

**MINUTES**

**ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION**

**EXTRAORDINARY MEETING NUMBER 29**

**8 NOVEMBER 2004**

**Video / Telephone Link**

**PRESENT:**

**Mr Geoff Clark  
Mr Ray Robinson  
Mr Rick Griffiths  
Mr Cliff Foley  
Mr Steve Gordon  
Mr Troy Austin  
Mr Rodney Dillon  
Mr Klynton Wanganeen  
Mr Farley Garlett  
Mr Ian Trust  
Ms Alison Anderson**

**Chairman  
Commissioner Qld South  
Commissioner NSW East  
Commissioner NSW Metro  
Commissioner NSW West  
Commissioner Victoria  
Commissioner Tasmania  
Commissioner South Australia  
Commissioner WA South West  
Commissioner WA North  
Commissioner NT Central**

**APOLOGIES:**

**Mr Akarriyuwu Hill  
Mr Robbie Williams**

**Commissioner NT North  
Commissioner Qld Metro**

**ABSENT:**

**Mr Lionel Quartermaine  
Mr Robbie Salee  
Mr Elia Doolah  
Mr Terry Whitby  
Mr Darren Farmer**

**Deputy Chairman  
Commissioner Qld Far NW  
Commissioner Torres Strait  
Deputy Chairman  
Commissioner WA South East**

**MEETING OPENED**

**3.00 pm 8 November 2004**

**MEETING CLOSED**

**3.30 pm 8 November 2004**

**CONFIRMED ON.....**

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The following officers were in attendance for all or part of the Meeting:

Mr Ian Levinge	Elected Arm Support
Ms Robyn Corvisy	Elected Arm Support
Mr Graham Sendall	Elected Arm Support
Mr Stephen Brown	Elected Arm Support

Apologies

Mr Pat Watson	CEO ATSYS
Mr Mike Fileman	CFO ATSYS

The Meeting was opened by Chairman Clark on video link from Perth ICC Office at 3.00 pm (Eastern Daylight Saving Time).

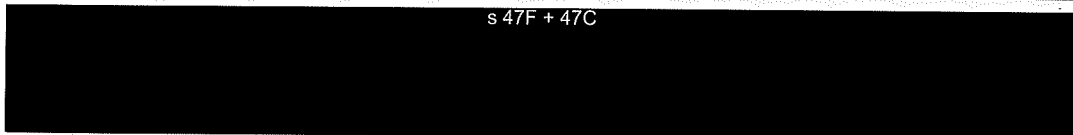
s 47F + 47C



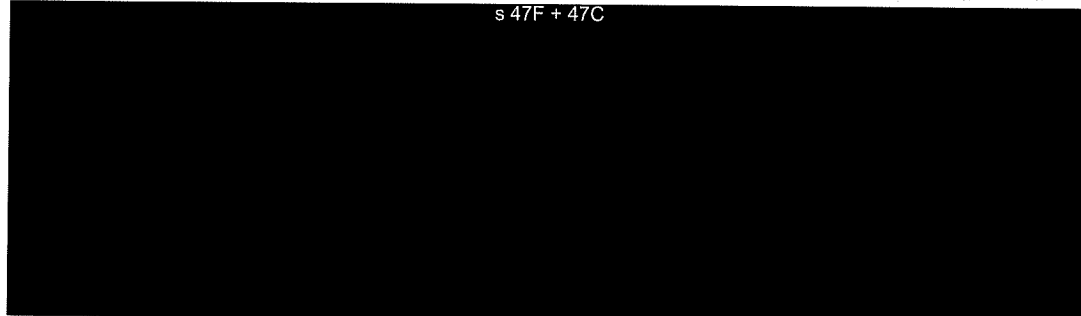
s 47F + 47C



s 47F + 47C



s 47F + 47C



s 47F + 47C

s 47F + 47C

**Motion:**

That \$250,000 be transferred, under S61(3) of the ATSIC Act, from Commissioners Remuneration Expenses to Commissioners Administration Expenses line items in the ATSIC Estimates of Expenditure 2004-2005, approved by the Minister on 24 June 2004; to be reallocated \$125,000 for travel and administration costs, \$50,000 for Board legal advice and \$75,000 for communications costs.

Moved:

s 47F + 47C

Seconded:

s 47F + 47C

Carried.

s 47F + 47C

s 47F + 47C

s 47F + 47C

s 47F + 47C

s 47F + 47C

s 47F + 47C

**Motion:**

That the Board hold a four day meeting commencing on 16 November in Canberra to lobby Parliamentarians and then 17, 18 and 19 November in Picton (Sydney) to conduct Board business.

Moved:

s 47F + 47C

Seconded:

s 47F + 47C

Carried.

s 47F + 47C

s 47F + 47C

s 47F + 47C

Chairman closed the Meeting at 3.30 pm

**MINUTES**

**ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION**

**EXTRAORDINARY MEETING NUMBER 21**

**14 APRIL 2003**

**LOVETT TOWER WODEN  
CANBERRA**

**PRESENT:**

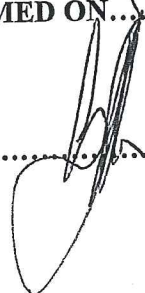
Mr Geoff Clark  
Mr Ray Robinson  
Mr Terry Whitby  
Mr Rodney Dillon  
Ms Alison Anderson  
Mr Kim Hill  
Mr Darren Farmer  
Mr Farley Garlett  
Mr Stephen Gordon  
Mr Robbie Williams  
Mr Lionel Quartermaine  
Mr Robbie Salee  
Mr Rick Griffiths  
Mr Cliff Foley  
Mr Klynton Wanganeen

Chairperson  
Deputy Chairperson  
Alternate Deputy Chairperson  
Commissioner Tasmania  
Commissioner NT Central  
Commissioner NT North  
Commissioner WA South East  
Commissioner WA South West  
Commissioner NSW West  
Commissioner QLD Metro  
Commissioner QLD North  
Commissioner QLD Far North  
Commissioner NSW East  
Commissioner NSW Metro  
Commissioner SA

**MEETING OPENED:**  
**MEETING CLOSED:**

**5.00pm Monday 14 April 2003**  
**5.35pm Monday 14 April 2003**

**CONFIRMED ON...** 12/6/03

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**Following officers were in attendance for all or part of the Meeting:**

Mr W Gibbons	Chief Executive Officer
Mr B Yates	Executive Coordinator
Mr M Gooda	A/g Executive Coordinator
Ms R Kenway	General Counsel
Mr P Schnierer	Manager, Coordination and Review Policy
Ms C Joske	A/g Manager, Commission & Ministerial Support
Ms D Staier	Secretariat Support

### Introductory Remarks

The Chairman opened the meeting and welcomed Commissioners.

s 47F + 47C

s 47F + 47C

### Apologies

s 47F + 47C

### Agenda Item 1.      **CONSIDERATION OF THE STRATEGIC DIRECTIONS BOARD COMMITTEE RECOMMENDED MOTION (PAPER NO. 3471)**

s 47F + 47C

Discussion followed on the appropriate course of action. After discussion, Decision No 2730 was taken.

That the Commission pursuant to Section 7 of the *Aboriginal and Torres Strait Islander Commission Act 1989*

- (a) **AGREED** to the attached in-principle resolution of the Strategic Directions Board Committee of 11 April 2003;
- (b) **AGREED** that the Board would make a further decision on the matter at its next meeting in June, following wide consultation with Regional Council Chairs and consideration of the paper to be released by the ATSIC Review Team next month; and
- (c) **AGREED** that the Chairman would convey this position to the Minister for Immigration and Multicultural and Indigenous Affairs.

The Chairman closed the meeting and thanked Commissioners for their attendance and participation in the discussion.



## ATTACHMENT A

### STRATEGIC DIRECTIONS BOARD COMMITTEE Resolution of Friday 11 April 2003

#### GOOD GOVERNANCE AND "SEPARATION OF POWERS"

The Committee:

- (a) **NOTED** the Chairman's report-back on his meeting with the Minister for Indigenous Affairs on 7 April 2003 (circulated to the Board on 8 April 2003);
- (b) **NOTED** the outcome of consultations with a sample group of Regional Council Chairs on 10 April 2003 regarding their views on 'separation of powers' in the context of the improved governance of ATSIC and Regional Councils;
- (b) **NOTED** that if the Board is to influence the Government's approach to 'separation of powers' within ATSIC, it needed to convey its final position to the Minister before Tuesday 15 April 2003;
- (c) **AGREED** to recommend to the Board that it supplement Board Decision No 2725 of 2 April by endorsing the development and implementation of an *ATSIC Governance Framework* that embodied the 'separation of powers' principle. Such a Framework would involve:
  - (i) the Government continuing to appropriate funds to ATSIC, subject to the current quarantines and general guidance specified by the Minister for Indigenous Affairs;
  - (ii) the Board setting policies, priorities and program guidelines supplemented, where appropriate, by priorities and guidance set by Regional Councils in the context of their Regional Plans;
  - (iii) delegations for individual funding decisions being exercised solely by the ATSIC Administration in line with the policies, priorities and guidelines referred to in (ii) above;
  - (iv) effective checks and balances to support open and merit-based decision-making by the Administration, including fair review mechanisms (both internal and external); and
  - (v) if the separation of powers principle is implemented as part of the Framework, the Minister for Indigenous Affairs be asked to rescind his Conflict of Interest Directions;
- (d) **AGREED** that under the proposed *Governance Framework*, the Board and Regional Councils would exercise a more strategic role. That role would be supported if the Board negotiated a framework with the Minister for Indigenous Affairs whereby Commonwealth agencies responsible for Indigenous-specific programs would use the Board and, where appropriate, Regional Councils as a focal point for consultations with Indigenous representatives on the framing of their policies and

program interventions to Indigenous clients, thereby facilitating a shared responsibility for achieving more effective outcomes;

- (e) **AGREED** that a draft *Governance Framework* be developed as a matter of urgency by the Administration, in consultation with the Strategic Directions Board Committee, for consideration by the ATSIC Board and Regional Council Chairs in the near future;
- (f) **AGREED** that, subject to the decision of the Board, an effective communications strategy be developed to explain the implications of a *Governance Framework* (including the separation of powers principle) to Regional Councils, the ATSIC Administration, ATSIC-funded organisations and other stakeholders;
- (g) **AGREED** that the terms of this resolution be urgently considered by an extraordinary meeting of the Board, with the Board's position conveyed directly by the Chairman to the Minister for Indigenous Affairs before 15 April 2003; and
- (h) **AGREED** that this was an in-principle position to be pursued in the context of the outcome of the ATSIC Review, which is keenly awaited.

## COMMISSION DECISION

Extraordinary Meeting No. 21, 14 APRIL 2003

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Decision No. 2730

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Paper No. 3471

Agenda No. W/S

### GOOD GOVERNANCE AND "SEPARATION OF POWERS"

The Commission pursuant to Section 7 of the *Aboriginal and Torres Strait Islander Commission Act 1989*:

- (a) **AGREED** to the attached in-principle resolution of the Strategic Directions Board Committee of 11 April 2003;
- (b) **AGREED** that the Board would make a further decision on the matter at its next meeting in June, following wide consultation with Regional Council Chairs and consideration of the paper to be released by the ATSIC Review Team next month; and
- (c) **AGREED** that the Chairman would convey this position to the Minister for Immigration and Multicultural and Indigenous Affairs.

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Geoff Clark  
Chairperson  
14/ 4/2003

