

PARLIAMENT OF NEW SOUTH WALES
LEGISLATIVE COUNCIL

2009

BUDGET ESTIMATES QUESTIONS ON NOTICE

**QUESTIONS
AND
ANSWERS**

Part 1 - Responses to questions asked during Hearing

1. How many Jobs have been created under the Job Compact Program?

Job Compact signatories are committed to working in partnership with Government to explore job opportunities for Aboriginal people and develop and maintain Aboriginal cultural understanding in their workplaces.

Information from signatories to date indicate that more than 130 potential employment opportunities for Aboriginal people will be generated over the next three years, as well as potentially over 50 training opportunities. In addition over 450 employees received cultural awareness training in 2008-09.

An important support to the Job Compacts initiative will be provided by nine Economic Development Officers (EDO's) who will shortly be deployed across NSW. These positions have been funded in partnership with the Australian Government. A key focus for the EDOs will be to provide specialised support to local Job Compact agreements. The EDO's will also work with Aboriginal people and communities to build and strengthen economic capacity by promoting, supporting and encouraging Aboriginal entrepreneurs to start up self-employment and sustainable business opportunities in NSW.

The Redfern Waterloo Authority (RWA), which is leading the Redfern Job Compact, implements an Aboriginal Employment Model which supports Aboriginal people into pre-employment training and job placements in local construction and other projects. As at September 2009, more than 260 Aboriginal people have been employed in construction through this project.

2. What discussions has the Minister or Department been involved in with other Departments and Ministers relating to the Merit Program?

The Justice and Human Services CEO Group provides a mechanism for Aboriginal Affairs NSW to provide advice on the MERIT Program.

Further information on the MERIT Program should be sought from The Hon John Hatzistergos, MLC Attorney General.

3. Are you aware of any tourism initiatives that Aboriginal Communities in NSW would like to develop and establish in NSW?

See response under post hearing questions, Question 9 - DAA Interagency Efficiency

4. What proportion of Aboriginal people are moving into home ownership?

The 2006 census identified 20,719 Aboriginal families have purchased or are in the process of purchasing their own home. This represents 37.8% of all Aboriginal households in NSW.

5. Is staff morale a growing concern for the Department of Aboriginal Affairs

See response under post hearing questions, Question 7 - DAA Departmental Efficiency

6. What role has Aboriginal Affairs NSW taken in the "Hippy" program at La Perouse? Can you please provide an update on the progress of the program? Will the program be implemented in other locations across the state?

The Home Interaction Program, also known as the HIPPY program, is currently being successfully run in La Perouse with a focus on Aboriginal children.

The HIPPY program is an initiative of the Australian Government and questions relating to the program should be directed to the Hon Julia Gillard MP, Deputy Prime Minister; Minister for Employment and Workplace Relations; Minister for Education; Minister for Social Inclusion

7. Can you please provide the budget breakdown for the Water and Sewerage Program?

The NSW Government, in partnership with the NSW Aboriginal Land Council, is providing what will equate to approximately \$200 million over the next 25 years for a water and sewerage maintenance and monitoring program in more than 60 discrete Aboriginal communities. The Agreement between NSWALC and the NSW Government was signed on 18 December 2008.

The NSW Government has commissioned a survey of 62 Aboriginal communities across the State under the *Environmental Health and Community Infrastructure Program*. The Survey findings will inform strategic planning of water and sewerage infrastructure needs in discrete Aboriginal communities

8. Can you please provide a breakdown of the \$10m ACDP across the 3 Components of the program?

2009/10 ACDP Budget	
1. Priority Communities - new housing and repairs and maintenance	\$9,438,000
2. Water & sewerage	\$200,000
3. Housing for Health	\$0 (complete)
Other Costs such as the Program Management Fees (payable to Department of Commerce)	\$400,000
TOTAL	\$10,038,000

9. Can you please provide details of the amount of funding provided to LinkUp NSW in relation to its role under the ATFRS? What percentage of applicants used the Link Up counselling and practical assistance program?

\$100,000 was provided to Link-Up (NSW) Aboriginal Corporation last financial year to continue its work in providing counselling and practical assistance for claimants to the NSW Aboriginal Trust Fund Repayment Scheme (ATFRS). Link-Up's existing network of counsellors ensures that people making claims who live in rural and remote areas are provided with assistance.

10. Are you aware of the termination of the Kids Excel Program in Ballina?

See response under post hearing questions, Question 9 - DAA Interagency Efficiency

Signature:

Date: 8th October 2009

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Part 2 - Responses to questions post Hearing

1. I note that the Government has stated that the Two Ways Together Partnership Community Program is the key mechanism for local engagement between agencies and Aboriginal communities in identifying local needs, developing action plans and strengthening community well being. Are 20 FTE Partnership Community Project Officers sufficient to assist communities in setting up community governance bodies and developing community action plans? If yes, does this indicate that the recommendation by the Inquiry that 40FTE staff be employed was unfounded and without empirical evidence support?

The aims of the Partnership Community Program are for government agencies and Aboriginal communities to work together in partnership to:

- Improve service delivery and outcomes on the ground for Aboriginal people; and
- Strengthen Aboriginal community wellbeing

The emphasis in the Partnership Community Program is on partnership.

The Partnership Community Project Officers in Aboriginal Affairs NSW have a crucial role in the Partnership Community Program but the role of other government agencies, local government and local organisations is also important.

The 20 FTE Partnership Community Project Officer positions represent a 100% increase in the Aboriginal Affairs NSW regional presence. Work is currently underway to recognise community governance bodies under the Draft Governance Framework and develop Community Action Plans, and is progressing well.

2. Given the evidence cited in the final report of the Standing Committee on Social Issues on Overcoming Indigenous Disadvantage in NSW that Aboriginal communities must be genuinely engaged from the beginning of the process in identifying local problems and solutions and that new strategies for engagement need to be developed, will the Minister outline what new strategies will be developed to engage Aboriginal communities in identifying local problems and solutions, especially in areas where Two Ways Together Partnerships are not operating?

Two Ways Together, the NSW Government's Aboriginal Affairs Plan recognises that local solutions need to be tailored to meet local issues. Similarly the strategies used to work with communities are tailored to reflect local needs. These principles are applied to work being undertaken in all Aboriginal communities.

3. How will the recent amendments to the ALRA (Aboriginal Land rights Act) as they relate to land dealings, support Aboriginal Land Councils so that they may better deal with land and improve economic outcomes for their communities?

The recent amendments to the ALRA will support Aboriginal Land Councils so that they may better deal with land and improve economic outcomes for their communities by:

1. clarifying and streamlining the processes for applications by Local Aboriginal Land Councils to the NSW Aboriginal Land Councils for approvals to dispose of, or develop their land;
2. establishing proper roles for Aboriginal Land Council staff, elected officials and memberships of Land Councils involved in the land dealing process;
3. introducing a new and clear system of certification of the application and approval process;
4. increasing the confidence of the land development industry to enter development partnerships with Aboriginal Land Councils; and
5. requiring that land dealings are consistent with community, land and business plans that must be developed by the members and must be approved by the NSW Aboriginal Land Council.

4. What are some of the initiatives the Government has introduced to strengthen economic development opportunities for Aboriginal people in New South Wales?

Through Aboriginal Affairs NSW, the NSW Government has several initiatives in place including Job Compacts, Economic Development Officers and the Aboriginal Participation in Construction Guidelines.

Job Compacts are written agreements between employers, Government, Aboriginal groups, local businesses, employment agencies and training providers. They were introduced in 2008 and there is currently one state-wide overarching MOU and eleven local Job Compacts across NSW. The community works together to overcome barriers to employment, take advantage of employment opportunities, and build solid networks and relationships with all the stakeholders. Signatories to Job Compacts also commit to developing and maintaining Aboriginal cultural understanding in their organisations.

Nine Economic Development Officers (EDOs) will shortly be in place across NSW. These positions are hosted jointly by Aboriginal Affairs and Industry and Investment, and are funded in partnership with the Australian Government. The EDOs will work with Aboriginal people and communities to build and strengthen economic capacity by promoting, supporting and encouraging Aboriginal entrepreneurs to start up self-employment and sustainable business opportunities in NSW. They will also provide specialised support to local Job Compacts.

The Aboriginal Participation in Construction (APIC) Guidelines were developed to expand Aboriginal people's participation in NSW Government funded construction and related activities. They also support the role of the construction industry to enhance Aboriginal employment.

The NSW Government has also signed up to commitments under the COAG Indigenous Economic Participation National Partnership Agreement which will continue to drive the focus on improving the level of Aboriginal people in the Public Sector and employment opportunities generated through government contracting.

5. What is the Government doing to improve supply of water and provision and maintenance of sewerage facilities in Aboriginal communities?

There are a number of Aboriginal specific programs under the State Plan Priority '*Strengthening Aboriginal Communities*' the NSW Government is currently progressing that focus on improving health outcomes for Aboriginal people across NSW:

The NSW Government and the NSW Aboriginal Land Council have agreed to jointly fund the *Aboriginal Communities Water and Sewerage Program*, an initiative to tackle water and sewerage issues in over 60 discrete Aboriginal communities throughout NSW.

The Aboriginal Communities Development Program has delivered 79 water and sewerage schemes in 44 communities and 939 dwellings in 29 Communities have had works undertaken as part of the ACDP Housing for Health Program

6. How have the NSW Government's amendments to the Aboriginal Land Rights Act improved governance in Aboriginal Land Councils?

1. providing a planning framework for the management and investment of land and other assets of Aboriginal Land Councils through the preparation and implementation of community, land and business plans,
2. introducing requirements for Land Councils to have approval to operate social housing schemes,
3. requiring Land Councils to be administered by a Board elected by members
4. clearly defining the roles and responsibilities of elected office bearers in Aboriginal Land Councils and chief executive officers of the NSW Aboriginal Land Council and Local Aboriginal Land Councils,
5. requiring the provision of training for elected officers and staff of Aboriginal Land Councils,
6. extending the jurisdiction of the Pecuniary Interest and Disciplinary Tribunal so that it may deal with misbehaviour by councillors of the NSW Aboriginal Land Council, Board members of Local Aboriginal Land Councils, and members of staff of Aboriginal Land Councils,
7. enabling advisors to be appointed to Aboriginal Land Councils,
8. specifying grounds for disqualification from holding the office, or removal from the office of councillor of the NSW Aboriginal Land Council or Board member of a Local Aboriginal Land Council,
9. specifying grounds for disqualification from being employed as Chief Executive Officer of an Aboriginal Land Council,
10. creating offences relating to unauthorised land dealings.

7. DAA departmental efficiency

a. According to your 2007-2008 annual report, 81 per cent of DAA staff earn above \$65,526 which is significantly above the average wage. Given your departments failure to narrow the gap on a number of fronts, do you think such high salaries are appropriate?

Aboriginal Affairs employees are remunerated in accordance with the Crown Employees (Administrative and Clerical Officers - Salaries) Award 2008. The salaries determined for these positions are consistent with the evaluation methodology used within all public sector agencies and reflect the knowledge, skills and experience required to undertake demanding roles.

b. According to the 2007-2008 DAA annual report, section 4.8 Workplace Safety and Security states “workplace assessments were conducted for seven individuals by an accredited therapist and the recommendations were accepted and implemented” compared to none reported in the 2006-2007 DAA annual report. Given DAA have a total staff of 73 (from the 2007-2008 annual report), this equates to 9.6 per cent of your workforce which appears significantly high. Could you please elaborate as to the nature of the seven workplace assessments without revealing personal details of the individuals involved, and in line with these statistics, would you agree that staff morale is a growing concern at DAA?

Workplace assessments were conducted for seven individuals at their request. These are proactive assessments to ensure that the workplace is best set up to avoid any injury to staff who may be experiencing problems with their neck, back, wrist or forearm. In these situations a physiotherapist was engaged to assess and recommend modifications to workstations or work tasks with a view to preventing or alleviating these physical problems. These actions are taken as preventative OH&S initiatives.

c. Has staff morale decreased over the last five years?

The preventative and proactive provision of workplace assessments for members of Aboriginal Affairs staff who request them is not indicative of any change in staff morale.

d. Have there been cases of bullying and intimidation at the DAA of late?

No

e. What is the staff retention rate currently at the DAA and what has it been each year since 2005?

FINANCIAL YEAR	HEADCOUNT	SEPARATIONS	TURNOVER %	RETENTION %
2005/2006	54	15	27.78	72.22
2006/2007	69	19	27.54	72.46
2007/2008	69	16	23.19	76.81
2008/2009	71	14	19.72	80.28

8. DAA administration efficiency

a. According to the 2007-2008 DAA annual report, section 4.21 Credit Card Certification states “there was one recorded breach of the department’s credit card policy”. Please explain the nature of this breach in detail.

The Department of Aboriginal Affairs actively manages compliance with its Credit Card Policy and reports breaches as required in the Annual Reports Act. The policy prohibits purchase of assets and requires regular reconciliation of credit card statements by the card holder with all expenses supported by a valid tax invoice clearly showing the nature of the expenses. The policy, which is accepted in writing by the card holder when the card is issued, notes that more than three instances where the above requirements are not met constitutes a breach of the policy and will result in cancellation of the card. In this instance there were more than three instances where a valid tax invoice was not provided to support the expenditure, and more than three months of reconciliations where overdue despite reminders. These instances constituted a breach of the policy which was accepted by the card holder who agreed to the cancellation of the card. There is no evidence of fraud or misappropriation.

b. According to section 4.9 Risk Management and Insurance Activities of the 2007-2008 DAA Annual Report, it states “the DAA arranged a formal valuation of a number of Aboriginal artworks.” What is the value of the artworks as per the formal valuation and where is it housed?

The Aboriginal artworks comprise a number of pieces of Aboriginal paintings, screen prints and artefacts and were valued at \$62,280. The pieces of artwork and artefacts are housed within the secured premises of the Aboriginal Affairs Head Office and are on display though-out the office.

9. DAA interagency efficiency

a. Have numerous Aboriginal Tourism projects ceased or never got off the ground due to funding capacity. Are you aware of any such projects and if so, which ones?

This matter should be referred to the Minister for Tourism, The Hon Jodi MacKay, MP.

b. What are the reasons why the Kids Excel program in Ballina terminated?

Detail on the funding for the Kids Excel program should be sought from the Hon Verity Firth MP, Minister for Education and Training.

Signature:

Date: 8th October 2009