

Chapter 2

About the bills

Overview

2.1 The Stronger Futures in the Northern Territory legislative package comprises three bills: the Stronger Futures in the Northern Territory Bill 2011; the Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011; and the Social Security Legislation Amendment Bill 2011. The package of bills was introduced into the House of Representatives on 23 November 2011 by the Hon. Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs.¹

2.2 On introducing the bills the Minister stated:

Together, these bills form a part of our next steps in the Northern Territory, undertaken in partnership with Aboriginal people and the Northern Territory government.

These are steps taken with a clear eye to the future.

A stronger future which sees a substantial and significant change for Aboriginal people in the Northern Territory.

Where people live in good houses, and in safe communities.

Where parents go to work, and children go to school each day.

A stronger future, grounded in a stronger relationship between government and Aboriginal people in the Northern Territory.

...

Across the Territory, people have told us that more needs to be done to achieve the change we all want to see for Aboriginal people who live there.

People in the Northern Territory want for their children what each of us, right across the country, want for our children:

- that they will grow up healthy and safe and get a good education,
- that they have a bright future that includes a roof over their heads, food on the table, and a good job, and
- that they will be strong people, proud of who they are.

It is clear that, if we are to see these stronger futures take shape, we must not walk away and we must continue to work hard.

...

1 The Hon. Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs, Second Reading Speech, *House of Representatives Hansard*, 23 November 2011, p. 13539.

...[I]f children do not go to school, the best teachers and the best classrooms cannot give them a good education. The strongest work ethic and the most driving ambitions will be wasted if there are no jobs.

If people cannot get sober, if they cannot set the best example for their children—a parent who goes to work each day and brings home a pay cheque each fortnight.

The measures in this legislative package I am introducing to the parliament today help tackle the barriers to change. They clear the path for us to walk together and work together for the change we all want to see.

They make clear our expectations of parents—that they will send their children to school to get a good education.

They support more jobs in the Northern Territory.

And they do more to tackle alcohol abuse.²

2.3 The three bills contain measures that address the areas identified in the Minister's second reading speech. All three follow through on measures that had their origin in the Northern Territory Emergency Response (NTER). The measures contained in the Stronger Futures legislative package however have been modified to take account of the consultation that has occurred since the NTER in 2007.³

2.4 The passage of the bills will ensure that measures are in place following the sunseting (in August 2012) of the 2007 Northern Territory National Emergency Response legislation.

2.5 During hearings, FAHCSIA provided information to the committee to clarify existing NTER measures that would be discontinued under the Stronger Futures bills package. This response is contained in Appendix 4.

Stronger Futures in the Northern Territory Bill 2011

2.6 The Stronger Futures in the Northern Territory Bill 2011 (Stronger Futures bill) contains three measures to address:

- alcohol abuse;
- land reform; and
- food security.⁴

2.7 These measures are set out in Parts 2, 3 and 4 of the bill.

2 The Hon. Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs, Second Reading Speech, *House of Representatives Hansard*, 23 November 2011, pp 13539, 13541, 13542.

3 Dr. J. Gardiner-Garden and K. Magarey, Bills Digest No. 103, 2011-12, *Stronger futures in the Northern Territory Bill 2011*, Parliamentary Library, 8 February 2012, p. 3.

4 Stronger Futures in the Northern Territory Bill 2011, *Explanatory Memorandum*, p. 1.

2.8 The remaining parts of the Stronger Futures bill deals with introductory matters, setting out the commencement date of the provisions, a guide to the bill and dictionary of terms (Part 1); and contain miscellaneous provisions including both a requirement that an independent review of the operation of the Act occur after the first seven years of its operation and that the Act sunsets at the end of ten years after its commencement (Part 5).⁵

Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011

2.9 The Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011 (the Consequential Amendments Bill) contains five schedules.

- Schedule 1 of the bill repeals the *Northern Territory National Emergency Response Act 2007* (NTNER Act) and sets out necessary savings and transitional provisions.⁶
- Schedule 2 of the Consequential Amendments bill amends the *Aboriginal Land Rights (Northern Territory) Act 1976* (Land Rights Act) to ensure that its operation is consistent with the repeal of the NTNER Act.⁷ Schedule 2 also repeals Part IIB of the Land Rights Act and introduces an additional function for Land Councils to provide assistance to community living area landowners, in relation to dealings in their land.⁸
- Schedule 3 will amend the *Classification (Publications, Films and Computer Games) Act 1995* (Classification Act) to add a sunset and review date to the provision in Part 10 of that Act and to make other minor amendments.⁹ Part 10 of the Classification Act allows special measures to be taken to protect children living in Aboriginal communities in the Northern Territory from being exposed to material that is, or is likely to be, classified as restricted material or X18+.¹⁰

5 Stronger Futures in the Northern Territory Bill 2011, Clauses 1–5 and 118.

6 Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011, *Explanatory Memorandum*, p. 3.

7 Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011, *Explanatory Memorandum*, p. 8.

8 Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011, *Explanatory Memorandum*, p. 8.

9 Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011, *Explanatory Memorandum*, p. 12.

10 Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011, *Explanatory Memorandum*, p. 12.

- Schedule 4 of the bill amends the *Crimes Act 1914* to ensure that, following repeal of the NTNER Act, customary law and cultural practices can be considered in bail and sentencing decisions for offences against Commonwealth and Northern Territory laws that protect cultural heritage, including sacred sites or cultural heritage objects.¹¹
- Schedule 5 of the bill sets out minor amendments to other Acts to give effect to the repeal of the NTNER Act.¹²

Social Security Legislation Amendment Bill 2011

2.10 The Social Security Legislation Amendment Bill 2011 is designed to complement the measures set out in the two schedules to the Stronger Futures in the Northern Territory Bill 2011. The two schedules of this bill relate to income management (Schedule 1) and school attendance (Schedule 2); both of which are designed to support disadvantaged and vulnerable Australians.¹³ (The responsibility for determining who is classified as a disadvantaged or vulnerable Australian is determined by the Secretary pursuant to section 123UGA of the *Social Security Administration Act* 1999. In making a determination under section 123UGA the Secretary will consider the guidelines available at http://www.fahcsia.gov.au/guides_acts/ssg/ssguide-11/ssguide-11.4/ssguide-11.4.2/ssguide-11.4.2.10.html).

2.11 These measures have application broader than the Northern Territory – the government has identified five sites where income management will apply from 1 July 2012. Income management is covered in more detail in Chapter 3.

Issues raised

2.12 Throughout its inquiry, the committee received evidence from a wide range of stakeholders. The evidence consistently identified the following matters as the areas of most concern.

- (a) The alcohol management provisions – Part 2 of the Stronger Futures in the Northern Territory Bill 2011.
- (b) The land reform provisions – Part 3 of the Stronger Futures in the Northern Territory Bill 2011.
- (c) The food security provisions – Part 4 of the Stronger Futures in the Northern Territory Bill 2011.

11 Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011, *Explanatory Memorandum*, p. 18.

12 Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011, *Explanatory Memorandum*, p. 25.

13 Social Security Legislation Amendment Bill 2011, *Explanatory Memorandum*, p. 2.

- (d) The amendments to the Crimes Act – Schedule 4 of the Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011.
- (e) The income management provisions – Schedule 1 of the Social Security Legislation Amendment Bill 2011.
- (f) The School Attendance measures – Schedule 2 of the Social Security Legislation Amendment Bill 2011.

2.13 Chapter 3 of the report discusses these issues in detail, as well as stores licensing provisions. Chapter 4 expresses the committee's observations on consultation that occurred in the lead up to the announcement of the measures and afterwards.