

**Aboriginal and Torres Strait  
Islander Commission**



# **ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION**

## **Section 1: Overview, appropriations and budget measures summary**

### **COMMISSION OVERVIEW**

The Aboriginal and Torres Strait Islander Commission (ATSIC) was established on 5 March 1990 by the *Aboriginal and Torres Strait Islander Commission Act 1989* (the Act).

It comprises 18 members, all of whom are Indigenous, elected by Indigenous Australians to represent their interests, and is the Commonwealth Government's principal Indigenous advisory body on Aboriginal and Torres Strait Islander issues.

Provisions exist under the Act for the establishment of 35 Regional Councils across Australia. Though established under the Act, Regional Councils are independent bodies. They consult with their local communities and represent their interests. A key function of Regional Councils is the development of Regional plans, which aim to improve the economic, social and cultural status of Aboriginal and Torres Strait Islander residents of the regions. By identifying funding priorities within the regions, the plans ensure Councils have direct input into the ATSIC budget process.

ATSIC sets national policy frameworks, and objectives and guidelines for all program outputs to be delivered by Aboriginal and Torres Strait Islander Services (ATSIS). Regional Councils establish priorities and policy directions at the regional level in line with local priorities.

ATSIC also provides guidance and assistance to Regional Councils in the broad formulation of draft regional budgets; and to facilitate achievement of objectives of regional plans.

As its overall objective, ATSIC continues to work towards the achievement over time of a situation of justice and equity in which Aboriginal and Torres Strait Islander peoples have economic and social status sufficient to attain the civil, social and economic rights enjoyed by other Australians.

## **FUNCTIONS OF ATSIC**

ATSIC's functions are set out in section 7 (1) of the Act as:

- to formulate and implement programs for Aboriginal and Torres Strait Islander persons;
- to monitor the effectiveness of programs for Aboriginal and Torres Strait Islander Peoples, including programs conducted by bodies other than ATSIC;
- to develop policy proposals to meet national, State, Territory and regional needs and priorities of Aboriginal persons and Torres Strait Islanders;
- to assist, advise and co-operate with Aboriginal and Torres Strait Islander communities, organisations and individuals at national, State, Territory and regional levels;
- to advise the Minister on:
  - matters relating to Aboriginal and Torres Strait Islander affairs, including the administration of legislation, and
  - the co-ordination of the activities of other Commonwealth bodies that affect Aboriginal persons or Torres Strait Islanders;
- when requested by the Minister, to provide information or advice to the Minister on any matter specified by the Minister;
- to take such reasonable action as it thinks necessary to protect Aboriginal and Torres Strait Islander cultural material and information, being material or information that is considered sacred or otherwise significant by Aboriginal persons or Torres Strait Islanders;
- at the request or with the concurrence of the Australian Bureau of Statistics but not otherwise, and without infringing the privacy of any individual, to collect and publish statistical information relating to Aboriginal persons and Torres Strait Islanders;
- such other functions as are conferred on the Commission by the Act or any other Act;
- such other functions as are conferred on the Commission by the Prime Minister by notices in force under section 8 of the Act;

- such other functions as are expressly conferred on the Commission by a law of a State or of an internal Territory and in respect of which there is in force written approval by the Minister under section 9 of the Act;
- to undertake any research as is necessary to enable it to perform any of its other functions; and
- to do anything else that is incidental or conducive to the performance of any of the preceding functions.

Section 8 of the Act allows the Prime Minister to confer a departmental function on ATSIC for the purpose of furthering the social, economic or cultural development of Aboriginal persons or Torres Strait Islanders.

Since the establishment of the Torres Strait Regional Authority (TSRA), ATSIC's functions are limited to the Aboriginal and Torres Strait Islander population outside the Torres Strait region and the TSRA functions are defined in relation to the Torres Strait Islander and Aboriginal population of the Torres Strait region.

In addition, ATSIC is responsible for two administered items. The Aboriginal and Torres Strait Islander Land Fund (ATSILF), which provides funds to the Indigenous Land Corporation (ILC); and the Aboriginal Benefits Account (ABA), set up under the *Aboriginal Land Rights (Northern Territory) Act 1976*, to distribute royalty equivalent monies to Northern Territory Land Councils, royalty associations and Indigenous community organisations.

## **APPROPRIATIONS AND RESOURCING**

The total appropriation for ATSIC in the 2003-04 Budget is \$199.698 million. Of this, \$8.253 million is included in the annual appropriation bills. The balance of \$191.445 million consists of special appropriations to administered items, specifically the ATSILF and the ABA.



**RECEIPTS FROM INDEPENDENT SOURCES****Table 1.3: Receipts from independent sources**

	Estimated revenue 2002-03 \$'000	Estimated revenue 2003-04 \$'000
<b>Departmental</b>		
ATSIC Army Community Assistance Projects - Community Housing Infrastructure Projects	4,450	-
Business Loans	-	3,700
Home Loans	-	16,868
Office of Aboriginal and Torres Strait Islander Health	600	-
Other Subsidiaries - rent and other	4,855	4,906
Other Subsidiaries - sale of goods and services	2,630	2,709
Qld Government - Community Housing Infrastructure Projects	4,000	-
Regional Land Fund	-	450
Rent and other operational	3,038	-
<b>Administered</b>		
ABA Royalty equivalent investment	4,000	-
<b>Total estimated receipts</b>	<b>23,573</b>	<b>28,633</b>

## SPECIAL APPROPRIATIONS

**Table 1.4: Estimates of expenses from special appropriations**

	Outcome affected	Estimated expenses 2002-03 \$'000	Estimated expenses 2003-04 \$'000
Aboriginal Benefits Account (ABA)	1		
ABA administrative costs		25	25
ABA advisory committee costs		65	65
Consultants		60	60
Grants		3,000	5,000
Payments subsection 64(1) Land Rights Act			
- admin cost (non discretionary) Land Councils		19,200	18,000
Payments subsection 64(7) Land Rights Act			
- admin cost (discretionary) Land Councils		2,150	2,850
Payments subsection 64(3) Land Rights Act			
- Land Councils for distribution to Aboriginal people affected			
by mining operations		13,300	13,300
Ranger Agreement		200	200
Aboriginal and Torres Strait Islander Land Fund	1		
Administration Costs		250	250
Payment to Indigenous Land Corporation		53,553	54,463
<b>Total estimated expense</b>		<b>91,803</b>	<b>94,213</b>

Under the *Aboriginal Land Rights (Northern Territory) Act 1976*, the ABA is required to distribute statutory payments totalling 70 per cent of royalty equivalent income (ie, special appropriation monies). 30 per cent of royalty equivalent income is available for discretionary payments. Monies surplus to immediate needs are invested. Royalty equivalent monies available for investment in 2003-04 are estimated at \$5.5 million.

**SPECIAL ACCOUNTS****Table 1.5: Estimates of special account flows and balances**

	Opening Balance <sup>1</sup>	Receipts <sup>2</sup>	Payments	Adjustments	Closing Balance
	2003-04	2003-04	2003-04	2003-04	2003-04
	2002-03	2002-03	2002-03	2002-03	2002-03
	\$'000	\$'000	\$'000	\$'000	\$'000
Aboriginal and Torres Strait Islander Land Fund - s20 (1) <i>FMA Act 1997</i>	1,136,665	104,805	54,713	-	1,186,757
	1,095,204	95,264	53,803	-	1,136,665
Aboriginal Benefits Account - s62 (1) <i>Aboriginal Land Rights (Northern Territory) Act 1976</i>	88,074	49,200	39,500	-	97,774
	77,074	49,000	38,000	-	88,074
<b>Total special accounts</b>	<b>1,224,739</b>	<b>154,005</b>	<b>94,213</b>	<b>-</b>	<b>1,284,531</b>
	1,172,278	144,264	91,803	-	1,224,739

Note 1: The opening balance for 2003-04 is the same as the closing balance for 2002-03.

Note 2: Receipts from appropriations and other sources are further specified within the Total Resources for Outcome Tables in Section 2.

## NON-APPROPRIATION DEPARTMENTAL AND ADMINISTERED REVENUE

**Table 1.6: Non-appropriation departmental and administered revenue**

	Estimated revenue 2002-03 \$'000	Estimated revenue 2003-04 \$'000
<b>Administered</b>		
Aboriginal Benefits Account	4,000	4,200
Interest on land fund investments	41,711	50,342
<b>Departmental</b>		
ATSIC Army Community Assistance Projects - Community Housing Infrastructure Projects	6,100	-
Australian Greenhouse Office - Community Housing Infrastructure Projects	2,000	-
Bank Interest operational	4,000	-
Interest from business loans	8,800	3,700
Interest from home loans	8,823	16,868
Interest on Community Housing Infrastructure Trust Account	3,000	-
Office Aboriginal and Torres Strait Islander Health	600	-
Other Subsidiaries Rent and other infrastructure	-	4,906
Other Subsidiaries Sales of goods and services	-	2,709
Qld Government - Community Housing Infrastructure Projects	4,000	-
Regional Land Fund	-	450
Rent and other operational	452	-
<b>Total revenue</b>	<b>83,486</b>	<b>83,175</b>

## ADMINISTERED CAPITAL

The administered capital injection received under the Act of \$91.982 million is for the ATSILF.

## SUPERANNUATION ADJUSTMENTS

The appropriation includes an increase of \$0.039 million in relation to increases in employer superannuation contributions to the Commonwealth Superannuation Scheme and Public Sector Superannuation scheme.

## **EVALUATIONS**

The Office of Evaluation and Audit (OEA), established under section 75 of the Act, regularly undertakes evaluations and audits of ATSIC operations and special evaluations and audits at the request of the Minister or the Board. The OEA assists ATSIC to maintain high standards of accountability and output performance.

During 2003-04 OEA is planning to conduct evaluations into the operations of Aboriginal Hostels Limited.