



**Submission to the Senate Finance and Public Administration
Committee Inquiry on the Commonwealth Indigenous
Advancement Strategy tendering processes**

May 2015

ANTaR Submission to the Senate Finance and Public Administration Committee Inquiry on the
Commonwealth Indigenous Advancement Strategy tendering processes

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About ANTaR

ANTaR is the pre-eminent non-Indigenous national advocacy organisation dedicated specifically to supporting the realisation of Justice, Rights and Respect for Aboriginal and Torres Strait Islander people.

ANTaR's focus is on the education and engagement of non-Indigenous Australians so that the rights and cultures of Aboriginal and Torres Strait Islander people are respected and affirmed across all sections of society.

ANTaR seeks to persuade governments, through advocacy, to show genuine leadership and build cross-party commitment to Aboriginal and Torres Strait Islander policy.

ANTaR works to generate in Australia a moral and legal recognition of, and respect for, the distinctive status of Aboriginal and Torres Strait Islander Australians as First Peoples.

ANTaR is a non-government, not-for-profit, community-based organisation.

ANTaR campaigns nationally on key issues such as constitutional recognition, justice, health equality, community development, and other significant issues.

ANTaR has been working with Aboriginal and Torres Strait Islander organisations and leaders on rights and reconciliation issues since 1997.

ANTaR believes that it is self evident that Aboriginal and Torres Strait Islander Peoples are entitled to the full realisation of their rights as articulated in relevant human rights treaties, including the *Universal Declaration of Human Rights* and specifically the *United Nations Declaration on the Rights of Indigenous Peoples*.

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Introduction

1. ANTaR welcomes the opportunity to make a submission to the Submission to the Senate Finance and Public Administration Committee Inquiry on the Commonwealth Indigenous Advancement Strategy tendering processes.
2. ANTaR supports government approaches that demonstrate a commitment to self-determination and community empowerment, and place Aboriginal and Torres Strait Islander views at the centre of the policy making process.
3. ANTaR notes that governments have often recognized the importance of engagement with Aboriginal and Torres Strait Islander people as central to better outcomes, yet have rarely delivered adequate or appropriate engagement.
4. ANTaR is particularly concerned that engagement in the development of the Indigenous Advancement Strategy (IAS) and ensuing competitive tendering process was absent.
5. We believe that such a major whole of portfolio change of direction warranted an extensive consultation period with Aboriginal and Torres Strait Islander people, including to ascertain whether such a large change was required in the first place, and secondly whether the a competitive tendering process for the portfolio was an appropriate way to fund programs.

Recommendations

Recommendation 1: That the Federal Government review the Indigenous Advancement Strategy with a particular focus on:

- *the views of Aboriginal and Torres Strait Islander organisations;*
- *submissions made to this inquiry; and*
- *consultation with Aboriginal and Torres Strait Islander people and their representatives.*

Recommendation 2: That the Federal Government ensure that any future IAS funding processes are developed in genuine consultation with Aboriginal and Torres Strait Islander people and their representatives.

Recommendation 3: That the Federal Government make the service footprint developed for each regional area by PM&C publicly available, and work with Aboriginal and Torres Strait Islander representatives to identify and fill gaps in this footprint.

Recommendation 4: That the Federal Government work to ensure that there is a robust process for establishing community need that involves:

- *engagement with communities in each region*
- *engagement with organisations and services operating in those communities;*
and
- *engagement with Aboriginal and Torres Strait Islander sector peaks and representative bodies.*

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Recommendation 5: *That the Federal Government ensures that any future funding process does not disadvantage smaller Aboriginal community controlled organisations, but instead prioritises support for such organisations.*

Recommendation 6: *That the Federal Government remove any stipulation in funding agreements that require organisations not to engage in advocacy, campaigning, law reform or policy development.*

Recommendation 7: *That the Federal Government provide longer term certainty for Aboriginal and Torres Strait Islander organisations that are funded, and ensure that funding cuts made in the 2014 Federal Budget are reinvested in Indigenous Affairs.*

Engagement

6. The Federal Government has recognised the importance of engagement with Aboriginal and Torres Strait Islander people.¹
7. The Aboriginal and Torres Strait Islander Social Justice Commissioner in his 2014 Social Justice Report, reported that²:

“...the cuts and the radical overhaul of both Indigenous specific and mainstream programs and services were planned with little or no input from Aboriginal and Torres Strait Islander peoples, their leaders or their respective organisations.”
8. The lack of engagement is of serious concern and has undoubtedly amplified the sense of uncertainty and anxiety among many Aboriginal and Torres Strait Islander people and organisations about whether various services and organisations would continue to be funded through the IAS process.
9. Concern with the lack of engagement about such a major overhaul of Indigenous Affairs through the IAS process was compounded by the cuts of \$534 million to Indigenous Affairs in the 2014. Again, as the Commissioner reported³:

“...the absence of clarity about how the proposed budget measures will be implemented, and the consequent impact on Aboriginal and Torres Strait Islander peoples, services and organisations, is a matter of considerable concern.”
10. ANTaR believes that for any approach to be successful and have legitimacy in Indigenous Affairs it must involve genuine engagement with Aboriginal and Torres Strait Islander people in all stages of the policy process - design, delivery, monitoring and evaluation. This view has been supported by countless academics and practitioners as well as recognized by consecutive governments.

Recommendation 1: *That the Federal Government review the Indigenous Advancement Strategy with a particular focus on:*

- *the views of Aboriginal and Torres Strait Islander organisations;*
- *submissions made to this inquiry; and*

¹ Abbott calls for new era of engagement with indigenous Australia, Sydney Morning Herald, 10 August

² Aboriginal and Torres Strait Islander Social Justice Commissioner Social Justice Report 2014, p23, available at <https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/social-justice-and-nati-0> (viewed 18 May 2015)

³ Ibid

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- *consultation with Aboriginal and Torres Strait Islander people and their representatives.*

Recommendation 2: That the Federal Government ensure that any future IAS funding processes are developed in genuine consultation with Aboriginal and Torres Strait Islander people and their representatives.

Community need

11. ANTaR is concerned about the extent of the process used to establish community need, particularly the extent to which Aboriginal and Torres Strait Islander people were engaged in establishing need, including any unfilled services gaps or duplication.
12. While ANTaR notes that there is also a 'demand driven' and 'ad hoc' funding process alongside the IAS competitive tendering process, it is nonetheless difficult to see how a competitive tendering process is able to meet community need in a targeted and appropriate manner.
13. The IAS competitive tendering round has strongly relied on an assessment process to make decisions on what range of services are needed to address community need. It does not, in and of itself, account for service gaps in the range of organisations that might compete for funding.
14. ANTaR believes that a robust process for establishing community need that involves strong engagement with the communities is critical. A further process following the competitive tendering round of funding would also be needed to fill service gaps that weren't tendered for. This further process should be open, transparent and readily understood.
15. ANTaR understands that the Dept. of Prime Minister and Cabinet prepared regional profiles of what services were provided for in each region, including what their needs were, what was currently funded, and where the gaps were at the regional level.
16. ANTaR is concerned that there doesn't appear to have been a structured approach to engaging with communities in each region on their particular needs or whether they felt there were needs that are unmet.

Recommendation 3: That the Federal Government make the service footprint developed for each regional area by PM&C publicly available, and work with Aboriginal and Torres Strait Islander representatives to identify and fill gaps in this footprint.

Recommendation 4: That the Federal Government work to ensure that there is a robust process for establishing community need that at a minimum involves:

- *engagement with communities in each region*
- *engagement with organisations and services operating in those communities;*
and
- *engagement with Aboriginal and Torres Strait Islander sector peaks and representative bodies.*

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Other process issues

17. ANTaR is concerned that a competitive tender process disadvantages smaller Aboriginal and Torres Strait Islander organisations. Aboriginal and Torres Strait Islander community-controlled organisations have a proven track record in delivering better outcomes for their communities. They are unlikely to have the same grant writing capacity as large non-Indigenous NGOs or for profit organisations.

Recommendation 5: That the Federal Government ensures that any future funding process does not disadvantage smaller Aboriginal community controlled organisations, but instead prioritises support for such organisations.

18. ANTaR believes that Aboriginal and Torres Strait Islander organisations, both at a local service, and peak level, are ideally placed to provide advice, feedback, on-the-ground knowledge, and lived experience that can improve the impact of programs and approaches.
19. ANTaR believes that organisations that undertake advocacy, policy development, law reform or similar activities, should be supported by government. This would both improve outcomes for Aboriginal and Torres Strait Islander people, and demonstrate government's commitment to engagement.
20. ANTaR is deeply concerned that government may be stipulating in funding contracts that such activities are prohibited.

Recommendation 6: That the Federal Government remove any stipulation in funding agreements that require organisations not to engage in advocacy, campaigning, law reform or policy development.

21. ANTaR understands that there is significant variance in the length of funding agreements for organisations that have been successful in securing funding. Some organisations have reported receiving funding for one year, others two or three years, and others have been part-funded for limited activities.
22. ANTaR is concerned that such an approach leaves organisations unable to plan for the longer-term, has drawn out a period of uncertainty about future programs, and has had an impact on Aboriginal and Torres Strait Islander employment in such services.
23. Further, we remain concerned about the combined effect of funding cuts in the 2014 Federal Budget and the uncertainty of the IAS competitive tendering round.

Recommendation 7: That the Federal Government provide longer term certainty for Aboriginal and Torres Strait Islander organisations that are funded, and ensure that funding cuts made in the 2014 Federal Budget are reinvested in Indigenous Affairs.