

Bad Consultation, Poor Research and Inadequate Evidence The building blocks of bad policy

The following Document is a submission to the Inquiry into Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 and the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Bill 2009 along with the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Restoration of Racial Discrimination Act) Bill 2009.

It has been prepared as an information document on the processes and interpretation of the data inputs claimed by the government as crucial to its decision making.

The research has been undertaken by Eva Cox and staff through her research consultancy arm, Distaff Associates. It casts serious doubts on validity and reliability of the data used and its interpretation by the government.

Reddate Pty Ltd t/a Distaff Associates
ABN 7500 392 0027
38 Lombard St
Glebe 2037

Telephone 96603028

The conclusions on the data below are that the reported consultation process can not be trusted to adequately reflect the views of those communities affected by the Intervention, nor can the data from limited studies included as part of the FAHCSIA report. An examination of the methodologies and interactions suggests that while there have been some benefits, the causes for these are by no means clearly Income management, and negative consequences of the programs have been ignored or overlooked. A proper evaluation would have been designed to look at possible harm as well as benefits, and this did not.

This paper has been prepared by experienced researchers who are concerned about both how data was collected and interpreted during the process of consultation that has been used to justify proposed extensions of and retention of aspects of the Intervention. We acknowledge our views on the Intervention and many of its aspects are not the same as the government's policies. However, we offer the evidence for our views in this paper and ask it be considered, as it is based on publicly available data, quotes and summaries. We ask that our findings be judged on the quality of the data analysis, as should be the summary and proposals released by the Minister.

The paper includes examines aspects of the consultation processes used in the recent Commonwealth review and proposed changes to the NTER. The data available to us comes from three detailed transcripts of meetings and four relatively detailed summary reports from FAHCSIA staff. These covered mostly larger areas, and were two-day third-level consultations. The full transcript versions were earlier in the processes and the meetings were relatively brief.

The government reporting and proposals claim to be based on the data drawn from this process. The report below examines the data collection process from a qualitative research point of view to explore whether the process encouraged the 'respondents' ie those consulted, to express their views freely and feel confident that their views would be listened to and considered. This process depended on whether the participants felt they could engage effectively with those running the consultations.

We acknowledge that our data base is limited to reports from 8 sites, three fully transcribed and five summarised, with quotes, by FAHCSIA. There were many more consultations, though most of these were one-on-one informal discussions and there is no public reporting on what occurred.

However, from extensive experience in running qualitative research project, we consider, given the places covered in the sites were significantly similar in their views, it is highly unlikely that results that came from other sites would be very dramatically different from the sites that were publicly reported.

We have also included, where relevant, data from the latest FAHCSIA report on the Intervention, as the government's own report produced some disturbing results which seem to contradict some of the government's claims of the benefits so far. Given that the government has committed itself to extending income management to the non-Indigenous population, seen as similarly 'at risk', the evidence base of the policy change decisions is crucial.

We recognise this type of change is essential to fulfil the promise to reinstate the Racial Discrimination Act, but this should not occur if Income Management (IM) is not working in ways which deliver substantially more benefits than problems to recipients and the community in general. Extending IM will affect the lives of many thousand of income recipients, when fully implemented, so the Senate needs to examine evidence of the benefits of the program closely.

There are no comparable international programs that have been shown to work and the NT experience has shown that, for many, it has been more than inconvenient, and has been reported to cause deep distress in many cases. The blanket removal of their control on spending from people in a defined category has been seen as shaming. Its application to all in the prescribed areas was particularly offensive to those who had been responsible parents and money managers.

Principles of dignity and respect should not be 'suspended' for a wider group of people because of the 'sins' of some of the people in that category. We know some women's groups have supported the IM program because they see it as reducing violence and particularly domestic violence. The reduction is not evident in FAHCSIA's own data which shows a rise in some of these incidents, so such claims are not necessarily accurate and need to be validated.

Even if the program does work for some subcategories of income recipients, this cannot justify subjecting all to the program. The government should explore with them ways in which they can achieve the perceived results without making IM mandated by areas on those who do not want it and gain no benefit from it. As with grog control, communities should be able to opt in, as should individuals who want to be managed. Only where there is proof of threats and damage to families should people be compulsorily subjected to this type of control.

Interestingly, none of the communities consulted in the published reports stated that they wanted any form of compulsory categorical quarantining to continue. Most of the comments were anti IM, but only when pushed and offered a more targeted version, acceded to the possibility. At most, they would accept volunteers and locally defined problem families being income managed.

They did not, in any approving way, support IM being extended to others as a considered recommendation, based on its benefits. Instead they put the extension of the program more widely as a more just sharing of injustice. It was said in the context of complaints as to why only they were targeted, so why not include the rest of white Australia (eg Bagot community members).

Even the government's own validators had doubts. The Federal Government appointed an 'independent' consultancy to vet what they did in the consultations. CIRCA, which does a fair amount of Federal Government work, were observers at mainly tier 2 meetings. They did affirm that the government followed its agreed process in most cases, with a few slip-ups, like no interpreters. However, they were not asked to comment on whether the process design itself was fair and likely to encourage productive discussions.

CIRCA also conducted some the 76 client interviews in a separate contract, so we question the potential conflict of interest using a research consultancy to both work as a contributing researcher for the review and then as the evaluator. Their comments and doubts are covered below.

One criticism we offer, in terms of data gathering methodology, would be the formal structure of meetings that are documented in the reports. The first part of the community meetings were allocated to the Government officers who went well beyond describing the process. After the process, they then explained the benefits they perceived that had already accrued by the NTER, and followed this

by outlining the Government's proposals for both extension and change in the discussion paper. This material was almost universally positive, with very few indications that criticisms or alternatives were actually welcomed.

This type of introduction was obviously read by many participants as indicating that the Government had already decided what they were going to do, and this was reflected in many quotes. It also inevitably 'contaminated' the data in the responses by making it clear what the government wanted to hear. This probably resulted in some being silenced by not wanting to be seen as difficult and others being more aggressively against the proposals than may have otherwise been the case.

The contaminated response was probably exacerbated by the fact that public servants ran the processes, sometimes with assistance from the local Business Manager. These are people with whom the locals would be dealing with on other occasions and this would have affected inputs in varying ways. An independent consultancy and fewer initial inputs which limited the agenda would have been more effective in ensuring that people spoke openly and were appropriately heard.

There were also considerable attempts by those running the sessions to get responses to their questions. They repeated questions and made these very leading. This led to some interchanges as people wanted to talk about many other things, both part of the intervention and more generally. So much time was spent in trying to focus people on the questions which some just didn't see as relevant to them.

The data examined in more detail

We found strong evidence in the transcripts against CIRCA's conclusion that the Government achieved "an open and fair consultation". Close analysis of the transcripts and summaries shows an absence of some of the fundamental aspects of open and fair consultation. This included a lack of interpreters, large amounts of time given to Government officials stating the positive aspects and benefits of the Intervention, leading questions positively skewed towards Government opinion, facilitators being defensive of Government opinion and arguing with and subtly attacking participants who disagreed, and directing participants to answer set questions which steered participants away from other issues that they considered equally or more pertinent to them.

CIRCA's conclusion of open and fair consultation is based on a number of objectives being met. CIRCA states "Facilitators provided consistent information to all community members". Yet this seems unlikely given the diversity of communities in the consultation process and the lack of interpreters in many instances.

CIRCA concludes “In almost all cases facilitators highlighted both the positives and negatives of the NTER” (11). In our close analysis of the transcripts we found little evidence to support this. The data shows far more evidence for facilitators highlighting the positives of the NTER followed by questions to elicit the good things and the benefits of the Intervention. This process does not encourage people to think through what they want to say and raise the problems they have, after being made to think of benefits they may not see. Perhaps simply asking participants what they thought of the intervention and how it had impacted their daily lives would have been more appropriate consultation.

CIRCA states the consultation process aimed to “*enable participants to provide feedback on the Government's position, on what's working well and on any changes people are seeking*”. Such claims are contradicted throughout the consultation process by facilitators stating the benefits followed by leading questions. Perhaps more impartial facilitators and appropriate goals for such an important public consultation could have led to wider feedback on what impact the intervention was having on people’s daily lives.

Good community consultation, as a form of social research, needs to be a forum for people to voice their opinions untainted by the views – either positive or negative – of those seeking the feedback. In particular, data is contaminated by the presence and involvement of those who very often occupy the dominant more powerful position. Reading the transcripts, the strongest sense of what people are saying is that they are extremely angry about the intervention and can see little benefit if any for their and their communities daily lives. Many others who may have had more nuanced concerns were not heard on the tapes.

Examples from the transcripts

Leading questions and government statements about positive benefits

This section covers the way questions were asked, raising issues of whether different responses would have come from more impartial questions that were not aimed at eliciting a positive response from participants eg ‘Tell us how you feel about the intervention. Tell us how it has impacted you and your community. What do you think about it? What impact have the intervention measures had on you and your community? How has it impacted your daily life? What do you feel about it continuing?’

The following selection of quotes from government facilitators at the reported meetings includes their opening statement, prior to seeking feedback from Aboriginal participants. The first examples are a collection of quotes from one facilitator.

“We think that there have been some good things. The government thinks that some good things have come from the intervention, from what they call the Northern Territory Emergency Response (herein NTER). Some good things have happened atand we know that we have still got a long way to go, we know that. We think some things that have not happened here which are good”.... “What we are doing well and what we need to do better. What we think are some of the good things...“The government thinks that because of the ER, because of the intervention some things have got better”....We think what we are doing is helping women and children”...The govt says that a lot of people feel safer. This is one of the good things that people are feeling safer...What do people think are some of the good things about the alcohol restrictions. Has there been any good things?....What do you think? What we think is that there has been some good things....Is that a good thing, do you think, to keep going with that?”

As well as such leading questions and commentary, there were long speeches that highlighted the benefits of the intervention with only a couple of somewhat watered down acknowledgements of its failings. This meant any suggestion that the government wanted to hear negatives was not there. For instance:

“So there has been extra police. With the intervention every kid had a chance to go and get a check up (Child Health Check hereafter CHC) and the government gave a lot of money for follow-up. If they had a check-up and had a problem with their teeth or problem with their ears, the government gave money for the first time to get fixed up. This happened from the intervention. The School Nutrition Program (SNP). There is a SNP at, making kids breakfast and lunch. To help them stay at school and make sure their kids are being fed so there has been some changes and I know because people are worried about housing, I can understand why they think nothing has happened since the intervention started but there have been some changes. I know not enough. And I know people are worried about their housing but there has been by the government some good things to come from the intervention, more police. And that’s helped your community because now you have a police station at Utopia, CHC, SNP. The government also thinks that IM, BC, GC is better for many women that they got more money and more money is being spent on food on meat on clothes for kids, cos that’s what its there to do. But one problem. One problem with this intervention that the government wants to fix is that when it started the old government said that we should take the Racial Discrimination Act 1975 (Cth) (herein RDA) out of the intervention.

“Just, do you think, I pretty much got the impression when I first mentioned it, um, with the alcohol restrictions that have come from the Intervention, do you think it’s made ...has it resulted in less alcohol and the community being safer?”

Again this type of questioning is subtly leading. We believe it would have been more appropriate to simply ask “how have the alcohol restrictions affected you and your community?”

Analysis of the data also shows evidence of facilitators misinterpreting participants’ comments eg the claims that the alcohol restrictions have resulted in less alcohol and raised community safety. But, reading the transcripts, there is little evidence to base such an interpretation on.

“Do you think those things that are being done to check on the stores and see how the store runs, do you think that that is a good thing”. Again the question is leading and would have affected participants’ responses by forcing them firstly to disagree rather than being free to answer a more impartially worded question such as “tell us how the changes to the stores have impacted your daily life”.

“And some of the things that have happened have been better for your community, in the government’s opinion”. This raises the question of whether repeatedly stating the Government’s opinion in a consultation process undermines independent community feedback and genuine consultation?

“But we don’t think that what the government thinks is after somebody independent looked at the looked at the ER last year. They think that the ER is helping to make life better for women and children. We still have a lot of things to do but we should keep going. What we wanna talk to you about is making some changes so that it works better for you”. The impression taken from the transcripts is that government people are very pro intervention. Even when people say they see very little evidence for the intervention being good for them, they are being repeatedly told through the consultation process that it has worked for them, and only needs some little adjustments.

“So what do you reckon about the second one? Do you reckon that would be a good one?” And whilst the first part of this question is impartial, the second part “do you reckon that would be good?” is leading.

“Are there good things that you think will come from it (income management), are there benefits you think that come from that for some people maybe, maybe not all people”. Again this facilitator is asking for the good things, the benefits and such leading questions shape peoples thinking and expression of their own views which may be quite different from those of the Government.

“It still believes, like the review, that there were some good things to come from the intervention”. In this exchange, the above-stated Government opinion is followed by the Government official defending the Government by telling the community member that yes he has heard her but other people have told us the good things – *“Now I’ve heard, loud and clear, what X just said, but many communities have told us that good things have come. Police is one of them, and*

I'm, you know, X, I'm pleased, acknowledged that there were some good things about police being put at Utopia, at Arlparra. We've put police in about another eighteen communities across the NT. That's been a good thing. We think there have been some other good things".

"The government's decided to keep going in the meantime to try and make sure that the good things keep happening and, at least, for another three years. So I guess that's my opening. That's my response, X, to what you've said, upfront". Again the facilitator speaks of the "good things that keep happening" and says the government has already decided to continue with the intervention seemingly regardless of the feedback from the consultation process. This can undermine the goodwill of community consultation as some community members may have wondered why the Government was even asking for their opinion if decisions had already been made.

Defining good consultation

As a research process, good independent consultation should be used so it is an opportunity for an outside party to seek the thoughts and feelings of people in a community about a particular issue. Ideally, the process should be free from firstly being told the other parties' opinions on the issue – either positive or negative – as this can affect people's abilities to express their own views. Repeatedly hearing an opinion which may be different from your own can influence your own expression. This influence may be particularly strong in the context of a considerable power imbalance as here, between the Australian Government and Aboriginal people in the NT.

The question also needs to be asked of how much consultation time should be devoted to the inquiring party (the Government) sharing their opinions of the topic? Good consultation provides an opportunity for the investigating group to hear community opinion rather than another opportunity for the investigator, often the more powerful of the two groups, to share their views on the issue. We do accept that the government can use some of the consultation time as an opportunity to state their case, but is it reasonable that the vast majority of time during an 8.5 hour workshop be used by government officials to state that case, with only little time left for the Aboriginal community to provide feedback? (Tennant Creek workshop, Attachment A, day one).

The CIRCA report noted two cases in which government officials were defensive about the government's position and argued against participants when they raised criticisms. Whilst only two instances were identified, we must question in the context of the broader criticisms we have raised about the consultation overall, the risk of relying on data that has been contaminated to inform Government policy.

One interchange on signs shows the problem clearly:

“I don’t think, with respect, that everybody agrees that the signs have been bad, but.”

“We say, it’s bad!”

“Some people – I know, and I’ve heard that, loud and clear, but others have told us that they think that the signs have been a good way, to tell people that they don’t want these things in their particular community”.

Whilst some people may have said they support the signs, challenging dissenting voices, such as in this exchange, does not given sufficient validation or respect to the expressed view.

In another instance, participants were told they were attacking their government business manager when they merely said they had never seen her.

“We haven’t seen our government business manager.”

“I am the Government Business Manager. I work...”

“Well how come we never see you. You never come here.”

“Yes I am always here. Organised many community meetings and no one ever turned up.”

“So you can’t attack”

“What is that? It is not attacking. It’s about finding out...we are not attacking anybody.”

The following quote shows the facilitator disagreeing with the Aboriginal men who were expressing their hurt and shame at being named and known around Australia as sex abusers... He said *‘That’s not true and that’s a terrible thing to say, that’s not true.’*

This refutation is not effective consultation when an expressed community opinion is argued against and challenged, especially around such a sensitive issue’

Data misinterpreted

An example of how easily misinterpreted data can be, can be seen in the following exchange when a facilitator interprets *“you said one good one bad”* to an earlier Aboriginal comment *“one way is good and one way is bad”*. Whilst this is a fair literal clarification by the facilitator, it was seen as implying the two were

equally valid and is illustrative of how one interpretation can be taken to ignore the broader context of largely negative feedback about income management.

Community opinion on income management from the transcripts we analysed is not balanced ie “half good half bad” as this comment could be misinterpreted to mean.

“But, just to hear what you would prefer then, is that people living in the communities where there is income management, you’re saying that rather than it being compulsory, that everyone has to be on it, that people should be given a choice”. This facilitator’s interpretation, upon reading the full transcript, is not correct given that what people are mostly saying is that they don’t want the intervention at all, they don’t want income management at all and there are better ways to teach people to manage their money.

They take a wider view. Without jobs, health care, better housing, hope and respect, simply removing another aspect of control from their lives is not an effective or just way to improve the lives of many NT Aboriginal communities. As one community member said, what they need is to have someone around to help them balance their money. *“It’s a simple thing, and to have people there, constantly, to be there, to help people budget their money. That’s all you need, you don’t need people to be, you know, to have income management forced upon them, to, to make them do the right thing”.*

Another misinterpreted comment was *“But the NTER is good because it has opened, because somebody might, you know, might take legal action because it was illegal in the first place, an illegal policy against indigenous people”* (community member). Was seen as *“The NTER is good”* – as really what is being said is that it’s good only because it may provide an opportunity for someone to take the Australian government to court because it was illegal.

Some community members seem aware of the possibility for their views to be misinterpreted as indicated by the following exchange:

“We asked people here to tell us what they thought about the basic card. I sensed that many people are worried about this basic card. They’re not happy.”

“Some, I think, one woman said that she thought there were some good things about it. [A comment was made in language]”

“They were just pointing out to you that it was one person”.

“OK.”

“One person.”

“All right, I got that message”.

Another strong view not considered. *“Roughing people. Like this one now where they giving me paper for tucker still might be. Only little bit money going on the keycard – \$150. I used to get \$400 every fortnight. But we don't get much money now. We get paper for tucker and not much money in the keycard. Might be old day again.”*

THE VALIDITY OF FAHCSIA REPORT ON CONSULTATIONS

The FAHCSIA report concludes *“The strong consensus from the Tier 1 and 2 consultations was that the restrictions should continue”*. Based on the transcripts we analysed, it is difficult to find evidence for this claim given so many individual expressions of anger and upset about the intervention with little acknowledgement of benefits or tangible improvements to their daily lives.

Based on the three detailed transcripts and a further five of the Department's own reports, there are serious doubts that there is evidence for FAHCSIA to make the claims of success as a basis for the extension of IM. We accept that there are some reports of children, the elderly and women who stated they were now feeling safer, better fed and clothed; who were getting a better night's sleep, and less humbugged for money for alcohol, drugs and gambling. However, there was no attempt to collect views of those who felt shamed or angry by the processes of control.

These omissions raise questions of whether the benefits reported but not quantified in any reliable ways outweigh the distress of others who found the processes difficult or were shamed. Given that even the FAHCSIA report admits that reported changes may be the result of the combined effect of various NTER measures. The authors do not separate out the particular effects of income management, alcohol restrictions, community store licensing and increased police presence. They acknowledge the relative contributions of these is not assessed, so attributing success to one aspect is not necessarily accurate and fails to adequately report on negative aspects, as shown in the following quotes:

“While women commented most frequently on the benefits of income management and alcohol restrictions, men also commented frequently on the benefits of these measures, although many also said that the NTER had shamed many caring and responsible men” (FAHCSIA).

“Amongst participants in this engagement process, there was strong support for the Australian Government's decisions to ensure that the NTER measures respect Australia's human rights obligations ... as well as to indicate that in some areas their lives had improved tangibly”

This type of conclusion ignored the depth of participants' voicing very strong upset about the NTER having breached their human rights by suspending the Racial Discrimination Act. Yes, people were very clear about wanting the Act reinstated but we found no evidence that people said they were happy to have the NTER measures continue, provided the RDA was reinstated, in the available reports.

Most of the data would indicate that people were very angry because the intervention measures had in fact brought little tangible benefit to their lives and had caused deep emotional pain of shame and further disempowerment.

Comments on Income management

"Views on whether income management should continue were not expressed at every consultation meeting. Where this issue was discussed, the majority of comments said that income management should continue" (FAHCSIA). It is hard to believe this, as close analysis of the transcripts available shows there is little evidence to support the government's claim that most people wanted income management to continue. It would be surprising if the non-reported ones were very different. The way the following comments were interpreted is an indication of how statements could be misinterpreted.

"In Tier 2 meetings, people frequently said that income management should apply to all welfare recipients across Australia" (FACCSIA)". There were examples of people saying why hasn't this happened to all Australians, why only us, but the context made it clear that they were angry that they were racially targeted, rather than saying it is a positive measure that should continue with us and also apply to everyone else.

The following quotes from Aboriginal people illustrate their deep anger and sense of injustice over being targeted. They clearly see the Intervention as a racist measure that separated them from the rest of the Australian people.

"They got no right to do that."

"How come it's only in the Territory? How come it wasn't over all?...Well that is wrong. It should have been done nationally. All over Australia, not only in the Territory"

"It is wrong because it should be for all Australians regardless. It should be for all people, regardless of races, no matter where they come from. You know Auntie Jenny and Uncle Kev should start thinking about that and put this intervention throughout Australia."

"Now because we are a minority, that is what the policy is doing to us and we are not happy about it. Despite what you are going to tell and go through with that we

want you to take the message get right back, if you want to restart the intervention, start it for black and white together, for everybody, not targeted only one sided to black people.”

“So, what are we to do with this income management? It’s cruel to all us Aboriginal people.”

“What they didn’t do is ask the people what they really wanted to be on, on basic card or to stay on the money. But it was wrong of them to make everybody go on that income management, and that was wrong what they done.”

“No! Can’t do that stuff. Stop it all together! (shouting) Stop it ... (inaudible), all together!”– (INCOME MANAGEMENT).

“But no-one should be on the card anyway...But they shouldn’t tell us to run our lives. It should be abolished, this thing should be abolished. Really that’s the story.”

“It’s a simple thing, and to have people there, constantly, to be there, to help people budget their money. That’s all you need, you don’t need people to be, you know, to have income management forced upon them, to, to make them do the right thing. **That’s the intent of it, but you know the real content of it, it just makes people angry you know. Their privacy’s ummm, been disrupted, their right to live really** because it’s, it’s they don’t have the readily available funds that other people do and have access to, freely, without any government intervention stopping them from access to their monies you know, and **we shouldn’t be under that kind of threat”**.

“The green card – It embarrassed her, but I mean she wasn’t shy but she was feeling embarrassed.”

External evaluator comments

Even though the CIRCA report basically agreed that the Government process met its own criteria they pointed out some problems: *It should be noted that the level of detail discussed varied, depending on the individual style of the facilitators, and also in response to community feedback. For example, in some Tier 2 community meetings the two proposed options for income management were not discussed, as participants spoke very passionately about not wanting income management to stay, and given this response, it was not relevant to then ask people to discuss the two options proposed in the discussion paper.*

And later

The summary of the income management section identifies the level of opposition to the two income management options included in the discussion paper. However, the summary identifies the voluntary model with triggers for

those not managing their money as the preferred model. We believe this oversimplifies the level of discussion and responses to some extent, as many said income management should be stopped, and the trigger model was acceptable as an alternative solution, rather than the preferred solution.

The research data and Australian Institute of Health and Welfare

The AIHW report, which was a commissioned study, worked hard with inadequate data to fulfil the brief of a contracted research project. Their report is a very good illustration of the conflicts that ethical research organisations go through when they know what the government wants but cannot deliver it. The following quotes express their serious doubts about the quality of the data, which incidentally they did not collect.

In the summary their report states:

The research studies used in the income management evaluation (point-in-time descriptive surveys and qualitative research) would all sit towards the bottom of an evidence hierarchy. A major problem for the evaluation was the lack of a comparison group, or baseline data, to measure what would have happened in the absence of income management.

Later in the same section:

The approach taken by the AIHW in writing the evaluation report was to triangulate the findings of a number of different studies by looking for common issues and themes, and to draw these together around the key evaluation questions. While this approach resulted in evidence that had more strength and validity than the results of a single study, the overall evidence about the effectiveness of income management in isolation from other NTER measures was difficult to assess.

Later again more doubts are stated.

The evaluation findings would have greater strength if these views were supplemented by empirical indicators that showed evidence of the changes reported by the various stakeholders. In addition, there were some data quality issues with the research conducted for the evaluation. The 2009 Client interviews, for example, included only a relatively small number of clients (76) from 4 locations, who were not randomly selected for interview. The stakeholder focus group report did not attribute many of the findings to particular stakeholders. It was therefore often difficult to identify whose views were reported, or whether they applied to the majority of stakeholders in the focus groups.

And again:

A major challenge for the evaluation was to separate the impact of income management from these other measures introduced as part of the NTER. In some cases it was difficult to attribute the outcomes achieved to one particular

measure, especially for the higher-level outcomes which were common to a number of NTER initiatives.

In order to measure changes in spending patterns, quantitative data on expenditure before and after the implementation of income management would be required. There were, however, no quantitative baseline data on expenditure patterns. The evaluation, therefore, had to rely primarily on the perceptions of stakeholders about whether they had changed. A key source for this information was the 2009 client interviews, which included data on expenditure after income management, but these data were based on a small sample of clients who were not randomly selected.

These quotes indicate the serious doubts of a reputable research Institute. Despite the quite strong doubts in their Report, Macklin declares that there is 'proof' that Income management works. She bases this mainly on very wobbly data, mostly collected in a very long survey (an hour) from people who would have wanted to give the 'right' answers, as is shown by her use of statistics in her media release. Her basis is this small survey that cannot be extrapolated to 73 communities let alone the whole NT, plus some other dubious data.

There is no adequate evidence that this type of compulsory program works anywhere. The AIHW report includes a brief summary of a literature search on the topic which found such mixed reports that it could not come to any conclusions. Outside factors make such evaluations very difficult as they have done here. Certainly for some communities, and groups there is evidence they like the process and it works for them but the question is why not make it voluntary? Misusing data to support compulsion is not acceptable.

An example from another piece of research of why there is anger about IM not working

X talks about her mother's experience on Income Management 1/10/2008

She's really old. She's about 100. And she wants to stay here in Yuendumu, but this Income Management.

I always have to travel from Little Sisters camp (in Alice Springs) to pick it up. Have to go to Tangentyere Council and Centrelink just to pick it up. And she doesn't walk. That's why I was talking to the Centrelink people – "this old lady. Can you put her back to money? And same for carer, so they can get their money?"

My daughter is looking after her. I'm her daughter. That's why I always go there, in to Little Sisters camp to pick it up. And when I get ready to go to Alice Springs from here, it takes all day. Really old lady. She must be hungry now.

Her two legs are swelled up. She can't stand up – she always just crawls now, can't stand up and walk. You know, the old people, when they are really old, they can't stand up and walk. That's why I'm upset about Centrelink.

At Kunoth there was frustration at the new problems that came with the card. Valerie's daughter had spent over an hour and a half on a public phone trying to get credit transferred, before the line unexpectedly cut out. "We almost used all of the credit on the phone card", said Valerie. "More than an hour, just listening to that music, and for nothing". Others explained that the credit they had put onto the Basics card was missing when they actually went to purchase food.

Relatives visiting from a community across the border in South Australia said, "back at home I'm been explaining what people are going through here. Everyone is really scared they're going to blanket the whole of Australia".

Hendrix, another friend of mine from Kunoth, was trying to get to Halls Creek in WA by bus. His partner was keen to come with us to Yuendumu. She had credit on her Basics Card and wanted to use it to buy the bus ticket for Hendrix before we left. After some discussion, people seemed sure that the Greyhound bus company accepted the card, so that would be our first stop in town.

We loaded up the car and headed off. Dropped people off at the bus terminal, then to the chemist and the supermarket. We were making good time.

Back at the bus terminal though there was trouble. The Basics Card wasn't working. With a silent patience it was accepted that Hendrix would miss today's bus, but we agreed to stay in Alice Springs until his ticket was sorted. Greyhound wrote out the \$90 invoice and we drove the young couple to Centrelink to ask them to write out a cheque. On the drive back to Centrelink, Harry explained how he'd tried numerous times to get his Basics Card, but had abandoned the queue after being made to wait for more than an hour each time.

Walking into Centrelink for the second time, the atmosphere had become manic. The line had blown out to over 15 people and there were more than 50 sitting and waiting. Almost everyone was Aboriginal and trying to deal with IM. Harry gasped like he'd been hit, "God this is bloody inhuman treatment".

I lined up for one more try pleading with the staff. "This is unbelievable. She just wants to get a bus ticket with her own money. We've been waiting almost three hours".

"Nowhere else in Australia would people be treated like this", she said. "Just us Aboriginal people here in the NT".

By 3:15 Maxine had convinced us to leave. Hendrix's partner would get the 'bush bus' out to Yuendumu on Thursday. Another unnecessary cost of around \$80.

We had been close to four hours in the Centrelink.

"Here we are back in the welfare days again", said Maxine. "Forced to line up for our hand outs." (Paddy Gibson Interview 2008)

Other expressions of Aboriginal anger and shame in the consultation transcripts

The transcripts analysed for this report show many instances of Aboriginal anger shame, injustice and embarrassment over the NTER intervention measures and need to be strongly considered in light of any perceived benefits.

"And today I am a qualified teacher and you're telling me how to run my life, how to look after my wife, how to look after my children. That is what the bloody intervention mean to me" (X is very angry and emotional).

"That's why you make people angry inside when I talk so hard today. Because I am angry."

"Sorry to talk so hard everybody. I am very sorry, right but it's me, it's my feelings I tell you."

"Like I said to you what happened here, not very good for me, not very good. I don't like that one here (pointing to his head) I don't want it...inaudible...I don't want it. No more".

"I had a big argument with one of the ladies in that area. I said, you have no rights to ask me that. And then she asked me about my bank account. I said excuse me, that's my own personal things. I don't have to tell you nothing, so don't give me that. You give me another thing to say. You know what they are, if you are working for Centrelink. And she just kept on, persisting that I give her my bank account details. I said, no way in hell, you go to hell."

"That's right. And they need to restrict the workers from even asking us these questions, it's very cruel."

"All the Aboriginal people agree that the intervention is not good and we expect that not to come back, you know. And the answer they expect is, okay, no more intervention, we are bringing back the Racial Discrimination Act, and we will make every people equal, okay."

The men are greatly shamed by the blue pornography signs and feel singled out as a community amongst Australians while the rest of Australia does not have to live with the shame of a blanket accusation of being sexual abusers.

“Um yeah is just sorta saying that the RDA the government want to bring it back in again, it’s already there, partly there now but we talked about this the last 3 weeks and I language will go back to a couple of thingssaid before we go into that racial discrimination laws. We are not happy with the blue signs there. language all that pornography sign, all that alcohol sign we not happy with that one. Mob speaking. You mob now the ones that’s doing wrong but that sign right across territory right across. Language you don’t need to put that blanket cover right over us because all our people here are good. I will ask one more thing. where you stand now, sexual abuse and the paedophile rings and all that’s happening across the territory as stated by Howard’s intervention party which was supported by the Labor Party for the bill to be passed so it can be introduced into this territory. You tell us now I am going to ask you, you give us proof, some evidence on how many people we have locked up regarding sexual abuse and paedophile rings and that sort of thing.”

*“And I haven’t heard one apology from any of the ministers so you gotta understand, **I mean that’s how we feel, we put down, we pushed down. Talking about the RDA we will get onto that shortly. But we been pushed aside, we outcasts, we labelled.** Yet the white society across Australia are pure, appear to be clean language they got no sexual abuse happen nothing yet they are the ones that’s starting.”*

“We have got nothing like that happening here, nothing like that. So to us that’s an embarrassment. That’s putting down and showing the general public around Australia that all the black people are into this.”

“they’re a shame job” (the signs)

“We feel, here, that the intervention offers us absolutely nothing, excepting to compound the feeling of being second-class citizens. The only thing we have gained out of the intervention is the police. We had had dialogue in the past about having a police station here.” (B)

“But that is all, and also, we are still reeling from the way the Federal governmental wheeled out, or dealt out, the intervention, in a military fashion, when Major Chalmers sent out the army, in uniform, and they did the health check, which is a duplication of our clinic here, and we still feel that you are breaking some human rights points, in the way you have addressed our needs.” (B)

“Not you personally, but the Federal government, in agreeance with the Northern Territory government. If this intervention was so good for us, why did you remove the Racial Discrimination Act?” (B)

We want to know all that. We’re not idiots here. We think very clearly. After hearing your proposal, we will then, perhaps answer, and maybe we will put in a

counter proposal. Out of the, say, money that you have received in the Northern Territory, on behalf of Aboriginal People, we are not getting a red cent out of that, as far as we are aware.” (B)

“That is going to do some band-aid work elsewhere, and a few houses, new ones, are going up. I’ve just come back from listening to the Top End communities in the Arnhem Lands, and people are dissatisfied with what’s at the front of our Sacred lands, those blue signs. I have spoken to Jenny Macklin’s advisor. I have asked them to remove that.” (B)

“If there’s one rule for Black people, and one rule for white Australia, who are our brothers and sisters, there is a division being created, and these are some of the questions that are going around. The other thing is, when you said, or Rex Wild and Pat Anderson put out *The Little Children Are Sacred* report, Howard did not get in touch with Rex Wild, even to have a yarn.” (B)

“**We are human beings, we are human beings**, and we also have our own culture, which we’re not about to roll over and hand over. We find, because in the Land Rights Act, Section 74, I think, or 2, double A, has been weakened, and this community has been divided, by just a family of white people here, and we seem to be helpless, because our authority has been usurped.” (B)

“It’s been undermined, and I think you know which one I’m talking about. It’s the issue of the store. One of those people, I think, has been convicted, and another one went to court. We, on this place here, have always controlled alcohol coming into this place. If there are any of our young people come back here, we, we discipline them. We say, ‘you do not drink, where there’s children, women, and older people like, like myself.’”

“We have a good community here. But there has not been any investment, financially or otherwise, into our lives here. The only beautiful thing that has happened to us lately is that we now have the secondary school, just here behind. **And once again the government undermined the interests of our young people and they have understaffed that school. There are people wanting to go in there and we have not got enough teachers.**”

“We will obey the Whiteman’s law because it runs parallel to how we feel anyway. But our rituals and so forth, that’s our business, nobody else’s. Not any Whiteman has a right to tell us how we live or how we speak. Today we can just speak, if we want to, just in language. And you’re very lucky, you’ve got my son Leo over there, who can hear what I can say, in my language. **But you can’t understand me, because white Australia has not bothered to meet us halfway.** We’ve met you more than halfway.” (B)

“We’ve met you more than halfway. It is time you came and had a relationship of meaning and significance with us. **So if I sound a bit angry, it is the way we**

are feeling, because I don't think the intervention is going to do what it purports to do. It's a lie. It's a lie. My people are not paedophiles. If they are paedophiles, I want you to point out which one. Which one mucking around with little kids?" (B)

*"None of my men, none of my women. They're my family, and I certainly am not a paedophile. Nor am I a porn addict. Nor am I an alcoholic. So these are the questions. The southern people think that we are that. We're not, we're not, and we're saying it loud and clear. Now I want you to answer and tell these men, and these women, and myself, **why we are being punished by the Federal government and by the Northern Territory government.** Thank you."* (B)

*It certainly doesn't make me feel any better, but I will have members of the community speak, on how they feel. **I'd like to see some public servants with a green card and see how they felt the thing goes down. We are not children. We're adults.** We have survived in this country long before any white people come."* (B)

*"**We are being punished.** We do not get one red cent from that first investment, by any government, in Aboriginal housing. We want all this explained to us, by you, and we want the answers. And we will have a counter-proposal. We will have that. And you will get it, and it must go to the Minister."* (B)

*"**What hurt us mob is, that we didn't even know what that was, and white people in Alice Springs have got those things.** They've got shops where you can go in and buy all them dirty material. You can't come into our shop, or to Arlparra, and find those things, we got, we don't want it. We have exercised our authority from the customary side, from Aboriginal side and we've not had any pornography here. But what the message went out all the whitefellas look at us and they say [in language] 'dirty buggers' ... worry. **That's our worry. That was our worry and the way it was put there, at every Aboriginal place.**"* (B)

Other data that cast doubts on the FAHCSIA report's findings

2009 Client interviews (From the FAHCSIA report)

The 2009 Client interviews were a key data source for the evaluation but there were some quality issues with the survey. First, the four areas selected for the interviews were not necessarily representative of all prescribed areas in the Northern Territory. Second, the overall sample size was small (76 participants) compared with the 15,125 clients who were being income managed. Third, the clients who were interviewed were not randomly selected but included clients who were approached by the consultants on the day they were in the community, and who agreed to participate. In one community, a large number of community members were away on the day of the interviews and the participants may therefore not have been representative.

The client survey found that views of income management varied significantly by location, with the majority of participants in two locations having a positive view of income management, and the majority in the other two locations having a negative view. It was not possible to assess whether this reflected the differing views across communities, or arose from bias or other flaws in the survey.

On health, child health care referrals are down, as are specialist audiological and dental follow ups from referrals and reported child malnutrition is up despite the 85 licensed stores, the 15,000 Basics Cards and the \$200 million income managed.

On education, total enrolments and school attendance rates are marginally down despite the school breakfast and lunch programs and more and more police are working as truancy officers.

On promoting law and order, alcohol, drug and substance abuse incidents are all up (p.32–33); domestic violence related incidents are up (p.33); and breaches of domestic violence orders are up (p.33) despite a far greater police presence. The most disturbing data are contained in Table 4.4.1 on p.35 which reports personal harm incidents reported to police: all categories are up except for sexual assault reports that are slightly down.

A number of observations can be made about these findings. First and foremost they are comparative pre- and post-Intervention in prescribed communities, they are not comparative with any other group in Australian society so it is hard to say how relatively bad outcomes are, all that is clear is that where time series information is provided almost without exception things have gotten worse.

*Second, the quality of the report is highly variable so in some key areas like land reform and especially welfare reform and employment there is the standard reporting of current outputs and no comparative analysis. And in the area of income quarantining there is still fraught methodology so it is store operators rather than customers that are surveyed, so while 68.2 per cent of store operators report more healthy food purchased, it is unclear if this 'more' is in dollar terms or quantity; and who is doing the purchasing? Interestingly, store operators report no change in tobacco purchase (**Jon Altman - Comments on the FAHCSIA statistical report on the Intervention 2009**).*

The following data is from the above report itself and does not back the assumptions of the benefits of the intervention.

*For the period 1 January to 31 March 2009 the total number of people (men and women) **transported by a night patrol service was approximately 39,000.**¹*

¹ Note: This figure is based on information provided by service providers, data collection is problematic and continues to be refined

The number of alcohol related incidents **increased 29% or almost 900** in the NTER Communities between 2007–08 and 2008–09.²

The level of **domestic violence** reported to police across the NTER communities remains high (**2,058 incidents in 2008–09**).

The number of **convictions for assault in the NTER communities is significantly higher in 2008–09** than in the previous three years.

For NTER communities, hospital separations for all injury related categories considered as resulting from assault or interpersonal violence **dropped by 6%** since the introduction of the NTER measures.

The number of **sexual assault lodgements** for NTER communities **was very similar** (57) across 2007–08 to its level for the previous two years (52).

The number of **convictions for child sexual assaults** committed in the NTER communities in the two years **since the introduction of the NTER measures is 22**; there were 15 convictions in the two years prior to the NTER.

The number of **confirmed incidence of child abuse** in the NTER communities **rose from 66 in 2006–07 to 227 in 2008–09**.

Between 1 January 2009 and 30 June 2009 legal service providers handled **625 NTER related matters, including 154 advices, 197 duty lawyer services and 274 cases**.

Problems of delivery

- Of the 41,514 BasicsCards that have been issued, 22,902 were replacement cards for lost cards (81.4%), damaged cards (11.6%), and stolen cards (4.0%).
- Of the almost 1,709,415 attempted transactions to 26 June 2009, 17% resulted in an unsuccessful transaction. The majority of the unsuccessful transactions were due to insufficient funds on the card. Since the introduction of the BasicsCard, there have been occasional outages to the EFTPOS system or for other reasons. This has highlighted the need to ensure that comprehensive contingency arrangements are in place when customers are not able to use the BasicsCard.

An explanation for the decline in total numbers engaged in DEEWR services from 27 June 2008 to 26 June 2009 includes:

- The number of income support recipients receiving non-DEEWR payments (eg Disability Support Pension) has increased by more than 1,800 since 27 June 2008¹⁷ (source: DEEWR ISIS records).
- Since the NTER began some Indigenous population movement from remote communities into Darwin, Alice Springs, Katherine and other regional

² Police and Justice Data fro NTER communities do not include Town Camps.

centres as well as between prescribed areas and other States has been reported (Charles Darwin University noted that populations are on the move regardless of the NTER and not necessarily because of it¹⁸). The movement of people between communities and regional centres may mean that some job seekers are recording a non-NTER address even though they still reside in a NTER community.

From the Ombudsman report

Complaint themes also highlight concerns about community stores and bush orders. People often complain that the pricing of fresh and healthy food in their local community store is too high and that they cannot afford to buy their groceries at these stores. People have also raised concerns that the insufficient opening hours of some stores makes it difficult for people to access food particularly for those in employment. The Ombudsman's office is considering the difficult issues around FaHCSIA's role in these matters and how it relates to the broader Food Security policy.

Challenges

The complaints to the Ombudsman's office highlight the challenges faced by Indigenous people living in the Northern Territory in accessing government services and obtaining information. There are difficulties in finding solutions where complex cross-jurisdictional arrangements are a feature. Agencies need to reflect on how such arrangements impact on individuals and the need to take a citizen centric approach to implementation of programs. For example, although the Northern Territory Government may be responsible for delivering a service, if the Commonwealth has provided funding, set the broad agenda and is also part of the decision making process, the Commonwealth too has a responsibility to ensure that services are being delivered in accordance with government policy and announcements. It needs to take responsibility for ensuring that the expected benefits are realised.