



LEGISLATIVE COUNCIL

GENERAL PURPOSE STANDING COMMITTEE NO. 2

BUDGET ESTIMATES 2011-2012

QUESTIONS ON NOTICE

General Purpose Standing Committee No. 2

Citizenship and Communities, Aboriginal Affairs

Wednesday 26 October 2011

Answers to be lodged by: 21 November 2011

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Hearing date	Portfolio	Answer to be lodged by
26 October 2011	Citizenship and Communities, Aboriginal Affairs	21 November 2011 [21 days]

Questions relating to the portfolio of Citizenship and Communities, Aboriginal Affairs

26 October 2011, 3.00 pm – 4.30 pm

Questions from the Hon Jan Barham MLC

1. Aboriginal Affairs Budget
 - a. Can the Minister explain the total budget for the Office of Aboriginal Affairs, specifically why and how the figure of \$21.9 million announced by the Minister in his media release following the September NSW Budget varies from the \$26.8 million allocated under the relevant service groups within the Department of Human Services in the September 2011 Budget Papers?
 - i. What are the specific line items that explain the difference between the two figures, and their amounts?
 - b. The Aboriginal Affairs budget in 2010/11 was \$26.93 million and the 2011/12 budget is \$22.96 million. What areas within the Aboriginal Affairs portfolio received cuts in the 2011/12 budget?
 - i. What are the specific line items and their amounts?
 - c. Recent budgets have seen the end of the Aboriginal Community Development Program (ACDP), a capital construction and upgrade program to raise the health and living standards of Aboriginal communities with urgent environmental health needs. What evaluations of the success of this program have been considered by the Minister?
 - i. Are these evaluations available?
2. Accountability of Aboriginal spending
 - a. On what date did the Department of Aboriginal Affairs become the Office of Aboriginal Affairs?
 - b. Does the Office of Aboriginal Affairs currently have a Director-General?
 - i. If not, what is the title of the most senior Aboriginal public servant, who has *primary* responsibility for representing Aboriginal people, in NSW?
 - c. Does the current senior executive representative of AANSW current sit on the NSW Government CEO Group?
 - i. What is the most senior whole of government executive committee or group on which an Aboriginal person sits in NSW?
 - d. What current processes are in place for agencies to report on Aboriginal spending?
 - e. What current processes are in place to ensure evidence based Aboriginal spending?
 - f. Is it currently a requirement for some or all CEO contracts to include targets and/or KPIs for Aboriginal Affairs spending, service delivery to Aboriginal people, and/ or Aboriginal employment within agencies?
 - i. Are these CEO contracts confidential?
 - ii. If yes, what are the mechanisms for the CEOs to be held accountability for these targets?
 - g. Given that the contracts for NSW agency heads have included Aboriginal KPIs for a number of years, what will the incoming Liberal Government do differently to avoid the failure of accountability referred to in recent reports by the NSW Ombudsman and the Auditor General?
3. Aboriginal employment and staffing levels
 - a. How many staff are currently employed by the Office of Aboriginal Affairs?
 - b. How many staff were employed in the Office of Aboriginal Affairs last year?
 - c. If there is a discrepancy, for what reasons are there more or less staff employed in 2010 than in the current year?
 - d. What is the current whole of Government Aboriginal employment target for the NSW public service?
 - e. Do particular agencies have higher or lower Aboriginal employment targets?
 - i. If yes, specify
 - f. What modelling or estimates does the NSW Government have or rely on, to determine the number of Aboriginal people that need to be placed in employment in order to meet the State Plan target of

- closing the gap in Aboriginal employment within a generation? What is the baseline to assess current Aboriginal employment rates, and how is this figure calculated?
- i. Are there figures by region?
- g. What is the figure for the number of jobs for Aboriginal people that need to be created?
- i. Over what time period?
- h. Has any evaluation been done of the Job Compacts program?
- i. What are these evaluations and are they publicly available?
 - ii. How many Aboriginal people have gained employment as a result of this program?
4. NSW Aboriginal Taskforce
- a. Who will the Aboriginal Affairs Ministerial Taskforce consult with to develop the Aboriginal Affairs draft policy strategy?
 - b. What consultation will take place with Aboriginal communities in NSW in the development of the Aboriginal Affairs Ministerial Taskforce draft policy strategy?
 - c. Who will undertake these consultations?
 - d. What funding, if any, has been allocated to support the NSW Aboriginal Taskforce, for the 2011-2012 and any further financial years?
 - e. What is the budget allocated to the Aboriginal Affairs Taskforce to carry out consultations with Aboriginal communities in NSW?
 - f. How many staff have been employed to assist the Aboriginal Affairs Taskforce in the development of the Aboriginal Affairs Ministerial Taskforce draft policy strategy?
 - g. How many of these staff are Aboriginal?
 - h. What are the terms of reference of the Aboriginal Affairs Ministerial Taskforce?
 - i. Were these terms of reference set up in response to the Audit Office's performance review of the Two Ways Together program released in May 2011?
 - j. What process was undertaken to determine the members of the NSW Aboriginal Taskforce announced earlier this year?
 - k. What is Noel Pearson's role on the Ministerial Taskforce?
 - i. What "special matters" will Noel Pearson be advising on?
 - ii. Is Noel Pearson a paid advisor?
 - iii. If so, how much is Noel Pearson being paid?
5. State Plan
- a. What process was undertaken to determine the Aboriginal targets in the NSW State Plan – NSW 2021?
 - b. What consultation process was undertaken with Aboriginal organisations and community representatives to determine the Aboriginal targets in the NSW State Plan – NSW 2021?
 - c. What scope is there to amend the targets in the State Plan, following the development by the Taskforce for Aboriginal Affairs of a new NSW Aboriginal Affairs strategy?
 - d. The State Plan includes an overarching goal to 'close the life expectancy gap within a generation' (ie by 2036).
 - i. Is this goal linked to COAG targets?
 - ii. If yes, in what way?
 - e. What data has the NSW Government commissioned, or does it intend to use, to measure progress towards closing the gap?
 - f. Does the NSW Government intend to use data published in the Two Ways Together Indicator Report?
 - g. What funding is available to meet the State Plan targets relating to supporting Aboriginal Green Teams and other Aboriginal groups working to protect and conserve natural environments?
 - i. Out of which agency's budget is this to be funded?
6. Bilateral Agreements between the State and Federal Government
- a. Was a new Overarching Agreement on Aboriginal Affairs negotiated between the New South Wales Government and the Commonwealth Government?
 - b. If yes:
 - i. will a copy of this agreement be made available to the Committee?

- ii. what consultations, if any, had been held with Aboriginal people or their representative organisations on the content of the document?
 - c. What other agreements relating to Aboriginal programs, funding and service delivery have been signed or are currently under negotiation between the Australian and NSW Governments?
 - d. In particular, is an agreement regarding Closing the Gap under negotiation?
 - e. Are these agreements publicly available?
 - f. What consultation, if any, was undertaken with Aboriginal people regarding the content of any agreements currently being negotiated?
7. NSW Ombudsman's Report on Aboriginal Disadvantage Oct 2011
 - a. Will the Government be making a formal response to the NSW Ombudsman's report, *Addressing Aboriginal Disadvantage: the need to do things differently*?
 - b. When will the Government release its formal response to the NSW Ombudsman's report, *Addressing Aboriginal Disadvantage: the need to do things differently*?
 - c. Will the Government be increasing support and allocating resources to Aboriginal peak bodies in light of recommendations within the NSW Ombudsman's report, *Addressing Aboriginal Disadvantage: the need to do things differently*?
 - d. Will the Government support the establishment of a new accountability framework for addressing Aboriginal disadvantage in NSW?
 - i. If so, will such a plan be developed with Aboriginal peak bodies and communities in NSW?
 - e. Will the Government establish a body with overall responsibility for improving Aboriginal employment outcomes and enhancing Aboriginal economic capacity?
 - f. What other agreements relating to Aboriginal programs, funding and service delivery have been signed or are currently under negotiation between the Australian and NSW Governments?
8. Aboriginal child sexual assault
 - a. Is the Minister aware that the NSW Ombudsman reported in his report "Addressing Aboriginal disadvantage: the need to do things differently" that the evaluation of the \$22.9 million "Safe Families" program found the program was largely ineffective? Will the Minister be making the evaluation of this program public?
 - b. At what date did the Safe Families program becoming fully staffed and operational in each of the five targeted communities?
 - c. Did any delays in fully staffing the positions under the Safe Families program result in any budget savings?
 - i. If yes, how much money was saved and how was this reflected in future funding years?
 - ii. Was the funding rolled over or absorbed into other agency budgets?
 - d. Will the NSW Minister be revisiting the recommendations of the "Breaking the Silence: Creating the Future" Report?
 - e. Is it still the NSW Liberal Government's position, as expressed in the Legislative Council by the Hon Robyn Parker MLC on 8 November 2007, that all 88 of the recommendations of the "Breaking the Silence: Creating the Future" Report be implemented?
 - f. Does the Minister consider the \$22 million which was allocated to the Safe Families to be inadequate, particularly given that it fell significantly short of the \$40 million recommended by the "Breaking the Silence: Creating the Future" Report?
9. Stolen Wages/ Aboriginal Trust Fund Repayment Scheme (ATFRS)
 - a. Can the Minister provide an update on the number of direct and descendant claims which have been assessed
 - b. What money has been provided to support the Aboriginal Trust Fund Repayment Scheme in the current budget? Under which agencies?
 - c. Can the Minister provide an update on the number of direct and descendant claims which have been assessed since 30 June 2011?
 - d. How much money has been paid out to claimants throughout the life of the Aboriginal Trust Fund Repayment Scheme? How many trust accounts have been identified by the ATFRS throughout the life of the scheme?
 - e. As many Aboriginal people in NSW who may have legitimate claims to trust account monies were not aware of the ATFRS prior to the closing date for registration, will the NSW Government

continue to fund a mechanism by which Aboriginal people to claim the trust monies owing to them?

- f. How much money is set aside for an evaluation of the workings of the ATFRS, and does this include funding for a publicly available report?
 - g. The audited estimate of the value of money transferred to the Government in 1969/70 was between \$12 and \$70 million. Is it correct that even if the estimated \$15 million is paid out of the scheme by the time it ends the majority of the money will remain in State hands? What is the NSW government doing to work with the Indigenous community to develop a mechanism to pay back the rest of the money that will remain in State hands after the ATFRS concludes?
10. Partnership Community Program (PCP)
- a. How much money has been spent on training, capacity development and employment for Aboriginal people as part of the delivery of the Partnership Community Program, to date?
 - b. What is the total amount that has been spent on the PCP to date? How much of this has been spent on AANSW staff (wages) and consultants to AANSW? How much of this has been spent on direct grants to Aboriginal groups?
 - c. How much money has budgeted for training, capacity development and employment for Aboriginal people as part of the delivery of the Partnership Community Program in 2011-2012?
 - d. How much total funding has been allocated to review the PCP in 2011/12?
 - e. How much of this has been allocated to consultation with Aboriginal communities in NSW?
 - f. How will funding and service delivery be affected for Aboriginal communities who are not yet, or decline to become, Partnership Communities?
 - g. Does the Government plan to continue the Partnership Community Program? If so, for how long?
 - h. Will all 40 partnership communities be consulted as part of the PCP review?
 - i. How will Aboriginal communities outside the 40 'partnership communities' be engaged/consulted about the future of the PCP?
 - j. Is the Government aware of any concerns or concerns raised by Aboriginal groups and communities regarding consultation, funding, training and support for Aboriginal Partnership communities?
 - i. What are these?
 - ii. Will these be made public?
 - k. Were the concerns raised by Aboriginal groups or communities reflected in the recent Auditor General's Report regarding 'Two Ways Together'?
 - l. How much money has each of the 40 Partnership Communities received in:
 - i. 2007/08
 - ii. 2008/09
 - iii. 2009/10
 - iv. 2010/11
 - m. What are the restrictions on how the Partnership Community funding can be spent?
 - n. How much money has been allocated towards the development and implementation of the 'Strengthening Wellbeing Toolkit' in
 - i. 2007/08
 - ii. 2008/09
 - iii. 2009/10
 - iv. 2010/11
 - o. How much money is forecast to be spent on the 'Strengthening wellbeing toolkit' in 2011/12?
11. Aboriginal Languages
- a. What is the total amount of funding allocated to support for Aboriginal languages in NSW, specifically for the year 2011-2012?
 - b. Does this include the funding for the development of the Centre for Aboriginal Languages Coordination and Development?
 - c. How is this figure calculated?
 - d. Out of which NSW Government Agency budget is this funding provided?
 - e. What funding programs are currently available to provide grants to Aboriginal organisations, to deliver Aboriginal language programs?
 - f. What are the names of these programs and the amounts available, for each program?

- g. What was the amount of funding available to provide grants to Aboriginal organisations in the last financial year 2010-11, to deliver Aboriginal language programs?
 - h. What are the names of these programs, and the amounts available, for each program?
 - i. Is the amount of Aboriginal language funding available to Aboriginal groups or Aboriginal language programs increased or decreased from 2009-2010?
 - j. If so by how much?
 - k. What funding or other forms of support are available to deliver on the NSW State Plan commitment to increase access to Aboriginal languages by teaching Aboriginal languages in NSW Public Schools and TAFE Institutes, and offering Aboriginal languages programs at course and certificate level through TAFE Institutes?
12. Review of the Aboriginal Land Rights Act
- a. The *Aboriginal Land Rights Act 1983* states that the *Aboriginal Land Rights Act* (ALRA) is to be reviewed "as soon as possible" after five years from date of assent of the 2006 amendments (4 December 2011). Given this, has the Government considered when the review of the Aboriginal Land Rights Act will begin, and what will be the terms of reference and focus for the review?
 - b. Has the Government considered who will conduct the review?
 - c. Will Aboriginal organisations be asked for input into any terms of reference for the review?
 - d. How will the review be funded?
 - e. Is the Government planning any amendments to the ALRA ahead of the review report which must be completed and tabled in Parliament within 12 months (December 3 2012)?
13. Aboriginal Youth Advisory Committee
- a. Does the NSW Government currently have an Aboriginal Youth Advisory Committee?
 - b. If yes, what is the name of this committee and who are the current members? What is the current term?
 - c. What is the process for groups or individuals to nominate or be selected? Is there a public advertising process?
 - d. What budget has been allocated to support the Committee/s?
14. LALC Housing complaints
- a. How many complaints has the Minister of Aboriginal Affairs received about Aboriginal housing provided by LALCs in 2010-11 and 2011-2012? What are the reasons for these complaints?
 - b. How many complaints has the Registrar of the Aboriginal Land Rights Act received about Aboriginal housing provided by LALCs in 2010-11 and 2011-2012? What are the reasons for these complaints?

Questions from the Hon Amanda Fazio MLC

15. Languages
- a. Can you explain why Dr Carmichael hasn't received any correspondence in response to the letter she handed to you at an event on 15 September 2011?
 - b. What action will you take to ensure that genuine consultation occurs with the elders and custodians of language for each nation and that you ensure that the boundaries drawn for languages are right?
16. Aboriginal Land Claims
- a. How many land claims are pending finalisation?
 - b. How many land claim applications have been approved in the last financial year?
 - c. How many land claim applications have been rejected in the last financial year?
17. Heritage
- a. Isn't strengthening cultural attachment such as heritage just as important as preserving language in order to close the gap?
 - b. What are you going to do about the destruction of a Aboriginal carving at Cromer?
18. Ministerial Taskforce for Aboriginal Affairs

- a. What money in the budget has been allocated to the Ministerial Taskforce and for what purposes? Please provide a breakdown.
 - b. Will an initial progress report about the work of the Ministerial Taskforce be provided to the Ombudsman as well as being publically available by December 2011?
 - c. Will the Draft Policy Strategy be complete and made publically available and to the Ombudsman by 30 June 2012?
 - d. Why did you, in the 2011-12 budget, not publish an annual breakdown on indigenous expenditure across all portfolios and agencies, and compare this to the last 5 years?
 - e. What is the total budget expenditure for all Aboriginal expenditure across all agencies and portfolios for 2011-12? Please provide a breakdown.
 - f. How does this compare to last year's Aboriginal specific funding?
 - g. When will you publish an annual breakdown of indigenous expenditure similar to the federal govt and calculate this against the previous five years?
 - h. How much money has been set aside in the 2011-12 budget to combat child abuse? Can you give us a breakdown.
 - i. Why is there a Budget decrease from \$26 to 22 million dollars?
 - j. Can you explain the variation between the 2010 budget and 2011 budget?
 - k. Explain why there is no net increase to your base budget for 2011-12, noting that the Aboriginal Communities Development Program for the 2011-12 has finalised.
19. Office for Aboriginal Affairs
- a. The Office for Aboriginal Affairs has been downgraded bureaucratically so that the CEO no longer directly reports to the Director General of Education and Communities. Do you think the CEO should have direct access to the Director General who makes recommendations to Government?
20. Preschool funding
- a. Following your Government's cuts to free public preschools, how will you ensure that Aboriginal children get adequate preschool education?
 - b. How will the new fee structure work?
 - c. Will you give an undertaking that Aboriginal people will be consulted on the implementation of this policy?
 - d. How will you monitor participation rates of Aboriginal children in public preschools to make sure they are not disadvantaged by this policy?
 - e. Please provide a breakdown for each program you are running in Aboriginal Affairs Portfolio, it's type, purpose and funding.
 - f. Please provide a breakdown for each program you are running across all Government portfolio and agencies that support Aboriginal people and communities.
 - g. For each program that is ongoing from 2010-11, please provide a comparison with last year's budget.
21. Phones
- a. How many blackberries does DPC assign to your Ministerial staff and to whom have they been issued?
 - b. How many iPads does DPC assign to your Ministerial office and to whom have they been issued?
 - c. How many iPads have you purchased for your office and to whom have they been issued?
 - d. How many iPhones does DPC assign to your Ministerial office and to whom have they been issued?
 - e. How many iPhones have you purchased for your office and to whom have they been issued?
 - f. For each phone or device, how much was each bill from April to October?
 - g. How any have phones or devices have been lost in your office?
 - h. What is the cost of replacing those phones or devices?
22. Media and Public Relations
- a. How many media or public relations advisers are employed for each of your portfolio agencies?
 - b. What is the forecast for 2011-12 for the number of media or public relations advisers to be employed and their total cost?
 - c. How many media or public relations advisers are employed in your ministerial office?

23. Overseas Trips

- a. Have any of your overseas trips in the past year been paid for in part or in full by using public money?
- b. If so, did any of your relatives or friends accompany you on these trips?

24. Office Costs

- a. What is the annual remuneration package for your chief of staff?
- b. What is the annual remuneration package for your head media advisor?
- c. What is the annual remuneration package for each of your staff?
- d. What is the estimated expenditure for your office budget in 2011-12?
- e. Have any office renovations or fit outs been undertaken in your ministerial office since April?
- f. If so, could you give details of contracted costs?
- g. What is your office budget?
- h. How many political advisors are in your office?
- i. How many administration staff?
- j. How many Department Liaison officers are assigned to your office?
- k. How many staff in the Department are assigned to Ministerial support duties?

25. Cabcharge

- a. In terms of your ministerial office, how much did your office spend on taxi fares, including Cabcharge since April?

26. Restructure

- a. Are any of your portfolio agencies undergoing a restructure?
- b. How many jobs are expected to be cut as a result of that restructure?
- c. How many people are expected to have their wages cut as a result of that restructure?
- d. How many voluntary redundancies are expected to be offered as a result of that restructure?

27. Agency Costs

- a. What is your agency's catering budget?
- b. Since April, has the agency changed its branding?
- c. How much was spent on rebranding the agency?
- d. How much has been spent on stationary?

28. Correspondence

- a. How long is the average turnaround for responding to correspondence in your agency?
- b. How many pieces of correspondence have been outstanding for more than 60 days?

29. Paying bills on time

- a. Since April, on how many occasions has the agency not paid a supplier or contractor for more than 30 days?
- b. How many bills have been outstanding for longer than that period?

30. Grants to non-government organisations

- a. Does your department provide recurrent grant funds to non-government organisations?
- b. If yes,
 - i. What are the names of all organisations in receipt of funding?
 - ii. What is the total amount of funding received by each organisation, including goods and services tax?
 - iii. On what date was the funding advanced?
 - iv. What was the purpose for each grant or funding advance?
 - v. Was any funding withheld or returned?
 - vii. If so, what were the reasons for withholding or requiring the funding to be returned?
 - viii. What is the indexation rate applied to non recurrent grant funds in 2011/2012?

31. Feasibility studies, audits, taskforces or reviews

- a. Is your department currently undertaking any feasibility studies, audits, taskforces or reviews,
- b. If so;
 - i. What are the terms of reference or details of each study, audit, taskforce or review?
 - ii. Who is conducting the study, audit, taskforce or review?
 - iii. Was each study, audit, taskforce or review was publically advertised seeking expression of interest or competitive tenders?
 - iv. Is there a contract in place detailing terms of engagement for the study, audit, taskforce or review?
 - v. What is the timeline of each study, audit, taskforce or review?
 - vi. What are the details of any costs involved in each study, audit, taskforce or review?

32. Parliamentary Secretary Hon Charlie Lynn MLC

- a. Can you please list all travel related costs for your Parliamentary Secretary incurred in their capacity as Parliamentary Secretary since 1 July 2011:
 - i. kilometres travelled
 - ii. accommodation,
 - iii. air fares
 - iv. meals/entertaining?
- b. Can you please provide details of the following activities undertaken by your Parliamentary Secretary since 1 July 2011
 - i. meetings attended in their capacity as Parliamentary Secretary?
 - ii. functions attended in their capacity as Parliamentary Secretary?
- c. How often do you meet with your Parliamentary Secretary?
 - i. Are these meetings documented?
 - ii. Who attends these meetings?
- d. Who provides instructions and direction to your Parliamentary Secretary, you or your Chief of Staff?
- e. Has the Parliamentary Secretary been provided with Speech, Voice or Media Training since becoming Parliamentary Secretary?
- f. If so:
 - i. Who conducted the training?
 - ii. When was it conducted?
 - iii. Where was it conducted?
 - iv. What were the costs of the training?
 - v. Who paid for the training?
- g. Do you accept that a conflict of interest that exists with the Hon Charlie Lynn being the Parliamentary Secretary for Veterans Affairs given that he is a Director of Adventure Kokoda P/L (which conducts treks across the Kokoda Trail in PNG) and is actively involved in promoting that business?
- h. How do you manage this conflict of interest in order to ensure that Mr Lynn keeps his business interests separate from his duties as your Parliamentary Secretary?

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There were no additional questions on notice lodged by members relating to the portfolio of Citizenship and Communities, Aboriginal Affairs.