indigenous rangers are community role models and are actively engaging with school students who are now aspiring to be rangers themselves. Overall the Ranger Program supports economic participation in remote communities through employment in cultural and natural resource management and is a proven model of success.

The CLC has been involved in developing the Ranger Program in Central Australia for approximately 15 years and has seen it grow over that time. As a result the CLC has extensive experience and expertise in what is required to implement such a program in remote Australia. The CLC's submission to the IAS sought funding to support key aspects of maintaining a successful Ranger Program in remote central Australia and to address funding shortfalls. These included:

- **Ranger Group Retention** – at the time of writing the IAS submission, due to the uncertainty of the ILC and WOC funding, salaries were included for four of the eleven CLC ranger groups as their funding was due to expire on the 30th June 2015. Since submitting the IAS application, the ILC has agreed to enter into negotiations to continue funding for three of those four groups. With regards to the remaining group (Angas Downs) the CLC has had verbal confirmation only that it will receive funds from the IAS. Although the details are unclear and no formal offer has been received, this is the **only part of the CLC's IAS submission that was successful**.

- **Integrated workplace capacity development** – this included funding to support an integrated approach to training, career development, and the re-establishment of a language, literacy and numeracy program. A significant portion of Indigenous people living on remote communities' reading and writing skills are inadequate for employment and for further education. In addition to training in foundational skills the CLC has found that individualised mentoring for Indigenous employees in remote communities is crucial in ensuring the resilience and retention of rangers in the workforce. The **unsuccessful IAS application** means that this training and mentoring will not be delivered and leave the

rangers at a disadvantage in developing in their employment either as a ranger and generally in their future employment prospects.

- **Infrastructure and Equipment** – this included funding for infrastructure to effectively and efficiently operate a natural and cultural resource management program. Urgently required infrastructure for the program includes accommodation, offices, sheds and vehicles/machinery which not only enable the rangers to operate effectively but also comply with Workplace Health and Safety legislation. The CLC's submission was **unsuccessful in accessing any funds** for infrastructure and equipment support.
- **Ranger Program expansion** – the Ranger Program is a proven model for providing employment opportunities and natural and cultural resource management services in remote Australia. In a policy context that is not overwhelmed with a plethora of positive outcomes the Ranger Program provides the Australian Government with an existing policy opportunity to expand and enhance the proven benefits across a larger area. In addition the demand for more ranger work is evidenced by the number of Indigenous people applying for existing ranger positions and the demand coming from CLC constituents who currently do not have a ranger group operating in their area. The IAS submission included a request for support to expand the reach of the program but also was **unsuccessful**.

The CLC currently has funding agreements until 2018 under the WOC program that provides salaries and some operational funds for seven other Ranger Groups. The result of the largely unsuccessful IAS submission, as highlighted above, will mean the achievements to date in terms of employment, training, retention and cultural and natural resource management outcomes will be severely impacted on. Furthermore the funding uncertainty, post 2018, for Ranger Programs generally under the IAS puts a heavy cloud across a successful policy initiative that has been historically supported by both of the major parties.

Recommendation 9: Funding for ranger programs should be returned to the Department of Environment to ensure strong links are maintained with the natural resource management sector and Indigenous Protected Areas (IPAs) which are funded through the Department of Environment.

Recommendation 10: The CLC Ranger Program funding is increased to provide for the expansion of the ranger program into areas that have not yet had the opportunity to take part in the program.

Recommendation 11: The CLC Ranger Program funding is increased to provide for the ongoing professional and career development of Aboriginal rangers, particularly the funding required for the program developing language, literacy and numeracy skills.

4. IAS process and Aboriginal organisations

The CLC concurs with others that the process of IAS "is a complete mess"[8] and we are keen to ensure that the current and future decisions on IAS funding are made more transparent and publicly accountable. To date, there is not enough publicly available information to ensure adequate transparency in decisions. On 4 May 2015, Minister Scullion[9] announced the results of IAS in a short press release stating,

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[8] (Siewert 2015; Davidson 2015)
[9] Scullion 2015 IAS media releae

> *..under the IAS, 964 organisations would be funded to deliver 1297 projects to Indigenous people and communities throughout Australia.*

At the time of this release, there was no other detail on who and how much funding by Minister. Although, this information was certainly available for some chosen electorates, see http://melissapricemp.com.au/Newsroom/Media-Releases/ID/367/PRICE-scores-100-mil-in-primary-care-for-Duracks-Indigenous-communities.

After media and public scrutiny, the department released a list of successful organisations under current IAS round. This table was simply a list of organisations that were successful. There was no detail on how much funding, what was not funded and funding timeframes. The Department of PM+C argued that contractual arrangements need to be signed off before such information could be released. However, the question of why some electorates and members could publicly announce the funding remains.

From information available, the CLC is concerned with the number of institutions listed who are not Aboriginal organisations. This includes university, non-government organisations and other sporting agencies. Whilst, some of these applicants may have existing relationships with Aboriginal organisation and/or be partnering with Aboriginal organisations in their approach, there is also likely to be a significant number with no expertise in delivering services to Aboriginal people.

The Aboriginal Peak Organisation of the NT (APONT) working alongside ACOSS, NTCOSS has created guiding principles for non-government organisation working in the Aboriginal sector (APONT 2011). These practical principles could be used in future to ensure that IAS funding processes deliver better outcomes for Aboriginal people by ensuring their organisations are front and centre in the delivery of services.

Recommendation 12: Information and details on the current IAS funding round needs to be more transparent, including details of organisations funded, project and amount of funding.

Recommendation 13: Senate Inquiry needs to help to ensure that ongoing IAS funding rounds have a more systematic process of ensuring that information on successful and unsuccessful organisations is publicly available.

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Appendix 1

From: Robert Cairney
Sent: Thursday, 19 March 2015 2:23 PM
To: 'iasgrants@pmc.gov.au'
Subject: RE: IAS Application by The Central Land Council.

I am seeking feedback on the Central Land Council's (CLC) IAS Grant application lodged October 2014.

On 4 May 2015 the CLC received formal advice that it was successful in obtaining a Grant under the application, and that I (the undersigned) would be contacted within 48 hours to progress the Grant agreement.

I have today spoken to the Office of PM&C and they have advised the officer responsible for our Grant will ring me during the next ten days to progress the agreement. Assuming the Project Officer will only address the issues around our successful application I would appreciate advice as to outcomes of the whole application – there were six separate projects within our application, which projects were unsuccessful in gaining funding and why:

I would also ask for feedback on the application:

- Where the projects appropriate in their nature?
- Was the substance & presentation form appropriate?
- the information contained therein:
  - was it adequate?
  - Did it address the criteria?
- Did the writing style allow for ease of reading and comprehension?
- The reasons why our unsuccessful projects were unsuccessful.
- Any other information and/or advice you may offer.

Should there be any other matters regarding our application you may wish to discuss by way of feedback please do not hesitate to telephone me.

Thank you.

Robert Cairney

P: 08 851 6341