

Chapter 4

The Northern Territory Emergency Response

4.1 This Chapter focuses on the committee's first term of reference: the effectiveness of Australian Government policies following the Northern Territory Emergency Response (NTER), specifically on the state of health, welfare, education and law and order in regional and remote Indigenous communities.

4.2 While the previous Commonwealth government introduced the NTER measures, the current Commonwealth government has continued these measures. In its first report of September 2008, the committee reported its decision not to comprehensively inquire into and report on the NTER. This was because at the time, the NTER was under review by an independent review team led by Mr Peter Yu.¹ The report of this independent review will be referred to in this chapter as the NTER Review.

4.3 As the report findings of the NTER Review and the Commonwealth government's response have now been made publicly available the committee has been able to substantially inquire into the impact of the NTER. The committee's research and the evidence presented to it during this period of its inquiry is discussed below.

Summary of Northern Territory Emergency Response and measures

4.4 As the committee detailed in Chapter 3 of its first report, on 21 June 2007 the previous Commonwealth government announced a set of measures known as the Northern Territory Emergency Response. These measures were stated to be in response to *Ampe Akelyernemane Meke Mekarle "Little Children are Sacred"*, the Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse.² This inquiry was co-chaired by Ms Patricia Anderson and Rex Wild QC and was conducted in order to find better ways of protecting Aboriginal children in the Northern Territory from sexual abuse. The report was publicly released by the Northern Territory government on 15 June 2007.

4.5 The NTER is a complex set of measures that apply across the Northern Territory. As the committee noted in its previous report, the announcement of the NTER was met with significant controversy. The committee considers that there is

1 Senate Select Committee on Regional and Remote Indigenous Communities, *First report 2008*, September 2008, p .2.

2 Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, *Ampe Akelyernemane Meke Mekarle "Little Children are Sacred"*, 2007. http://www.nt.gov.au/dcm/inquiry/saac/pdf/bipacsa_final_report.pdf (accessed 8 September 2008).

still a considerable amount of controversy surrounding the NTER and its implementation however there is also substantial support for a number of the measures.

4.6 Given the controversy and the fact that the NTER imposed sudden and significant changes on Indigenous communities in the Northern Territory, a number of reviews and monitoring reports have been conducted and publicly released. These reports are discussed in the context of the committee's findings.

Legislative basis

4.7 The legislative package to provide the legal basis for implementation of the NTER comprised of five acts. Provisions of the NTER were excluded from the *Racial Discrimination Act 1975* (RDA). The legislative package that comprised the NTER was discussed in detail in the committee's first report.³

Prescribed areas

4.8 A key plank of the NTER legislation was the creation of 'prescribed areas'.⁴ This definition is also referred to in other accompanying legislation. Prescribed areas include all freehold land held by a Land Trust under the *Aboriginal Land Rights (Northern Territory) Act 1976*, other Aboriginal communities described as Northern Territory Community Living Areas,⁵ town camps declared by the Minister for Families, Housing, Community Services and Indigenous Affairs under the *Northern Territory National Emergency Response Act 2007* and any other area declared by the Minister to be a prescribed area.⁶

4.9 There is frequent reference to '73 prescribed communities'. This is because 73 larger settlements in the Northern Territory were targeted for the application of NTER measures. However the measures in fact apply to over 500 communities with over 70 per cent of Aboriginal people within the Northern Territory living in prescribed areas, with approximately 45 500 Indigenous people affected by the measures.⁷

3 Senate Select Committee on Regional and Remote Indigenous Affairs, *First report 2008*, September 2008, pp. 15-17.

4 See section 4, *Families, Community Services and Indigenous Affairs and other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Act 2007*.

5 Community Living Areas are a form of freehold title issued to Aboriginal corporations by the Northern Territory Government.

6 Department of Families, Housing, Community Services and Indigenous Affairs, available at http://www.facsia.gov.au/nter/docs/factsheets/overview/factsheet_nter_communities.htm (accessed 23 September 2008).

7 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 9, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

Management and Administration

4.10 The Northern Territory Emergency Response involves six Commonwealth government agencies working with the Northern Territory government. The measures and the responsible Commonwealth government agency is set out in the table below.

Measure	Responsible Commonwealth agency
<p>Improving child and family health</p> <ul style="list-style-type: none"> • Child health checks and follow up services • Child special services • Alcohol and other drugs response • Expanding Health Service Delivery Initiative (EHSDI) 	Department of Health and Ageing
<p>Enhancing education</p> <ul style="list-style-type: none"> • extra teachers • extra classrooms • expansion of literacy programs • Quality Teaching Package • school breakfast and lunch program 	Department of Education, Employment and Workplace Relations
<p>Supporting families</p> <ul style="list-style-type: none"> • programs to expand children's services and family support • new and improved safe houses for families experiencing violence • additional child-protection workers and Aboriginal family and community workers • diversionary activities for young people. 	<p>Department of Families, Housing, Community Services and Indigenous Affairs</p> <p>Department of Education, Employment and Workplace Relations</p>
<p>Promoting law and order</p> <ul style="list-style-type: none"> • more police in remote communities • bans on alcohol and pornography in prescribed areas • expanded night patrol services • additional legal services and interpreter services • child abuse intelligence desk 	Attorney-General's Department

<p>Housing and land reform</p> <ul style="list-style-type: none"> • Fixing up existing houses and cleaning up communities • five-year leases on Aboriginal townships 	<p>Department of Families, Housing, Community Services and Indigenous Affairs</p>
<p>Welfare reform and employment</p> <ul style="list-style-type: none"> • income management of half of people's welfare payments to ensure children's needs are met • licensing of community stores • Creating real jobs in communities outside Community Development Employment Projects (CDEP) • increased participation in remote areas including • work for the Dole activities • Community Employment Brokers in communities 	<p>Department of Families, Housing, Community Services and Indigenous Affairs</p> <p>Department of Human Services</p> <p>Department of Education, Employment and Workplace Relations</p>
<p>Coordination</p> <ul style="list-style-type: none"> • Northern Territory Emergency Response Taskforce • Government Business Managers to live in and work with communities • Logistical support from Defence • Community engagement • Ombudsman support to the Northern Territory Emergency Response. 	<p>Department of Families, Housing, Community Services and Indigenous Affairs</p>

4.11 The Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) is the lead coordination agency. FaHCSIA convenes a cross-agency project management board which oversees coordination of the NTER.

NTER Operations Centre

4.12 The NTER Operations Centre located in Darwin is responsible for the implementation of the measures.⁸ During the first 12 months the NTER was led by a Taskforce chaired by Dr Sue Gordon AM. Major General David Chalmers was appointed as the full-time operational commander of the NTER Operations Centre and

8 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response: One Year On*, 20 June 2008, p. 9.
http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/Documents/nter_review.pdf
 (accessed 12 June 2009).

continued in this role until February 2009. Mr Michael Zissler was appointed in February 2009 to continue in this role.

4.13 In July 2008, the Taskforce was disbanded, with responsibility for the emergency response coordinated through the NTER Operations Centre and State Office of FaHCSIA in Darwin. Initially the Operations Centre planned and managed all levels of implementation of the NTER however the committee understands that the management of Government Business Managers has been transferred to the Northern Territory Office of FaHCSIA and is now the responsibility of FaHCSIA's Northern Territory Manager. Staff in Indigenous Coordination Centres (ICCs) in the Northern Territory are to assist in the delivery of services.⁹ The committee would like to clarify the role of ICC staff in the implementation of the NTER and will write to the Commander of the NTER Operations Centre seeking more information.

Reviews and reports on the progress of the NTER

NTER Taskforce

4.14 The NTER Taskforce chaired by Dr Sue Gordon AM was set up to monitor the implementation of the NTER, provide advice to government, and promote public awareness of the NTER and its objectives. This Taskforce was in operation for one year and presented its report to the government in June 2008.¹⁰ The report from the Taskforce was generally supportive of the NTER measures and their implementation. However it made recommendations in several areas.

4.15 The Taskforce noted that at some point income management should become voluntary and recommended that additional rehabilitation centres be established in regional and remote areas and that consideration be given to making these accessible for families where a family member is seeking to recover from addiction.¹¹

4.16 The Taskforce also recommended that the number of police in communities should continue to be increased so that every community is adequately serviced by police.¹² It also recommended that governments give consideration to which communities were going to be sustainable into the future and provide a minimum standard of services in these communities. An additional recommendation was that

9 Correspondence provided to the committee from Mr Michael Zissler, Commander, Northern Territory Emergency Response Operations Centre, 26 May 2009.

10 NTER Taskforce, *Final Report to Government*, June 2008, p. 14, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/final_report_2008/Documents/nter_taskforce_report.pdf (accessed 16 April 2009).

11 NTER Taskforce, *Final Report to Government*, June 2008, p. 22, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/final_report_2008/Documents/nter_taskforce_report.pdf (accessed 16 April 2009).

12 NTER Taskforce, *Final Report to Government*, June 2008, p. 22, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/final_report_2008/Documents/nter_taskforce_report.pdf (accessed 16 April 2009).

communities be provided with greater access to mediation services to help people deal with often crippling disputes within communities.¹³

NTER One year on report

4.17 At around the same time as the Taskforce reported to the Commonwealth government, a report on the NTER's progress was released by FaHCSIA. This report was released on 20 June 2008 and was titled *The Northern Territory Emergency Response One Year On*.¹⁴ The report described and reported what was occurring under each budgeted measure.

Independent review of the Northern Territory Emergency Response

4.18 On 6 June 2008 the Commonwealth government announced a three member independent review board to review the effectiveness and impact of the measures contained in the NTER. The NTER Review Board consisted of Mr Peter Yu as Chair, Ms Marcia Ella Duncan and Mr Bill Gray AM. The Review Board was supported by an independent expert group with secretariat support provided by FaHCSIA.

4.19 The terms of reference for the independent review were to:

- examine evidence and assess the overall progress of the NTER in improving the safety and wellbeing of children and laying the basis for a sustainable and better future for residents of remote communities in the NT, and in particular, in improving the education, health, community safety and employment outcomes for citizens, and particularly women and children, resident in remote communities and town camps in the NT;
- consider what is and isn't working and whether the current suite of NTER measures will deliver the intended results, whether any unintended consequences have emerged and whether other measures should be developed or ways of working applied to better address circumstances facing remote communities in the NT; and
- in relation to each NTER measure, make an assessment of its effects to date, and recommend any required changes to improve each measure and monitor performance.

4.20 The NTER Review Board Report was signed off on 30 September 2008 and was released by the Minister for Families, Housing, Community Services and Indigenous Affairs on 13 October 2008.

13 NTER Taskforce, *Final Report to Government*, June 2008, p. 15, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/final_report_2008/Documents/nter_taskforce_report.pdf (accessed 13 June 2009).

14 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response: One Year On*, 20 June 2008, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/Documents/nter_review.pdf (accessed 12 June 2009).

4.21 In its introduction, the Review Board reported on the seriousness of the lack of trust between Indigenous people and the Commonwealth government:

One thing is very clear to the Review Board: the way forward from the Intervention can not be based on a return to 'business as usual'. Both Aboriginal people and the Australian Government want a new relationship. The most fundamental quality defining that relationship must be trust. And for that to occur at the community level in the Northern Territory there must be an active re-engagement with the community by government. As we report, one of the impacts of the NTER was to fracture an already tenuous relationship with government.¹⁵

4.22 In summary the NTER Review found that the situation in Indigenous communities, described as a crisis when the NTER was announced in June 2007, was real and that it should remain as a priority for sustained attention and investment. 'The situation in remote communities and town camps was—and remains—sufficiently acute to be described as a national emergency. The NTER should continue'.¹⁶

4.23 The NTER Review found that the fact that the measures were based on race and that the *Racial Discrimination Act 1976* (RDA) was suspended from application of the NTER has been one of the most divisive elements. The committee notes that the Review Board felt that experiences of racial discrimination and humiliation as a result of the NTER were told with such passion that it was compelled to advise the Minister for Indigenous Affairs during the course of the Review that such widespread hostility to the Commonwealth government's actions should be regarded as a matter for serious concern.

There is intense hurt and anger at being isolated on the basis of race and subjected to collective measures that would never be applied to other Australians. The Intervention was received with a sense of betrayal and disbelief. Resistance to its imposition undercut the potential effectiveness of its substantive measures.¹⁷

15 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 7, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

16 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 10, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

17 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 8, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

4.24 It also found that support for the measures was dampened by the way in which they were imposed, with the NTER diminishing its own effectiveness 'through its failure to engage constructively with the Aboriginal people it was intended to help'.¹⁸

4.25 However, the NTER Review also found widespread support for many of the measures and gains made in addressing the disadvantage experienced by Indigenous people in the Northern Territory. Support for police stations in communities previously dependent on periodic patrols was high, as were measures focused on reducing alcohol related violence, increasing the amount and quality of housing, and increasing access to early childhood learning and education. Support for these programs was described by the NTER Review as being 'uncontentious'.¹⁹

4.26 The NTER Review also found that the benefits of income management were being experienced but there was resistance to its blanket and compulsory nature. The NTER Review recommended that this measure be made voluntary and imposed only in situations related to specific child protection measures and then made the subject of independent review.

Recommendations of the Review

4.27 There were three overarching recommendations from the NTER Review that were accepted by the Commonwealth government:²⁰

- the Australian and Northern Territory governments recognise as a matter of urgent national significance the continuing need to address the unacceptably high level of disadvantage and social dislocation being experienced by Aboriginal Australians living in remote communities throughout the Northern Territory;
- in addressing these needs both governments acknowledge the requirement to reset their relationship with Aboriginal people based on genuine consultation, engagement and partnership; and
- government actions affecting Aboriginal communities respect Australia's human rights obligations and conform with the RDA.

4.28 The NTER Review also made some other broad recommendations that the committee considers worthy of outlining here. Other recommendations of the NTER

18 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 10, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

19 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 10, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

20 Department of Families, Housing, Community Services and Indigenous Affairs, *Future Directions for the Northern Territory Emergency Response*, 21 May 2009, p. 3 http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/future_directions_discussion_paper/Documents/discussion_paper_6.pdf (accessed 12 June 2009).

Review will be discussed in the context of the committee's findings on the operation of the NTER to follow.

4.29 Adequate housing was considered by the NTER Review to be so fundamental to environmental health and safety that it recommended sustained, substantial investment of public funds in community housing. They found that this was dependent on security of tenure and where land was being compulsorily acquired, it should be subject to a 'just terms' payment.

4.30 The committee notes that the NTER Review found that the success of the measures of the NTER was not just about improving the individual measures but developing an integrated approach across all initiatives and all agencies involved.

Just as housing issues underpin community health, so policing issues intermesh with family support which, in turn, is intimately connected with child and family health.

Support for night patrols falls under the Law and Order measure. Safe houses fall within a separate measure: Supporting Families. This kind of artificial division reflects divided government agency responsibilities and funding sources. It is a chronic problem in establishing effective integrated services in Aboriginal communities.

If the various NTER measures are to operate as a genuine suite of measures there needs to be adjustments in the machinery of government enabling better coordination of services, greater responsiveness to the unique characteristics of each community and higher levels of community participation in the design and delivery of services.²¹

4.31 The protection of children was the reason given for the emergency introduction of the NTER. The NTER Review recommended development of community safety plans in each community to link police, child protection officers, teachers, health staff, Government Business Managers and other key service providers with community night patrols, safe houses and women's groups.

4.32 The lack of evidentiary material was cited by the NTER Review as a major problem. While it was found that there was considerable quantitative and qualitative data available in the key areas of health, housing, education, policing and employment it was clear that little or no baseline data existed to specifically evaluate the impacts of the NTER. It also found that at the time of the NTER Review a number of measures, such as education initiatives, safe houses, policing, night patrols and child services, were yet to be implemented in many communities.

4.33 Apart from some initial scoping data, there was little evidence of baseline data being gathered in any formal or organised format to permit an assessment of the

21 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 10, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

impact and progress of the NTER upon communities. The NTER Review recommended the development of a single integrated information system to allow for regular measurement of outcomes of all government agency programs and services for Indigenous communities in the Northern Territory.²²

4.34 The committee is very supportive of better data collection and use although cautions against agencies developing their own administrative data sets without having regard to good data management principles. The committee's views on data collection and management have already been explored in Chapter 3.

Monitoring Reports

4.35 Monitoring Reports on the progress of the NTER were released by FaHCSIA for the periods August 2007–30 June 2008²³ and July 2008–December 2008.²⁴ These reports provide departmental progress against the NTER initiatives and are discussed further in this chapter.

Response to the NTER Review

4.36 On 21 May 2009 the Commonwealth government issued a final joint statement with the Northern Territory government responding to the NTER Review. A majority of the recommendations were supported and will be discussed below. On the same day the Commonwealth government also released a discussion paper titled *Future Directions for the Northern Territory Emergency Response* (NTER Discussion Paper). This discussion paper outlines some of the actions the government will progress to amend elements of the NTER. However the committee notes that the Commonwealth government has made it clear that it is committed to continuing the NTER.

4.37 The Commonwealth government has also made it clear that it is committed to bringing forward legislation to repeal the provisions that exclude the operation of the RDA and the Northern Territory anti-discrimination laws. Further proposals contained in the Discussion Paper include:

- individuals being able to apply for an exemption from income management based on their family situation, financial abilities or record of behaviour;

22 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 16, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 15 June 2009).

23 Department of Families, Housing, Community Services and Indigenous Affairs, *NTER Monitoring Report August 2007 – June 2008*, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/Documents/monitoring_report/monitoring_report_part1.pdf (accessed 13 June 2009).

24 Department of Families, Housing, Community Services and Indigenous Affairs, *NTER Monitoring Report July 2008 – December 2008*, Available at: http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Pages/default.aspx (accessed 13 June 2009).

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- new licensing assessments for community stores;
 - amended legislation in relation to the five-year leases over Indigenous communities in the Northern Territory to clarify the purpose and operation of the leases; and
 - allowing for community input and individual requests to be assessed in determining whether bans on alcohol and pornography should continue (as opposed to blanket bans).²⁵

Northern Territory Emergency Response Measures

4.38 The Commonwealth government has committed to continuing the NTER, albeit with amendments. The committee has heard strong views from people and organisations opposed to the NTER in principle. Most of this criticism centres on the displacement of the RDA and the lack of consultation and engagement with people the measures are designed to assist. Some measures, such as five year lease arrangements and income management remain controversial. However, the committee considers that there is a general level of support for measures that are designed to deliver improved services to communities and that these are services that do not necessarily rely on the legislative basis of the NTER.

4.39 It is now two years since the commencement of the NTER. The committee has had the opportunity to consider a range of evidence presented to it in the form of submissions, oral evidence in public hearings, through meetings and from a review of available material and research. This evidence and the committee's findings are presented below.

4.40 The committee cannot emphasise enough how strongly people feel about having the opportunity to be genuinely consulted and heard. The committee has repeatedly heard how aggrieved and disempowered people have felt through the NTER when changes and decisions have been made without involving people in the decision making or communicating effectively about these changes.²⁶ The committee considers that explicit communication strategies need to be built in to all programs, and that governments need to support service providers to be able to communicate effectively and regularly with the people they are being funded to assist.

4.41 A detailed consideration of the NTER measures is provided below.

25 Department of Families, Housing, Community Services and Indigenous Affairs, *Future Directions for the Northern Territory Emergency Response*, 21 May 2009, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/future_directions_discussion_paper/Documents/discussion_paper_6.pdf (accessed 12 June 2009).

26 Jenny Walker, *Submission 15*, Amnesty International Australia, *Submission 16*; Oxfam Australia, *Submission 17*, Northern Territory Legal Aid Commission, *Submission 22*; Wardaman Aboriginal Corporation, *Committee Hansard*, 20 May 2009, p. 108.

Improving child and family health

4.42 The health components of the Northern Territory Emergency Response include:

- Child health checks and follow up services;
- Child special services;
- Alcohol and other drugs response; and
- Expanding Health Service Delivery Initiative (EHSDI).

4.43 Child health checks and follow up services, child special services and the alcohol and other drugs response commenced in July 2007 while the EHSDI commenced in July 2008.²⁷

Child health checks

4.44 Child health checks involved medical teams visiting communities from July 2007 to deliver access to voluntary health checks for children up to the age of 16 years. The child health checks are based on the existing Medicare Benefits Schedule (MBS) Child Health Check Item and assess a child's overall health and wellbeing.²⁸

4.45 By 30 June 2008 the committee notes that the NTER had arranged comprehensive health checks for 9 428 children (55 per cent of the eligible children). Based on analysis of 8 324 child health checks, 88.2 per cent of children had one or more health conditions identified. The proportion of children with various conditions showed that 43.6 per cent had oral health problems such as untreated tooth decay, 10.2 per cent had four or more skin sores, 29.8 per cent had ear disease and 15.8 per cent had anaemia.²⁹

4.46 The committee notes that in the Central Land Council's recent report, *Reviewing the Northern Territory Emergency Response: Perspectives from six communities*, found that:

Most people reported that after initial concern, most children in Titjikala, Papunya, Kintore, Hermannsburg and Yuendumu, and a large number of

27 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 5, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 13 June 2009).

28 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response: One Year On*, 20 June 2008, p. 21 http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/Documents/nter_review.pdf (accessed 12 June 2009).

29 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 36, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

adults, completed health checks. In general, people interviewed seemed positive about the health checks. For example, people in Yuendumu and Kintore commented:

*It was right yeah. I felt good about them visiting. They were checking children and that was right. Health checks good. People supported them here. The doctors explained what was going on. Did the checks through the clinic. People not afraid to bring their kids in to the clinic... Child doctor [paediatrician] has come out.*³⁰

4.47 The NTER Review found that remote communities in the Northern Territory already had specific child health programs involving regular health checks. This was called the Growth Assessment and Action program and the Healthy School-Age Kids program. The Review also found that local health services regarded many of the health checks to be a duplication of services already offered and that the process entailed a high degree of administrative preparation and reporting, the burden of which was largely borne by local providers:

When CHCs were completed, all documentation was left for the local service to enter electronically; many local services were required to arrange transport for families to attend CHC clinics. All follow-up referrals and subsequent clinical, accommodation and transport arrangements remained with the local provider. In an already under-resourced sector this impact was substantial.³¹

4.48 Evidence presented to the committee confirmed this experience. As Associate Professor Dennis McDermott told the committee in Adelaide:

A number of our staff on the ground, academics and clinicians, said that very thing. They said child health checks were duplicating the processes already in place and sometimes people were referred to specialists, on too cautious a basis, for conditions that were already known³²

4.49 Sunrise Health Service in Katherine in the Northern Territory also noted similar issues with the Child Health Checks in their submission:

First, the collective experience of practitioners in the field was largely ignored, and the checks resulted in data about health conditions that were already well known—and have been for decades.

Second, the great majority of practitioners that were brought in from outside the Territory—despite all the best intentions—were inexperienced

30 Central Land Council, *Submission 92*, p. 55.

31 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 36, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

32 Associate Professor Dennis McDermott, School of Medicine, Flinders University, *Committee Hansard*, 4 March 2009, p. 93.

in detecting conditions that are largely unknown in the urban/suburban environments from which they were largely drawn.³³

4.50 The Central Land Council's review also identified concerns over duplication of services, noting that:

In some communities clinic staff reported that the NTER health checks were an unnecessary duplication of resources. For example, the health clinic in Titjikala reported that a month prior to the health checks the clinic had undertaken its own health checks of each child in Titjikala. Clinic staff in Papunya also raised the issue of duplication of health checks, stating that in Papunya children's health checks were up to date and the resources used to complete the health checks would be better directed in other areas.³⁴

4.51 The referral phase following health checks was found to be 'sporadic' and dependent on the availability of funding and specialists rather than the needs of the child being referred. While the Commonwealth provided funding to the Northern Territory government and Aboriginal Community Controlled Health Organisations (ACCHOs) to conduct follow up treatment, the NTER Review found that at September 2008, approximately 60 per cent of children still required follow-up treatment.³⁵

4.52 The Laynhapuy Homelands Association Inc noted that the Child Health Checks in the homelands were provided by the Laynhapuy Health Service and were beneficial as it enabled the health to service to bring forward the completion of an existing child health program. The main concern now 'is the capacity of follow up services by NT Health to capitalise on this screening process.'³⁶

4.53 The NTER Review recommended urgent prioritisation of ongoing treatment for children with identified issues under the child health checks with a particular focus on dental treatment.³⁷

4.54 The Monitoring Report released by the Commonwealth in June 2009 which reports on NTER activities up to December 2008 (Monitoring Report) reported that the main focus of the Child Health Check Initiative during the period 1 July to 31 December 2008 was the provision of follow-up care to children who had referrals from checks previously conducted. While preliminary data suggests that follow-up in

33 Sunrise Health Service, *Submission 85*, p. 34.

34 Central Land Council, *Submission 92*, p. 56.

35 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 36, http://www.terreview.gov.au/docs/report_ater_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

36 Laynhapuy Homelands Association Inc, *Submission 28*, p. 11.

37 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 39, http://www.terreview.gov.au/docs/report_ater_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

primary health care has reached over 80 per cent of children, follow-up in more specialised areas, which requires the deployment of special facilities and staff, are progressing more slowly.³⁸

4.55 Information provided to the committee indicates that at 28 February 2009, an estimated total of 13 286 valid Child Health Checks have been performed through the NTER and Medicare Benefits Scheme (MBS) Item 708 since 1 July 2007.³⁹ The estimated Child Health Check coverage as at 31 December 2008 is 60 per cent.⁴⁰

4.56 Data published by the Department of Health and Ageing and AIHW shows that referrals have been addressed in the following way:

- 78% of the 2 409 children referred to Primary Health Care Clinic;
- 44% of the 794 children referred to a Paediatrician;
- 37% of the 616 children referred to an ENT (ear, nose and throat) specialist;
- 50% of the 637 children referred for tympanometry and audiometry; and
- 22% of the 2 377 children referred for dental follow-up.⁴¹

4.57 The committee notes that the Monitoring Report acknowledges that while progress to refer children for specialist care has been made, it is slow and the figures indicate the high level of need for specialist services. The fact that many of the children who have received some follow-up care require further action is due to the chronic nature of many of the conditions being treated and real progress can only be made if the poor living conditions of many children are addressed.

Child special services

4.58 Child special services refer to the establishment of a service for children experiencing trauma as a result of child abuse. The central element of this is the establishment of a Sexual Assault Referral Centre Mobile Outreach Service (MOS)

38 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 6, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 14 June 2009).

39 Correspondence provided to the committee from Mr Michael Zissler, Commander Northern Territory Emergency Response Operations Centre, 26 May 2009.

40 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 8, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 14 June 2009).

41 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 10, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 14 June 2009)

which commenced in April 2008.⁴² It is intended to provide information, support, assessment and therapeutic services to victims or suspected victims of sexual abuse, and education and training on preventing, responding and supporting victims of child sexual assault.

4.59 The Review Board documented its concern about the capacity of such a small service with five staff to deliver direct and indirect services for the entire Northern Territory. It also found that there was little understanding of the service and its role in communities, with one example of a victim using the service who had been visited once but had no follow-up. Her family was unaware of why this was the case and seemed to indicate a lack of appropriate communication about the service and what it could provide.⁴³

4.60 The committee also heard evidence that there was little understanding in communities amongst child care workers as to what support services were available. Speaking about research with child care workers undertaken by Batchelor Institute Dr Lyn Fasoli said:

Virtually all the childcare workers that we worked with said they had never been directly spoken to by any of the staff from the intervention to say, 'This is why we are here. This is how you might address child abuse issues that you detect in your children's service. These are the proper procedures for addressing a concern or an issue.' We found that the most surprising. I would have thought that children's services workers would have been the first port of call for people wanting to stop child abuse.⁴⁴

4.61 The Monitoring Report states that teams of sexual assault counsellors and Aboriginal sexual assault workers are now operational in all Northern Territory regions and provide casework services, community education and professional development. In the period from 1 July to 31 December 2008 the MOS made a total of 38 visits to 11 communities and town camps and provided casework to children and families, as well as professional development and community education to service providers and community members.⁴⁵

42 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 6, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 13 June 2009).

43 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 37, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

44 Dr Lyn Fasoli, Associate Professor, Research Division, Batchelor Institute of Indigenous Tertiary Education, *Committee Hansard*, 21 May 2009, p. 87.

45 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 11, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 13 June 2009).

Alcohol and other drug response

4.62 The alcohol and other drug response was intended to increase access to alcohol and other drug detoxification, treatment and rehabilitation services across the Northern Territory. This was in recognition of the health impacts of the NTER alcohol bans in prescribed communities.⁴⁶

4.63 The NTER Review found that there was broad support for increasing services related to alcohol and other drug treatment, and while it was too early to tell whether the additional resources had a significant impact, early results were promising.

4.64 Increased demand for withdrawal, treatment and rehabilitation services was anticipated and a target of 28 Alcohol and Other Drug (AOD) outreach workers was set to be located at selected primary care and substance use services. As at July 2008, 20 AOD staff were employed in primary health care services, largely through Aboriginal Community Controlled Health Services throughout the five regional centres of Katherine, Nhulunbuy, Darwin, Tennant Creek and Alice Springs. Four rehabilitation services were funded to increase the bed capacity and staff within their services and the Central Australian Alcohol Program Unit received funding to complete a women's residential facility at Alice Springs.⁴⁷

4.65 The Monitoring Report indicated that two dedicated hospital beds for detoxification at both Katherine District and Tennant Creek Hospitals from September 2007 were made available and that 28 outreach workers in primary care and substance use services had been deployed. The committee noted at the hearing in Canberra that the information provided in the Monitoring Report on rehabilitation facilities was not sufficiently detailed. FaHCSIA officers responded:

Mr James—Yes. There is some information provided there on the measures that have been implemented. They do not go down to the detail that you are looking for.

Senator CROSSIN—No. That is not detailed enough for what I am after. When you talk about 'commenced provision of two dedicated hospital beds for detox'—two beds in Katherine and Tennant Creek—is that four beds altogether or one in each place?

Mr Yates—I cannot provide the answer on that, but our Health colleagues, I am sure, will be able to.

Senator CROSSIN—It is not in here, is it?

46 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response: One Year On*, 20 June 2008, p. 21 http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/Documents/nter_review.pdf (accessed 13 June 2009).

47 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 38, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

Senator ADAMS—I think it is—

Mr James—It says at both Katherine and Tennant Creek, so I think it is two in each, I think.

Senator CROSSIN—It says, ‘... to support these beds for an initial six weeks.’ What does that mean? If you are someone who is trying to be detoxed, you can sit in the bed for six weeks but after that you get moved on; is that what that means?

Mr Yates—The detailed operation of those arrangements is probably best directed to the health department.

Mr James—Yes. They provided this text.

Senator CROSSIN—It is not very clear, is it? It does not answer a lot of questions, does it?⁴⁸

4.66 Key elements of the Alcohol and other Drugs Response introduced in 2007-08 are being continued in 2008-09 under the Closing the Gap in the Northern Territory measure. This includes increasing the AOD workforce in the primary health care setting, increasing the capacity for substance use treatment and rehabilitation, workforce development and evaluating the program.⁴⁹

4.67 The committee received evidence that reinforced the importance of having an effective and well resourced strategy to reduce the harmful levels of alcohol and other drugs. The National Centre for Education and Training informed the committee about the evidenced links between levels of education and risky alcohol and drug use.

Clearly, education and literacy levels are important for a range of important reasons for a young person; not least of which is future life prospects. But, there is also an important link between education level and overall health status and the crucial link between education level and the use of alcohol and other drugs.⁵⁰

4.68 The committee is concerned about the lack of available beds for alcohol treatment programs. Given that the manner and place in which people in prescribed areas can drink has been restricted, the committee considers that more places need to be made available not just for immediate treatment, but for follow-up support and ongoing treatment. As the Central Australian Aboriginal Legal Aid Service and the North Australian Aboriginal Justice Agency state in their submission, while immediate legislative alcohol restrictions may have had 'a visible initial effect,

48 *Committee Hansard*, 9 June 2009, p. 58.

49 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 12, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 13 June 2009).

50 National Centre for Training and Education on Addiction, *Submission 44*, p. 6.

without the services to support people, such legislative changes can exacerbate problems⁵¹

4.69 The committee was advised that the Commonwealth government, through the Office for Aboriginal and Torres Strait Islander Health (OATSIH) provides funding to support a range of different service types including residential, non-residential, stand alone substance use services, sobering-up shelters and Aboriginal Medical Services. The total number of residential rehabilitation services in the Northern Territory is eight and as of 30 June 2008, there were 234 bed places in residential rehabilitation facilities.⁵²

4.70 At its hearing in Canberra on 9 June 2009 the Department of Health and Ageing (DoHA) acknowledged that past models of treatment where people attended a facility for a short term did not work, and that a more sophisticated therapeutic model was required. Ms Lesley Podesta advised the committee that the Department was looking at other models.

We have also been trying to focus on some family settings and some women-only settings because we have high numbers of women with alcohol problems. A lot of the resi services tended to be full of men, which was not always the most appropriate setting. It is a bit more sophisticated. The other thing we have been investing in increasingly—and we will give you the capital works investment that we have put into the territory—is really improving the stock and the safety and security of some of those buildings. Some of them were not terrific.⁵³

Recommendation 2

4.71 That the Commonwealth government increase access to alcohol and other drug detoxification, treatment and rehabilitation services across the Northern Territory, ensuring that there is ongoing support for individuals after they have accessed programs and services.

Expanding Health Service Delivery Initiative (EHSDI)

4.72 The Expanding Health Service Delivery Initiative is intended to provide \$99.7 million across the 2008-09 and 2009-10 years with the aim of increasing primary health care services and recruitment of more health professionals through the Remote Area Health Corp.⁵⁴ The Remote Area Health Corp was established in order to

51 Central Australian Aboriginal Legal Aid Service and the North Australian Aboriginal Justice Agency, *Submission 24*, p. 8.

52 DoHA, answers to questions on notice 9 June 2009 (received 17 June 2009).

53 Ms Lesley Podesta, DoHA, *Committee Hansard*, 9 June 2009, p. 66.

54 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 7, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 13 June 2009).

strengthen primary health care services in remote communities in the Northern Territory through engaging health professionals. The committee understands that the Remote Area Health Corp is operated by a private company, Aspen Medical, the successful tenderer to operate the Remote Area Health Corp.⁵⁵ On 4 December 2008 the first deployment to the Northern Territory occurred with two registered nurses being deployed to Ampilatwatja. By 31 December 2008 the Remote Area Health Corp had deployed seven health professionals and all were registered nurses.⁵⁶

4.73 The committee understands that the EHSDI is the subject of a memorandum of understanding between the Commonwealth and Northern Territory governments and the Aboriginal Medical Services Alliance of the Northern Territory (AMSANT) over two years and attempts to build the capacity of primary health care services based on a model of regional service delivery.

4.74 DoHA has undertaken planning for the implementation of the EHSDI with the Northern Territory Department of Health and Families and AMSANT under the Northern Territory Aboriginal Health Framework Agreement. The committee notes that the Monitoring Report states that consultations on the reform agenda are underway and funding for increased staff and primary health care services have been committed.⁵⁷

Supporting Families

4.75 The measure involves:

- programs to expand children's services and family support;
- new and improved safe houses for families experiencing violence;
- additional child-protection workers and Aboriginal family and community workers; and
- diversionary activities for young people.

55 Aspen Medical, *Aspen Medical awarded Remote Area Health Corps contract*, Press Release, 28 October 2008, <http://www.aspenmedical.com.au/Assets/Files/4a45db2b-f921-4158-b808-cb8034e86a5c.pdf> (accessed 13 June 2009).

56 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 15, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

57 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 15, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

Expanding children's services and family support

4.76 The NTER measures provided \$859 000 for five playgroups and \$400 000 to expand current and early childhood programs. Around \$4.2 million was allocated to funding for 10 new crèches in communities that had no learning and child care services for children under five years. Funding was also directed towards upgrades for up to 16 existing crèches with identified urgent health and safety concerns.

4.77 The committee understands that four new crèche facilities have been completed at Areyonga, Papunya, Lajamanu and Kaltukatjara and six upgrades to existing crèche facilities have been completed at Maningrida, Gunbalanya, Borroloola, Ntaria, Santa Teresa and Nyirripi.⁵⁸

4.78 FaHCSIA has provided funding for 13 Remote Aboriginal Family and Community Workers (RAFCWs). The stated aim of this program is to assist communities and families to access appropriate services, provide support to services regarding child safety concerns and to support Northern Territory child services workers in local Indigenous communities. The committee notes that between September 2008 and 31 January 2009, the Northern Territory government recruited eight RAFCWs. One team leader, one project officer and one acting manager have also been recruited.⁵⁹

4.79 The NTER Review found that it was difficult to get accurate figures on the provision of pre-school services in communities. Although a number of government schools are registered to provide pre-school services, delivery appeared to be ad hoc or at best an early childhood class tacked on to the school. Most communities visited by the NTER Review expressed a desperate need for early childhood services and family support programs, such as parenting programs, particularly to support young women, pre-schools, nutrition programs, childcare services, playgroups and crèches.⁶⁰

4.80 The NTER included funding for five new facilitated playgroups and an expansion of Indigenous Children Program (ICP) and Invest to Grow (ItG) services in the Northern Territory. The playgroup funding is for two mobile Intensive Support Playgroups (ISPs) based in Tennant Creek and Katherine and for three Locational Supported Playgroups in Numbulwar, Milingimbi and Yuendumu.

58 Correspondence provided to the committee from Mr Michael Zissler, Commander, Northern Territory Emergency Response Operations Centre.

59 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 19, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

60 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 32, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

4.81 NTER funding was also provided for the expansion of three 'Invest to Grow' projects which were to include child nutrition prevention and intervention sessions with families with children at risk delivered by the NPY Women's Council; 'Core of Life', a health education program providing information about pregnancy, breastfeeding and early parenting delivered by Menzies Inc. and the 'Let's Start', a project to develop a preschool program in communities to support parents; enhance parenting practices; strengthen family units; develop children's social skills and reduce problematic behaviour to be delivered by Charles Darwin University.

4.82 The Monitoring Report states that funding agreements have been signed with service providers for the Tennant Creek and Katherine playgroups and that in the six months to 31 December 2008, 264 children and 92 parents and caregivers in the Tennant Creek and Katherine regions have participated in these playgroups. The Monitoring Report also states that at 20 May 2009, three of the five new playgroups were operational.⁶¹ In addition, the Monitoring Report notes that funding agreements have also been signed with service providers for all three Locational Supported Playgroups. Yuendumu commenced operations in May 2009. The Milingimbi and Numbulwar services are still conducting consultations so these services have not yet commenced.⁶²

4.83 The Indigenous Children Program (ISP) was formed in 2006 by a merger of previously funded programs providing support to families. Between February and 30 June 2008, 21 children 0-8 yrs and 15 parents and caregivers used this program. Between July and December 2008, 19 children 0-8 yrs, 3 children 9-12, and 11 parents and caregivers used this program.

4.84 Progress detailed in the latest Monitoring Report under the Invest to Grow projects includes:

- Child Nutrition Program at NPY Women's Council: From June 2008 to December 2008, the nutrition team delivered 37 prevention and intervention sessions to 307 participants for children at risk and provided 65 children and their families with essential food and health requirements in emergencies. From June 2008 to December 2008, 122 parents and caregivers participated in the ItG Child Nutrition Program, compared to 75 parents and caregivers who participated in 18 nutrition education sessions in the period January 2008 to June 2008.

61 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 20, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

62 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 20, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

- Core of Life run by Menzies Inc: This program provides information about pregnancy, breastfeeding and early parenting. In the period January 2008 to June 2008 five community forums were conducted in Wadeye, Groote Eylandt, Darwin, Alice Springs and Tiwi Islands, and facilitator training was conducted for twelve participants.
- Let's Start run by Charles Darwin University: This project aims to develop a preschool program in communities to support parents, enhance parenting practices, strengthen family units, develop children's social skills and reduce problematic behaviour. Let's Start has not yet commenced delivering the program.⁶³

4.85 The committee looks forward to reporting on the progress of these important services in its next report. The committee has found that there is a large amount of community support for improving access to these services and if provided in ways that take account of local circumstances, people will use them. The committee agrees that supporting children in the early years is critical to their long term life chances and wellbeing. As the National Rural Health Alliance Inc states:

In child health, the broader issue is for Australia to develop world's best-practice programs for supporting pregnant women and their babies in the first few years of life. Aboriginal and Torres Strait Islander women and children, especially those living in rural and remote communities, should be the highest priority for government programs relating to maternal and child health. Access to maternal and child health nurses during a child's early years is vital in helping to prevent many of the aspects of non-healthy lifestyles that are linked to chronic disease.⁶⁴

4.86 The Monitoring Report identified attracting experienced and qualified workers as the key barrier to this type of service delivery and stated that funding models for children and family services that include provision for competitive wages, high quality professional support and formal training, mentoring and professional development for local workers would go some way to addressing this issue.⁶⁵

4.87 The committee is pleased that additional funding to continue these services to 2012 has been announced but questions what plans are in place to support workforce capacity, recruitment and housing for staff in early childhood and parenting services in regional and remote Indigenous communities.

63 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 21, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

64 National Rural Health Alliance Inc, *Submission 8*, p. 7.

65 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p.22, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

Safe houses

4.88 The Family Support package was allocated \$11.83 million in 2007–08 with the intent of establishing or expanding 22 safe houses and cooling off houses in 16 communities as well as increasing the capacity of safe houses in Darwin and Alice Springs. The committee notes that FaHCSIA has been allocated an additional \$9.5 million in 2008–09 to contribute to the project. The Monitoring Report stated that as at 20 May 2009, 17 out of 22 Safe Houses were operational.⁶⁶ At its hearing in Canberra the committee sought information from FaHCSIA on the detail of what being operational actually meant. FaHCSIA provided the committee with updated details and advised that there were now 19 'safe places' that were operational. A safe place was operational according to the following definition:

A safe house is defined as operational when the doors are open and it is accepting clients.

- The Women's safe houses each have an adult worker and a children's worker
- The Men's Cooling-off Places each have an adult worker and a youth worker
- Wherever possible a pool of casual workers is also employed to work after hours in the safe houses.

Safe Places are staffed between 10 am and 6 pm. Outside of these hours Safe Place staff can be contacted (usually by the Night Patrol or Police) to open the Safe Place if needed.⁶⁷

4.89 While the committee regards the operation of more safe places as positive, it is concerned that the operating hours of 10 am to 6 pm may not be the times when the safe places are needed most, and that having to call upon staff to open the facility in late evenings and early mornings may place a great deal of pressure on these staff. The committee also notes that in an answer to a question on notice in relation to night patrols, FaHCSIA advised that activities undertaken by a night patrol service may include relocating a person to a safe environment such as a 'recognised safe house'.⁶⁸ Given that this will occur at night or early in the morning, the committee considers it highly likely that there will be demand to staff safe places overnight.

4.90 The committee will monitor the operation of safe houses and publish its findings when it tables its next report in November 2009.

66 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 18, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

67 FaHCSIA, answers to questions on notice 9 June 2009 (received 22 June 2009).

68 FaHCSIA, answers to questions on notice 9 June 2009 (received 22 June 2009).

4.91 The Review Board visited communities with newly installed women's safe houses and men's cooling off places. The NTER Review reported that facilities in most locations consisted of steel shipping containers arranged to form a quadrangle where meetings and gatherings could be held. The facilities included office space, accommodation spaces and amenities. None were operational during the NTER Review period.

4.92 Feedback from communities to the NTER Review indicated that few people were consulted on either the design or location of the facility. Many women told the NTER Review that they would not use the safe houses as they were 'more like detention centres'.⁶⁹ One community rejected the container-style accommodation and secured commitment for a house to be designated and fitted out as a safe house. Some communities already had their own facilities.

4.93 At its hearing in Alice Springs the committee heard that the lack of consultation on the safe houses was impacting on their utility.

Women have been calling for safe houses in their communities for a very long time. There have been several houses operational in a couple of communities in Central Australia for a long period of time. However, it is my understanding that...an internal audit undertaken by the government in 2004 shows that none of those safe houses were operating in the way that they were funded to. There has never been any formal review or research into the effectiveness of the model. Once it was a priority for the federal government to build safe houses in communities, and they spent lots of money in doing that however, there was no research or experience to show how that might work or look on a remote community. Also, the federal government gave a very tight time frame for that money to be spent.

From the Northern Territory's perspective, the program was rolled out but there was absolutely no consultation with the services on the ground about how those services might look or be developed. For example, the person who was responsible for rolling out that program was invited to the Central Australian Family Violence and Sexual Assault Network, which includes every service that provides for that group of women and men. We invited them on many occasions over nine months to come and talk to us about how that might work, and we did not get one visit from that group. That has now been rectified. There are new people in that job, and I think the NT has gone a long way towards rectifying that problem. However, the safe houses are already built in communities, and I have never been able to find out why the particular communities that have a safe house actually got them...

The more concerning thing is that there is no practice model attached to these buildings. Providing that type of service in a remote community is extremely difficult and nuanced. If you are hiring local women to work in that service, those women are going to need ongoing support. If you are

69 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 33, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

working in a community where people's kinships and cultural relationships are pivotal and central to their daily lives, obviously that is going to impact on their ability to run a safe house. People need access not only to training but to ongoing support to talk through decisions and to manage a crisis, because it will be quite dangerous for those workers in those small communities.⁷⁰

4.94 The committee notes that the reasons given in the Monitoring Report for using shipping containers as the preferred option to deliver the safe houses was because they were deemed to be the most efficient and effective way of addressing an immediate need in communities. It was also stated that the containers offered a higher level of building security than demountables, were cyclone coded, quick to construct and less expensive to retrofit.⁷¹

4.95 The committee understands that safe houses or cooling off places will often be used by people with a high level of distress and who possibly present with a risk of self harm and that providing adequate training for staff is a serious issue. The NTER Review noted that adequate staff training had not been addressed in the design of either the facility or the management of the program. In addition, little of the information that was supplied to the NTER Review was about either the role of safe house staff or, more importantly, how all these initiatives were to be coordinated to form part of an integrated plan for the community.⁷²

4.96 The committee regards having sufficient support in place for workers and the community as critical to the success of safe houses, as well as to the health and safety of workers. As Dale Wakefield, Coordinator of the Alice Springs Women's Shelter told the committee:

The more concerning thing is that there is no practice model attached to these buildings. Providing that type of service in a remote community is extremely difficult and nuanced. If you are hiring local women to work in that service, those women are going to need ongoing support. If you are working in a community where people's kinships and cultural relationships are pivotal and central to their daily lives, obviously that is going to impact on their ability to run a safe house. People need access not only to training but to ongoing support to talk through decisions and to manage a crisis, because it will be quite dangerous for those workers in those small communities.⁷³

70 Ms Dale Wakefield, Alice Springs Women's Shelter, *Committee Hansard*, p. 47.

71 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p.18, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mo_n_Rep_Part%202.pdf (accessed 15 June 2009).

72 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 33, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

73 Ms Dale Wakefield, Alice Springs Women's Shelter, *Committee Hansard*, pp. 47-48.

4.97 The committee agrees with the NTER Review's recommendation that where safe houses have been installed, the Northern Territory government, the relevant service provider and each community should agree about their management, duty of care, liability and integration with associated services before they become operational, and as further safe houses are installed there be consultation with the relevant community on these issues.⁷⁴ The committee notes that this recommendation was accepted by both the Commonwealth and Northern Territory governments and the committee will monitor whether the construction of future safe houses follows this procedure.

Additional child-protection workers and Aboriginal family and community workers

4.98 The committee understands that the Northern Territory government was already in the process of reforming its child protection system including expanding child protection services and legislative reform at the time of the introduction of the NTER. Thus the NTER funding built on this process and contributed to the establishment of a mobile child protection team (MCPT). Based in Darwin the MCPT's intended role is to investigate child protection reports in remote communities in order to try and address the backlog of investigations and to support local offices with increased workloads. The MCPT was intended to provide 10 child protection workers, a coordinator and an administrative officer.

4.99 The Monitoring Report states that fifty communities have been visited by the Mobile Child Protection Team and 459 cases investigated. At 31 December 2008, two child protection workers and one administration assistant had been recruited. The committee notes that the levels of staffing on this team have been fluctuating and there has been a high turnover of staff. The committee understands that the positions have been difficult to keep filled due to the high level of qualifications sought, the remoteness of the work and the short-term nature of the contracts. A recruitment round occurred recently with four new workers employed and two to be contracted shortly.⁷⁵

4.100 The committee questions why workers are being offered short term contracts if there is committed longer term funding available. The committee considers that providing effective services in remote locations is so important that this should be addressed as a matter of priority.

4.101 The NTER Review recommended that the Northern Territory government engage immediately with Aboriginal communities to strengthen child protection

74 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 35, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

75 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 19, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

arrangements and deal with reported cases of abuse, and that funding priority be given to enable Aboriginal communities to build community integration and ownership of a child and family safety system that has the capacity to interface effectively with government agencies.

4.102 The NTER Review stated that this should be implemented through community safety plans which link police, child protection, teachers, health staff, GBMs and other key service providers, with relevant community organisations such as night patrols, safe houses and women's groups the community safety plans should ensure that programs and services directed at child safety and wellbeing are appropriate and relevant to the community and have a high level of visibility and transparency.⁷⁶

4.103 The committee notes that the Commonwealth and Northern Territory governments accepted these recommendations.

Diversionary activities for young people

4.104 This measure aimed to address the high levels of alcohol and drug abuse among young Aboriginal people living in remote communities and is largely a capital and infrastructure investment program with some funding directed to local youth activities. A three part youth alcohol diversionary implementation strategy was developed and FaHCSIA reported that \$8.5 million was funded across 95 projects.

4.105 Due to insufficient capacity, the planned Alice Springs Town Camp Youth Diversion Project did not go ahead so the Commonwealth government funding for this component was reallocated to the Indigenous Youth Flexible Funding Component. The committee notes that non-capital projects funded under this measure included the establishment of a Youth Development Network, the conducting of 20 youth-specific activities across 15 non government providers, as well as school holiday programs across 10 communities.

4.106 The NTER Review found that while a number of communities mentioned the benefits of upgrades to existing facilities there was also widespread comment about the persistent lack of ongoing youth services. This was especially so for communities that only received youth activities as part of a holiday program. Also, some communities, while benefiting from better sporting or recreational facilities, did not have the benefit of a youth worker.⁷⁷

76 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 35, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

77 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 34, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

4.107 The committee notes that in its submission CAYLUS provided a list of ongoing youth service requirements across both the NTER prescribed communities and all other remote communities in the Northern Territory central desert region. CAYLUS' estimate was that \$7.2 million over three years is required for wages and \$11.15 million is required for capital.⁷⁸

4.108 The committee agrees with the NTER Review's recommendation that a comprehensive strategy needs to be developed and implemented for youth development services to address both capital infrastructure and recurrent funding, linked to a wider community development framework. This recommendation was accepted by the Commonwealth and Northern Territory governments and the committee will follow any progress made towards developing such a strategy.

4.109 In 2007-08 a total of \$8.5 million was allocated to establish the Northern Territory Regional Youth Development Network in the West Arnhem and Daly River regions (auspiced by Red Cross Australia). This network was intended to provide a flexible funding pool for youth diversion projects and provide holiday programs in central Australia.

4.110 In 2008-09 a total of \$8.8 million was allocated to one youth diversion program, comprising two components. Component one consisted of \$2.1 million for the intended continuation of the Northern Territory Youth Development Network aimed at improving the quantity, quality and cohesion of its youth activities. The committee notes that funding for the Northern Territory Youth Development Network was released to Red Cross Australia on 29 October 2008.

4.111 The Monitoring Report states that Red Cross Australia had consulted with a wide range of stakeholders and communities to develop a network of youth services and it employs local coordinators in 13 communities who work part time to assist service providers with the implementation of their programs. The committee notes that delays in implementation were impacted by recruitment of key Red Cross Australia project staff, the close down over Christmas and selection negotiations with providers.⁷⁹

4.112 Component two of the program consisted of \$6.7 million intended for infrastructure and youth programs in Central Australia. Payments began in November 2008 after funding agreements were negotiated in the first part of the 2008-09 financial year. These projects target young people 12 to 18 years of age to build the youth services infrastructure, offer culturally appropriate social and recreational activities and provide local employment and training opportunities. A key priority for

78 CAYLUS, *Submission 26*, Attachment 2 CAYLUS Costing Of Youth Program Needs in Central Australia.

79 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 23, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

services this year is to work in partnership with the Northern Territory Department of Education and Training to support better attendance at school.

4.113 The committee notes that Mission Australia was funded \$7.97 million to provide youth services over three years in just four communities, those of Aputula (Finke), Imanpa, Mutitjulu and Kaltukatjara (Docker River) through the Northern Territory Integrated Youth Services Project (NTIYS). Mission Australia noted in their submission that:

The level of funding of the NTIYS acknowledges the true cost of providing sustainable services in remote communities. Mission Australia's experience in providing the NTIYS has demonstrated that a high level of financial resources is required in order to properly fund the provision of services that will have a sustainable impact on the lives of young people in the remote communities of Central Australia. Mission Australia's experience with this initiative also highlights that contractual arrangements for many of the programs delivered in the NT and other remote communities should be 5 to 10 years, rather than annual or even three year funding. The timeframes required for change, coupled with the necessary investment in staff and infrastructure requires such an approach.⁸⁰

4.114 Central Australian Youth Link Up Service (CAYLUS) noted the importance of youth services, stating that increasing the facilities and resources would:

...be very positive for the current safety and future potential of the at-risk group and for the wider society in which they live. The group would have access to safe, educational, socialising activities. Our experience gained in addressing inhalant abuse in this population has shown us that the majority of people will take other options if they are available in their communities. The existing models demonstrate this, especially the Mount Theo project, which has been going for 13 years and has made substantial improvements to the quality of life of young Walpiri people.⁸¹

4.115 The committee does not consider that it is able to form a view on the success or otherwise of youth program funding at this stage as the services appear to be in their infancy. The committee regards youth services as essential for community wellbeing and will report on progress in their next report.

Enhancing education

4.116 The enhancing education initiatives were intended to be carried out mainly through an MOU between the Commonwealth and Northern Territory governments which committed them to working collaboratively. Enhancing education is intended to deliver:

80 Mission Australia, *Submission 43*, p. 8.

81 Mr Blair McFarland, Central Australian Youth Link Up Service, *Committee Hansard*, 1 May 2009, p. 3.

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- extra teachers;
 - extra classrooms;
 - expansion of literacy programs;
 - Quality Teaching Package; and
 - school breakfast and lunch program.

4.117 The Review was advised that in June 2007 approximately 8 000 children were enrolled in 69 schools in the 73 NTER communities. At least 2 500 of these children were not attending school regularly. As many as 2 000 children of school age were not enrolled in education at all.⁸²

4.118 The committee notes that planned measures to quarantine 100 per cent of welfare payments of parents whose children were not attending school did not go ahead.⁸³ However a program called the Improving School Enrolment and Attendance through Welfare Reform Measure (SEAM) is currently being trialled in six communities in the Northern Territory: Katherine, Katherine Town Camps, Tiwi Islands, Ntaria (Hermannsburg), Wadeye and Wallace Rockhole. The SEAM program attaches conditions to income support payments, and if parents on income support are not sending their children to school, it is possible their payments could be suspended.⁸⁴

4.119 While visiting the Ntaria School the committee heard how cumbersome the administrative process surrounding SEAM appeared to be. It also heard that many of the children in the community who weren't attending school did not appear on the list provided to the principal because their parents were not on income support.⁸⁵

4.120 The NTER Review found that there was a great degree of despair in communities at the low levels of educational outcomes experienced by many children in Indigenous communities. They concluded that the Northern Territory education system was in crisis.⁸⁶ The committee has also heard during this inquiry that staff in

82 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 29, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

83 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 29, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

84 Department of Families, Housing, Community Services and Indigenous Affairs, *Improving School Enrolment and Attendance through Welfare Reform Measure (SEAM)*, <http://www.fahcsia.gov.au/sa/families/proserv/welfarereform/Pages/ImprovingSchoolEnrolmentAttendance.aspx> (accessed 15 June 2009).

85 Committee meeting notes, Ntaria, 30 April 2009.

86 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 30, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

schools and community members are frustrated by the lack of progress being made.. The committee discusses this issue in greater detail below.

Extra teachers and classrooms

4.121 The NTER provided funding for an additional 200 teachers in the Northern Territory. The Northern Territory government has advised the committee that the Commonwealth government committed \$98.8 million over five years to provide an additional 200 teachers to work in remote community schools, with around 50 teachers recruited and deployed in Northern Territory government and Catholic schools.⁸⁷ They also advised that the Northern Territory is expected to receive \$196.6 million over three years, of which at least \$7 million will specifically be used for new classrooms in NTER communities. With the intention of helping to attract and retain teachers, the Commonwealth government has committed to providing the Northern Territory with a further \$11.2 million in 2009-10 for the construction of up to 22 additional houses for teachers in the remote NTER communities. This is in addition to the ten teacher houses that will be built in Wadeye, announced by the Australian Government in October 2008.

4.122 The committee will report any progress made towards increasing teacher numbers with these additional resources in its next report.

4.123 The additional classrooms measure was aimed at providing additional classrooms in schools where increased enrolment and attendance may have placed pressure on existing infrastructure. As detailed in Chapter 5, the need for sufficient infrastructure to be able to accommodate students is critical to be able to attract and retain students. The committee observed this directly in Ntaria where there has been a dramatic increase in secondary enrolments without sufficient classrooms and equipment to teach secondary programs and more importantly without sufficient ablution facilities to cope with the increased volume of students.

Expansion of literacy programs and Quality Teaching Package

4.124 The committee notes that the Commonwealth government's rationale for the accelerated literacy program measure was to give additional funding support to Northern Territory education providers to help them manage the anticipated increases in school enrolment and attendance as a result of the NTER. The objective was to put in place a number of regionally based specialist teams to provide professional development training to improve literacy and numeracy for Indigenous students in remote communities.

87 Northern Territory government, additional information provided at hearing, 22 May 2009.

4.125 The objective of the quality teaching package is to 'provide training, mentoring, in-classroom support and the acquisition of additional teaching skills through professional learning and training incentives'.⁸⁸

4.126 While the committee is supportive of initiatives that develop and support better learning outcomes for students they were concerned to hear about the apparent lack of uniformity between programs being taught in different schools.

We are also concerned about the lack of uniformity in the educational system. There are three communities where students travel a lot. At one school they are doing AL, accelerated literacy; at another school they are doing First Steps, which is a Western Australian literacy program; and then at another school the teachers are writing their own literacy programs. We know that the kids are travelling. We know that they move between the communities, and every time they change they go into a different literacy program. It is similar for maths as well.⁸⁹

4.127 The committee also repeatedly heard about how important it was for schools to have sufficient teachers who are trained to work with students whose first language is not English (ESL).⁹⁰ The committee is concerned that the Northern Territory government staffing formula for remote schools does not take into account students' ESL needs but is encouraged that the government is currently preparing a submission for Cabinet to increase staffing based on ESL numbers.⁹¹

School breakfast and lunch program

4.128 The school nutrition program, which provides breakfast and lunch, is designed to increase attendance at schools. According to the Commonwealth government, the rationale was drawn from the Little Children are Sacred report which recommended that a school nutrition program be established. The Monitoring Report stated that as at December 2008, 71 schools across the 73 prescribed communities have a school nutrition program. This is up from the June 2008 figures where there were school nutrition programs established in 55 communities and 8 town camp areas.⁹² The committee will follow up on the number of schools that are in the prescribed areas that

88 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 111, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

89 Ms Haidee McKittrick, Rivers Region Youth Development Service, *Committee Hansard*, 20 May 2009, p.73.

90 CAYLUS, *Submission 26*, p. 8.

91 Northern Territory government, additional information provided at hearing, 22 May 2009.

92 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 17, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

do not yet have a nutrition program and what the percentage increases are with each subsequent monitoring report.

4.129 The committee received evidence that as of 20 May school nutrition programs were in place in 69 communities, and that a total of 185 positions have been created in these communities. Of these, 149 Indigenous people have been employed which equates to an Indigenous take-up rate of 81 per cent. Thirty-six people are employed as supervisors or coordinators and of these, 12 people or 33 per cent are local Indigenous people. The school nutrition program prepares an estimated 3 477 breakfasts and 4 560 lunches each school day; a total of 8 037 meals. At 1 May, of the 3 655 income managed Centrelink customers in the Northern Territory with school aged children, 2 999 or 82.1 per cent were making a voluntary contribution to the school nutrition program.⁹³

4.130 The NTER Review found that on the information available to them, there was no evidence that linked the program with increased attendance. The Review compared 17 schools that had a school nutritional program for more than six months with 19 schools that had only just received it or where school nutrition was yet to be established. The NTER Review found that attendance had declined or was unchanged in two thirds of the long exposure schools while in two thirds of the short exposure schools it had increased. The NTER Review concluded that school attendance is related to factors other than the availability of the school nutrition program.⁹⁴

4.131 The Monitoring Report indicates that there has been little change in attendance rates from December 2007 to December 2008. The combined attendance rate for Primary and Secondary School students was 63% in December 2007 compared to 61% for December 2008.⁹⁵

4.132 Even though there may not be any evidence to link the provision of meals at school with increased school attendance the committee considers that providing regular, healthy meals to children and having the engagement of their parents and other members of the community facilitated through this program can only be beneficial. This was also supported by anecdotal evidence the committee heard from teachers and parents in the communities of Milingimbi and Ntaria. The fact that many parents were making voluntary payments to the program through their Centrelink arrangements is also to be commended.

93 Correspondence provided to the committee from Mr Michael Zissler, Commander, Northern Territory Emergency Response Operations Centre, 26 May 2009.

94 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 30, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

95 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 16, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).



Community meeting in Milingimbi

4.133 The committee also heard from many witnesses that the school nutrition programs had been received as a positive development and was an aspect of the NTER that was welcomed. The Victoria Daly Shire, responsible for communities within the vicinity of Katherine, noted that:

...the school nutrition programs are very positive. Some more work could be done around those in terms of getting better facilities and the like. But that again has been a very positive thing.⁹⁶

4.134 When the committee asked Sunrise Health Service about the school nutrition programs they noted that it is reaching a lot of children but confirmation of its effectiveness is not yet possible:

We know that we have good engagement and that good numbers of people turn up. In terms of...evaluation, at the moment we are trying to get our anaemia rates down. We have quite a sustained program around that. Probably in another six months time I will be able to more accurately answer that because anaemia is one of those instant, key performance indicators as to whether things have changed for the good or not.⁹⁷

96 Mr Gregory Arnott, Victoria Daly Shire Council, *Committee Hansard*, 20 May 2009, p. 9,

97 Ms Irene Fisher, *Committee Hansard*, 20 May 2009, p. 38.

Promoting law and order

4.135 Measures include:

- more police in remote communities;
- bans on alcohol and pornography in prescribed areas;
- expanded night patrol services;
- additional legal services and interpreter services; and
- child abuse intelligence desk.

More police

4.136 A primary objective of the NTER was to provide for more police and police stations, and to give police additional powers. The Australian Federal Police (AFP) and state police forces have provided additional police officers to work with Northern Territory police and are under their command. The committee notes that before the NTER, 38 police stations serviced remote communities in the Northern Territory. Between July 2007 and February 2008, 18 additional temporary police stations were built under Taskforce THEMIS in the NTER communities. Sixty three additional police have been deployed since the NTER was announced in June 2007; 45 AFP and interstate police and 18 Northern Territory police. Four existing police stations have also been upgraded.⁹⁸ The Minister for Families, Housing, Community Services and Indigenous Affairs provided the committee with an update on the number of police in each community, and where there is no police presence in the community, which station the community is serviced by and the distance to the nearest police station. This information is provided at Appendix 7.

4.137 There was clear evidence to the NTER Review that more police were welcome, and that communities without a police presence should be provided with them. The NTER Review expressed concern that even in communities that did have police, the current numbers were not adequate. For example many communities only have two police who are expected to provide 24-hour, 7-day-a-week service. The committee also heard that in Milingimbi there is still no permanent police presence in this community and that if there is an incident police have to attend from Ramingining by which time the incident is over.

4.138 The committee notes that even though the NTER Review received information about the criteria used to determine the locations of the new THEMIS police stations, which included issues such as the existing picture of criminality, any prior needs assessment and the strategic importance of the location, it found that there

98 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 24, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

appeared to be significant inconsistencies regarding the allocation of police. They gave the following example:

Tennant Creek, a town with a population of about 33007, has 39 police officers (one police officer to 85 people), compared to Wadeye with a population of approx 22208 which has seven police (one police officer to 317 people) and Maningrida, with a population of approx 30009, which has two police officers (one police to 1500 people).⁹⁹

4.139 Expert advice sought by the NTER Review indicated that it was too early to tell whether the additional police presence was preventing crime in the prescribed areas, with the only empirical conclusion to be drawn from available data being that a police station is now operating and that crime is being reported. It does not allow for the actual crime to have been measured before and after the establishment of the station.¹⁰⁰

4.140 The committee notes that one factor identified by the additional police presence has been the increase of reported incidents. While not all of these may proceed to prosecution, additional police means that a higher level of incidents are being reported and investigated.

4.141 There was a small increase in the number of alcohol related incidents reported to the police across the NTER region from 1 994 in the last six months of 2007 to 2 180 in the last six months of 2008. The Monitoring Report notes that more than 100 per cent of the increase was accounted for by the THEMIS stations which means that non-THEMIS stations must have had some decreases in incidents during the period. The number of substance abuse incidents also rose from 177 in the last six months of 2007 to 224 in the last six months of 2008.¹⁰¹

4.142 The level of domestic violence reported to police across the NTER area remains high. The number of domestic violence related incidents reported to police rose from 902 in the last six months of 2007 to 1163 in the last six months of 2008. In the 18 THEMIS communities, the level of reported domestic violence incidents increased significantly, from 120 in the last six months of 2007 to 266 in the last six months of 2008. The THEMIS communities accounted for 55 per cent of the increase in the total number of domestic violence incidents from the last six months of 2007 to the second six months of 2008. This is discussed further in Chapter 5.

99 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 26, http://www.terreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

100 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 26, http://www.terreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

101 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 25, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

4.143 There is a high level of assault (relative to population size) across the NTER communities but the committee notes there is little evidence of any increase in the number of cases lodged in court or convictions since the introduction of the NTER. The Monitoring Report concludes that more time is required to form a view about on this issue.¹⁰²

4.144 The committee notes and is concerned that child protection data is not available at the NTER community level. However data is available for Indigenous children across the whole Northern Territory. In 2007-08, Indigenous children in the Northern Territory were six times as likely as other children to be the subject of a substantiation of a notification of abuse and neglect. The rate of substantiation of a notification for Indigenous children aged 0-16 in the Northern Territory rose from 16.8 per 1 000 children in 2006-07 to 23.7 per 1 000 children in 2007-08. Substantiations for Indigenous children were most likely to reflect neglect (36.5%), followed by emotional (27.1%) and physical abuse (21.8). Sexual abuse accounted for 14.5 per cent of substantiations for Indigenous children in the Northern Territory in 2007-08, which is an increase of 4.6 percentage points from 2006-07. Some of this data is presented and discussed further in Chapter 3.

4.145 The Northern Territory Department of Justice holds data on lodgements in court for sexual assault and convictions for sexual assault across the NTER communities on a consistent basis back to the 2005-06. This allows a comparison to be made for first 18 months of the NTER until the end of December 2008 with the 18 month period to the end of December 2006. However it is important to note that most convictions in the Northern Territory relate to offences committed outside the NTER communities.

4.146 The number of sexual assault cases lodged in court relating to offences committed in the NTER communities rose from 39 in the 18 months to the end of December 2006 to 45 in the 18 months to the end of December 2008. The number of convictions for child sexual assaults committed in the NTER communities for the first 18 months of the NTER stands at 17. This compares to 8 convictions in the 18 months ended December 2006. There were 7 convictions for child sexual assault committed in the NTER communities in the six months to the end of December 2008 compared to 8 convictions in the six months to the end of December 2007. The committee notes that not all convictions for child sexual abuse in the NTER communities relate to offences committed by Indigenous people.¹⁰³

102 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 26, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

103 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 29, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

4.147 This was also noted by the Northern Territory Legal Aid Commission at the committee's Darwin hearing:

I will also make the point, just for your interest, that we have an increased number of children abused not just in the Indigenous community; most of our cases recently are non-Indigenous and to do with sexual abuse in the community. It should not be just targeted in the Indigenous community. It is a real problem across-the-board.¹⁰⁴

4.148 Notification of child neglect is far more common than sexual assault in the NTER communities. The data below should be treated with some caution as it is based on reports to police that may be unconfirmed. There has been a significant increase in the number of reports collectively referred to as 'child abuse' made to police from across the NTER communities however this may be explained by an increased police presence, not necessarily that greater levels of neglect or abuse are occurring.

4.149 There has been a significant increase in the reported number of incidents of abuse relating to child welfare in from the last six months of 2007 to the last six months of 2008. The category 'child welfare' relates to issues that would generally be considered to be child neglect. The total number of incidents of child abuse in the NTER communities rose, from 74 in the last six months of 2007 to 124 in the last six months of 2008. The 18 THEMIS communities accounted for around 36 per cent of the increase in the number of child abuse reports made to police from 2006-07 to 2007-08.¹⁰⁵

4.150 One of the issues associated with a greater police presence is obviously an increased capacity for police to apprehend offenders and also for people to make reports. The committee considered evidence that indicated that incarceration rates imposed on individuals for relatively minor offences were increasing. The Northern Territory already has a very high Indigenous incarceration rate and the committee is concerned that people may be receiving custodial sentences unnecessarily. This is discussed in greater detail in Chapter 5.

4.151 The committee believes that consideration should be given by the Northern Territory government to a review of custodial sentences to ensure that they are being used appropriately, and that magistrates and judges have sufficient non-custodial options available to them when sentencing.

104 Ms Susan Cox QC, Northern Territory Legal Aid Commission, *Committee Hansard*, 21 May 2009, p. 29.

105 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 29, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

Bans on alcohol and pornography in prescribed areas

4.152 Pornography and alcohol were restricted in prescribed areas by the NTER. Pornography is classified under two levels of 'prohibited material' and offences were created for possessing and supplying prohibited material in prescribed areas. The Little Children are Sacred report found that there was a strong association between substance abuse, particularly alcohol, and the sexual abuse of children. Before the NTER, legislation and other initiatives such as dry areas and alcohol management plans were already in place in many communities.

4.153 The committee notes that submissions to the NTER Review indicated that large numbers of people have continued to drink outside the prescribed areas and some people from remote communities have travelled into larger regional towns to escape the restrictions on drinking, bringing their families with them. This has resulted in increased demand on shelters and community organisations to care for women and children if they can not get back to communities. Other issues considered by the NTER Review were increased safety concerns for children when parents are moving further away to drink and leaving their children for longer periods, or taking children to drinking areas, and an increase in illicit drug use especially cannabis, because alcohol was no longer available.

4.154 The committee also heard evidence that the NTER had led to pressure on carers who were being affected by people leaving their children in the community while they left to drink. These carers are usually '...grandmothers and they already had quite a heavy caring role, looking after multiple care recipients; but now they are also looking after many others—it is usually grandchildren—because the parents have drifted into town.'¹⁰⁶

4.155 Despite these issues the NTER Review considered that arrangements restricting the supply of alcohol in prescribed areas and within the Northern Territory should remain in place.¹⁰⁷ The committee agrees with this finding and also the NTER Review's recommendation that alcohol supply, demand and harm reduction strategies be implemented urgently to ensure the sustainability and long-term success of the alcohol restriction measures and also that comprehensive alcohol management plans be finalised in all relevant communities.¹⁰⁸ The committee also notes that these recommendations were supported by the Commonwealth and Northern Territory governments.

106 Ms Chrissie Nichols, *Committee Hansard*, 9 June 2009, p. 6.

107 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 24, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

108 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 12, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

4.156 The Monitoring Report states that alcohol management plans based on a principle of harm minimisation are now being implemented in Alice Springs, Tennant Creek, Palmerston and Katherine with Alcohol Management Plans in progress for Jabiru, West Arnhem, Darwin, Borroloola, Timber Creek, Maningrida and Elliot.¹⁰⁹

4.157 The committee heard evidence that restricting drinking has led to drinking areas being established outside the prescribed communities. Often these areas are near highways which put people at risk of being hit by vehicles.¹¹⁰ Mr Barry Robinson from Barunga community told the committee of incidences where people fall asleep on the road, putting themselves in great danger. Mr Robinson advocated moving drinking areas away from roads.¹¹¹

I am worried about my countrymen in Beswick, Barunga and Eva Valley. They lie on the road and there is no-one to help them or bring them back to the community. I tried the night patrol but nothing has happened. I am flat out running from Barunga with my little car and picking people up when they are finished with their grog and taking them back—sometimes three or four times, even eight times. I cart them back in my car till daybreak to bring my countrymen home to safety...If we could get a safe house there, the night patrol could go out to the Roper Highway to pick people up and take them back to the safe house and leave them there for the night. That way we would not have to worry; we would know our countrymen were being picked up and taken back to the community. They can be let out in the morning to have tea and they can be sent home...At the moment, they are lying everywhere on the road. In Roper Creek during the wet season it is an unsafe area. People get drowned and float down the river...I am asking at this hearing today: I need that drinking place to be moved back to Four Mile Creek. It is closer to walk from there back to Barunga.¹¹²

4.158 The committee notes that the Monitoring Report states that it is difficult to obtain data on the actual level of alcohol consumption across the NTER communities. This is because it is not possible to simply observe changes in sales data by location given takeaway sales outside the NTER communities. The NTER only restricts alcohol consumption in prescribed areas so there is nothing preventing people from leaving the prescribed areas to consume alcohol. The Northern Territory Department of Justice holds data on the volume of alcohol sales (pure alcohol in litres) for twelve

109 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 34, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

110 Roper Gulf Shire Council, *Submission 86*, p. 1.

111 Mr Barry Robinson, *Submission 89*, p. 1.

112 Mr Barry Robinson, Barunga Community, *Committee Hansard*, 20 May 2009, p. 44.

outlets for both 2007 and 2008. Eight of these twelve premises saw the volume of alcohol sales drop from 2007 to 2008.¹¹³

4.159 The committee regards this as promising however it considers that if the intention is to reduce alcohol consumption for harm minimisation purposes then governments have to tackle the supply problem. As CAYLUS states: 'the solution is simple: if you want people to drink less alcohol, sell them less'.¹¹⁴

4.160 The Northern Territory Police and Northern Territory government reported to the NTER Review that the legislative changes in relation to pornography offences introduced were difficult to enforce. As at May 2008 five offences were referred from the Northern Territory Police and only one matter had gone to court.

4.161 In addition, the committee notes that during the NTER Review the alcohol and pornography signs placed at the perimeter of prescribed communities stating that alcohol and pornography were prohibited attracted a lot of criticism. It was suggested to the NTER Review that while the signs may have deterred visitors from bringing alcohol and pornography into communities, they did not deter locals and had the perceived effect of labelling Aboriginal people as alcoholics and paedophiles.¹¹⁵

4.162 The committee notes that the NTER Review heard that information on the signs was regarded as complex and made little sense to people for whom English is a second or third language.¹¹⁶ The committee agrees with the NTER Review's recommendation that the Commonwealth government should consult with communities to replace the signs to make them more effective. The Commonwealth government has agreed to this recommendation and the committee understands that progress has been made in altering the signs.

Expanded night patrol services

4.163 Additional funds for night patrol services to be extended to all 73 communities under the NTER were provided. The aim of Northern Territory night patrol services was to help communities deal with violence and people at risk of harm. The committee notes that many communities already had night patrol services in operation although the NTER Review stated that an extra 50 were required.

113 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 27, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

114 CAYLUS, *Submission 26*, p. 7.

115 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 25, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

116 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 25, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

4.164 By 15 August 2008, 46 night patrols were operating in communities with 27 more in the process of being set up. Local shire councils have been tasked with managing the night patrol services. Like all service providers in remote Indigenous communities, recruiting staff to fulfil key roles is a serious problem and this issue, along with delays getting vehicles had contributed to the delay in establishing night patrols.¹¹⁷

4.165 As many of the night patrols were not operational at the time, the NTER Review made no comment on their impact. However the Monitoring Report provides updated data on the operation of night patrols and states that at 20 May 2009 there were night patrols operating in 70 communities, with three communities still in the consultation phase. The committee notes that from July to December 2008 the night patrols transported 36 220 people.¹¹⁸

4.166 FaHCSIA has provided updated information to the committee which states that there are currently 71 active night patrol services in the NTER communities. Two communities, Mount Liebig and Wallace Rockhole remain in consultation.¹¹⁹

4.167 The committee has heard that there is in general, a high level of support for night patrols. Mr Gregory Arnott from the Victoria Daly Shire told the committee: 'I think the positives to come out of the intervention include the funding of the night patrol. I think that is very positive. It has had a really good impact.'¹²⁰

Additional legal services and interpreter services

4.168 It was anticipated that the implementation of law and justice measures under the NTER would lead to higher demand on the existing resources of Northern Territory Aboriginal Interpreter Services. The aim of this measure was to respond to this increased demand. The Northern Territory Aboriginal Interpreter Service is a Northern Territory government service jointly funded by the Commonwealth and Northern Territory governments, with the aim of providing Indigenous people and relevant service providers with access to interpreters for legal assistance within the judicial system.

4.169 The committee notes that additional staff have been recruited to the service and the service itself has reported a significant increase in the use of interpreters, and additional funding of \$800 000 allocated for 2008–09 in recognition of the continued

117 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 27, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 15 June 2009).

118 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 30, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

119 FaHCSIA, answers to questions on notice 9 June 2009 (received 22 June 2009).

120 Mr Gregory Arnott, Victoria Daly Shire, *Committee Hansard*, 20 May 2009, p. 9.

growing demand for interpreters as a result of the NTER. The NTER Review found that the additional workload has primarily been as a result of income management.¹²¹ In the period 1 July 2008 to 31 December 2008, 2 518 people sought access to an interpreter, an increase (39.7%) from the same period in 2007.¹²²

4.170 Additional legal services were funded in anticipation of an increase in the legal assistance needs arising from the NTER. The NTER Review found that the NTER, especially the increased police presence, appeared to have had a flow-on effect to the justice and corrections systems. In 2007–08 criminal listings in the Magistrates Court rose by 12 per cent throughout the Territory over the previous year. There was also a 15 per cent increase in listings in the Alice Springs region.

4.171 The NTER Review considered that it was not really possible to estimate what proportion of the increase in court activity is attributable to the NTER as implementation of alcohol and drug diversionary programs would have also contributed to the increase in court listings as well. Uncertainty of the source of the increases in court listings is also discussed in Chapter 5.

4.172 The committee notes that alcohol management issues have also demanded substantial extra resourcing from legal services, especially in relation to explaining how the laws on alcohol management have changed and the additional police powers. Services reported increasing demand for legal assistance for welfare rights issues as a result of the new income management arrangements.¹²³ They also report that the anticipated increase in prosecution of child sex offences has not occurred, but there have been increases in prosecutions of teenagers for under-age consensual sex, and for traffic offence matters, many of which are leading to terms of imprisonment due to unpaid fines.¹²⁴ This is discussed further in Chapter 5. The Monitoring Report states that between 1 July 2008 and 31 December 2008 legal service providers handled 398 NTER related matters, including 81 advices, 83 duty lawyer services and 234 cases.¹²⁵

121 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 27, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

122 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 35, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

123 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 28, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

124 Northern Territory Legal Aid Commission, *Submission 22*, p.4; Ms Susan Cox QC, Northern Territory Legal Aid Commission, *Committee Hansard*, 21 May 2009, p. 29.

125 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 35, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

4.173 The committee notes that demand for legal assistance in the area of welfare rights issues as a result of the new income management arrangements is also increasing. Some services report that many of their clients are feeling overwhelmed by the child welfare system and the nature of the bureaucracy.

4.174 The committee also notes that—like all service providers—recruitment of new staff has been a consistent problem. The uncertainty of the continuation of funding from one year to the next has meant that services have only been able to offer one year contracts, which decreases the attractiveness of the position to potential applicants. A significant period of time was required at the beginning of the NTER to find staff for these legal service positions, and to build up new networks and relationships of trust in the communities.¹²⁶

Child abuse intelligence desk

4.175 The NTER provided funding to the Australian Crime Commission (ACC) to explore the establishment of a national Child Abuse Desk to be part of the Australian Criminal Intelligence Database which was to be accessible to all law enforcement agencies. The NTER Review was advised that funding has not been provided for this initiative for 2008–09 and that the ACC was seeking alternative funding to renew the project.

Housing and land reform

4.176 Measures under this initiative include:

- fixing up existing houses and cleaning up communities; and
- five year leases on Aboriginal townships.

Compulsory acquisition and five year leases

4.177 The NTER Review found that the primary objective of this measure was for the Commonwealth government to take possession and control of the larger Indigenous communities through the compulsory acquisition of the land area by the grant of an exclusive five year lease to the Commonwealth of Australia.¹²⁷ The committee notes that the NTER provides for the compulsory acquisition of leases over 64 specified communities and allows the government to acquire further leases by regulation.

126 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, pp. 30-31, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

127 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 113, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

4.178 All leases expire on 18 August 2012 regardless of when they began. The terms and conditions of the leases give the Commonwealth government exclusive possession of the leasehold area. The NTER permits the Minister to determine additional terms and conditions, an example of which were approved in August 2007 giving wide ranging control of the land to the Commonwealth.

4.179 The underlying freehold title to the land remains unaffected by the five year leases and pre-existing interests in the land are preserved.¹²⁸ The NTER Review found that there was considerable confusion about the five year leases.

4.180 The finding of the NTER Review was supported by the committee's own experience during visits to communities, especially in Ntaria. The committee subsequently asked the Minister for Families, Housing, Community Services and Indigenous Affairs in writing what FaHCSIA's communication strategy was for ensuring that people are informed about the leasing arrangements in Communities. The Minister responded:

- Under the Aboriginal Land Rights (Northern Territory) Act 1976, Land Councils have a statutory role in the grant of any lease on Aboriginal land. Land Councils ensure that traditional owners have been identified, consulted and given consent, that other Aboriginal people affected have also been consulted, that the terms and conditions of the lease are reasonable and that legal requirements are fully addressed.
- The Northern Territory (NT) Chief Minister wrote to the Central Land Council (CLC) on 30 July 2008 requesting housing precinct leases over Hermannsburg, Yuendumu and Lajamanu. To ensure traditional owners were apprised of the full range of options at consultations, the Secretary of FaHCSIA wrote to the CLC on 18 September 2008 setting out the basis on which it would be prepared to enter into a whole-of-township lease for Hermannsburg. These letters each set out the key lease terms for the CLC to use in consultations with traditional owners and residents.
- Governments respect that it is primarily the role of Land Councils to communicate with land owners about leasing so do not negotiate directly with Aboriginal land owners. However the requirement for secure tenure to underpin government investment in new housing and infrastructure is outlined in the broader Strategic Indigenous Housing and Infrastructure Program (SIHIP) communications strategy.¹²⁹

4.181 The committee is concerned that this process is not providing effective or sufficient communication to communities as a whole and as the leases are initiated by

128 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 39, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

129 The Hon Jenny Macklin, MP, Minister for Families, Housing, Community Services and Indigenous Affairs, committee correspondence 12 May 2009 (received 24 June 2009).

the Commonwealth government the committee believes it should take a more active role in communicating its policies within communities.

4.182 The NTER Review concluded that the original intention of the compulsory five year leases was to enable urgent maintenance and upgrading of existing housing and infrastructure with a longer term objective to make future funds for Aboriginal housing dependent on the grant of a long-term lease by the Aboriginal owners to the Commonwealth, thereby securing control over the housing and infrastructure assets.¹³⁰ This is also the committee's understanding of the intent of the leases.

4.183 The committee notes that when first introduced the NTER removed the permit system that required permits to enter Aboriginal land within prescribed areas. Last year the Commonwealth government moved to reinstate the requirement for permits in prescribed areas that was removed previously by the NTER laws. This legislation was defeated in the Senate.

4.184 Homeland communities and outstations are not included in the NTER for the purposes of five year lease arrangements, although other measures such as income management apply. The NTER Review found that excluding homelands and outstations from the five year lease arrangements left these communities in a vacuum, and urged the Commonwealth and Northern Territory governments to clarify their position.¹³¹ As the Laynhapuy Homelands Association Inc says in their submission: 'In short, homelands are subjected to many of the more controlling measures under the NTER, but are unlikely to benefit from any increased government investment.'¹³² The committee discusses homelands and outstations in more detail in Chapter 5.

Fixing up houses and cleaning up communities

4.185 This measure consisted of the repair and upgrade of a range of infrastructure that required urgent attention. It was a response to the much reported poor state of infrastructure in communities. Community clean up was an intense short term activity to make communities safer and healthier. It targeted the 73 prescribed communities but excluded outstations. It enabled the repair of immediately dangerous conditions, general minor repairs, painting, rubbish removal and a summary report of works. The NTER Review was advised that 3 046 properties had been surveyed to assess the need for repairs and that repairs had been carried out. Minor repairs were done to 2 995 properties. The Monitoring Report provides updated data that indicates that a total of 3 274 buildings were surveyed. 'Make safe' repairs were carried out on 2 801 buildings

130 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 113, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

131 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 40, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

132 Laynhapuy Homelands Association Inc, *Submission 28*, p. 10.

and minor repairs were carried out on 2 814 buildings. The committee notes that all repair work has now been completed.¹³³

4.186 The NTER Review considered many instances put to them where repairs to houses were unnecessary as they were 'on the contractor's list'. There were also concerns that due to the large volume of work being given to contractors external to the community this had grossly inflated prices, making it poor value for money.¹³⁴ This was also substantiated by evidence provided to the committee. Mr William South told the committee of an instance where a tap that had been replaced a few weeks earlier was replaced again:

We were thinking, 'What is going on here?' This is serious stuff. A brass garden tap which I replaced six weeks earlier they replaced again. They charged \$30 for the tap and \$52.50 for the labour. It cost me, or the community, \$6.13 and it took me about three minutes to put it on. That is wrong.¹³⁵

4.187 Ms Lesley Podesta, from the Commonwealth Department of Health agreed:

...reality if there is a capital works project that is funded by the Australian government, the prices go crazy. We try to keep the market honest and reasonable about this. We try not to put billions of dollars into it because it just increases the prices everywhere. We try to be very realistic and pragmatic about building, keeping the costs within a contained environment, so that we just do not do this kind of: let us spend this much money here and have a Taj Mahal and the next one will be a Taj Mahal, and the tradies know that we are funding it so they increase the prices. We do try to be very tough about containing those costs and we get a good deal now. We have really ironed out some of the people who used to make a lot of money out of individual services because they were in a remote community. That is part of the reason we do the investment plan, doing as much as possible, contracting a number of service builds, and having contracts that are very tough on deliverables so that we get good value for that money.¹³⁶

4.188 The committee is encouraged that DoHA has a process in place to manage this and urges all government agencies to do the same.

133 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 42, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

134 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 42, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

135 Mr William South, Mungoorbada Aboriginal Corporation, *Committee Hansard*, 20 May 2009, p. 64.

136 Ms Lesley Podesta, Department of Health and Ageing, *Committee Hansard*, 9 June 2009, p. 70.

4.189 The NTER Review recommended that payment of just terms compensation to Aboriginal landowners for the acquisition and use of their property without consent from the date of the original acquisition be made, and that rent be paid to the Aboriginal landowners. The Commonwealth government has accepted this recommendation and asked the Northern Territory Valuer-General to determine a reasonable amount of rent which the Commonwealth will pay.¹³⁷

4.190 As previously mentioned, the NTER Review found that overcrowding and the appalling state of housing in most communities was impacting upon the life chances of children and the wellbeing of communities generally. Funding for new housing was not part of the NTER however the Commonwealth government's Strategic Indigenous Housing and Infrastructure Program (SIHIP) announced after the NTER is relevant to the success of many of the measures under the NTER as it provides funding for a new housing program.

4.191 The committee notes that SIHIP is a partnership between the Commonwealth government and the Northern Territory government and is intended to deliver around 750 new houses including new subdivisions, demolition of 230 uninhabitable houses, 500 housing upgrades, essential infrastructure to support new houses and improvements to living conditions in town camps.¹³⁸

4.192 The Commonwealth government has stated that appropriate land tenure arrangements must be in place before construction can commence. Leases are already in place at Nguuu, the Tennant Creek Town Camps, and the three Groote Eylandt region communities of Angurugu, Umbakumba and Milyakburra. Housing precinct leases have also been agreed for Maningrida, Galiwinku, Gunbalanya and Wadeye. The Monitoring Report states that as leases have been agreed in many communities design and community consultation activities are now proceeding in 48 communities across the Northern Territory.¹³⁹

4.193 In the Commonwealth government's response to the NTER Review, it committed to a staged transition from compulsory five year leases over communities to voluntary lease arrangements. Current long term lease negotiations focus on the 15 communities identified for major SIHIP capital investment. However, voluntary leases will also be progressively offered to other communities.

137 *Australian Government and Northern Territory Government Response to the Report of the NTER Review Board*, May 2008, p. 4, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/response_to_reportNTER/Documents/Aust_response_1882953_1.pdf (accessed 23 June 2009).

138 FaHCSIA, *New Remote Housing System - NT*, http://www.fahcsia.gov.au/sa/indigenous/progserv/housing/pages/newremote_housing_system.aspx (accessed 23 June 2009).

139 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 38, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

4.194 The committee notes that negotiations at Ngukurr and Numbulwar are in early stages and it is anticipated the Northern Land Council will commence consultations with the three remaining priority communities (Gapuwiyak, Milingimbi, Yirkkala) in mid 2009. The Central Land Council is continuing to work with traditional owners and community members of the three central communities, Hermannsburg, Lajamanu and Yuendumu, where major SIHIP works have been allocated. A sublease with Tennant Creek Town Camps was signed by Julalikari Council Aboriginal Corporation on 20 October 2008 and additional housing funding of \$6.5 million announced on 28 October 2008.

4.195 The committee also observed a high level of confusion surrounding the SIHIP program. People questioned why 26 large communities around Australia were earmarked for resources,¹⁴⁰ 15 of these in the Northern Territory, and on what basis this decision was made. The committee asked the Minister for Families, Housing, Community Services and Indigenous Affairs this question. The Minister responded:

COAG has already agreed priority remote service delivery locations 15 of which are in the NT...These were identified between the Commonwealth and the relevant State/NT government. The locations will also be locations for initial housing investment.

In identifying further priority locations for housing investment the Government will take into account the national principles for investment in remote locations agreed to as part of the National Partnership Agreement on Remote Service Delivery. These principles take into account:

- significant concentrations of population;
- anticipated demographic trends and pressures;
- the potential for economic development and employment; and
- the extent of pre-existing shortfalls in government investment in infrastructure and services.

In the NT the priority communities are larger communities with high housing needs and where the greatest impact can be made with the available funds. The intention is to maximise the role of priority communities as service hubs. These communities will receive new houses, major housing upgrades and improved housing related infrastructure through the SIHIP.

In addition to those communities which will receive major capital works in the NT a further 57 communities in the NT will receive housing refurbishments.

4.196 Advice provided to the committee indicates that other communities and townships (beyond the Remote Service Delivery sites) will continue to receive

140 Note: the SIHIP program is not the only housing program which provides funds for housing in Indigenous communities there are also other funds available delivered through other Commonwealth and state and territory housing programs.

government support and services.¹⁴¹ The committee notes that this response still does not provide details on how COAG decided on the priority communities and whether the criteria outlined for identifying future priority locations may have also informed the decision. The committee will pursue this issue further throughout its inquiry.

4.197 The committee also notes that the Minister advised that the decision on the priority communities had already been made by the time the data from the detailed assessment of individual buildings that occurred under the Community Clean Up program was compiled and so it was not a factor in the decision.¹⁴²

4.198 The committee heard that there is also a high degree of suspicion that the promised number of houses would not be built, and that they would be built under such inefficient administrative and contractual arrangements that they would cost an exorbitant amount per house.¹⁴³

4.199 The Monitoring Report states that 'work is continuing toward reaching lease agreement for Alice Springs Town Camps'¹⁴⁴ however in late May 2009 negotiations between the Commonwealth and Tangentyere Council, responsible for managing the town camps, in relation to a \$125 million housing funding program broke down. It was a condition of the funding that the Tangentyere agree to a 40 year lease with tenancy management to be conducted by the Northern Territory government. Tangentyere had agreed to the lease but not the management of tenancy arrangements by the Northern Territory government. Instead they proposed that tenancy be managed through the Central Australian Affordable Housing Company, a company that in the process of being established with Commonwealth government assistance. The Commonwealth government did not agree.

4.200 Tangentyere has until 29 June 2009 to make submissions to the Commonwealth otherwise the Minister has announced that she will use provisions under the NTER legislation to compulsorily acquire the land permanently.¹⁴⁵

141 The Hon Jenny Macklin, MP, Minister for Families, Housing, Community Services and Indigenous Affairs, committee correspondence 12 May 2009 (received 24 June 2009).

142 The Hon Jenny Macklin, MP, Minister for Families, Housing, Community Services and Indigenous Affairs, committee correspondence 12 May 2009 (received 24 June 2009).

143 Mungoorbada Aboriginal Corporation, *Submission 83*, p. 1.

144 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 38, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

145 See Paul Toohey, *Macklin lays down law on town camp seizures*, *The Australian*, 25 May 2009 <http://www.theaustralian.news.com.au/story/0,25197,25532508-5006790,00.html> (accessed 12 June 2009); The Hon Jenny Macklin MP, Department of Families, Housing, Community Services and Indigenous Affairs, *Tangentyere Council, Alice Springs town camps, Central Land Council*, Transcript of Interview, 11 June 2009 http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/jm_t_tangentyere_council_11june09.doc.htm (accessed 12 June 2009).

4.201 Some commentators have suggested that this action contradicts the Commonwealth's announcement to reinstate the RDA.¹⁴⁶ 'Special measures', initiatives targeting certain racial or ethnic groups facing persistent disadvantage and which treat certain racial or ethnic groups differently on the basis that this will be of benefit to them, are permitted under the United Nations Convention on the Elimination of All Forms of Racial Discrimination to which Australia is a signatory. The Convention is given force in domestic law through the RDA. Under the Convention, State parties are obliged to get the informed consent of Indigenous peoples in making decisions that affect them and special measures must be deemed necessary and temporary.

4.202 The committee heard evidence that there was a high degree of confusion over leasing arrangements and people question why they need to agree to change landholding arrangements to get housing.¹⁴⁷ Some people regard this as coercive and it reinforces a sense of distrust with what the Commonwealth government is proposing.¹⁴⁸

4.203 The committee considers that the state of housing and environmental health in communities should rightly be described as an emergency. As one clinician noted in a submission to the inquiry:

I think it is vital that we work to insist on the supply of more housing and infrastructure as a meaningful and practical step for resolving the problems in the bush. If you are any parent white or black living in a household of 20 other people with limited sanitation facilities and income then your ability to protect your child from the ravages of recurrent strep infections, rheumatic fever, kidney disease, ear infections, trachoma, intestinal parasites, dental caries, anaemia, malnutrition or sexual predators is severely compromised whether you are drug and alcohol affected or not. If you have no where else to go and no one to offer reliable long-term assistance or protection what choice do you have but to continue to put up with it? As important as we doctors like to think we are, most of the major health advantages in our dominant culture have actually been achieved by plumbers, carpenters, civil engineers and teachers.¹⁴⁹

146 Alison Vivian and Larissa Behrendt, *Is Macklin ignoring her own legal advice on town camps acquisition?* Crikey, 16 June 2009, <http://www.crikey.com.au/2009/06/16/is-macklin-ignoring-her-own-legal-advice-on-town-camps-acquisition/> (accessed 23 June 2009).

147 Committee meeting notes, Ntaria 30 April 2009.

148 See also, The National Aboriginal and Torres Strait Islander Ecumenical Commission, *Negotiation not Coercion needed in the Northern Territory*, Press release, 15 June 2009.

149 School of Medicine, Flinders University, *Submission 45*, p. 5.

Recommendation 3

4.204 The committee recommends that the Commonwealth government review its overall communication strategy for regional and remote Indigenous communities with the view to making information available to communities on an ongoing and regular basis and in an accessible way. In the instance of the SIHIP program the communication strategy should provide information on how the decision to fund housing in the priority communities was made, as well as regular information on how the construction of this new housing is progressing.

Welfare reform and employment

4.205 Measures include:

- Income management;
- Licensing of community stores;
- Creating real jobs in communities outside Community Development Employment Projects (CDEP);
- Increased participation in remote areas including work for the Dole activities; and
- Community Employment Brokers in communities.

Income management

4.206 People receiving Centrelink payments who live in prescribed areas became subject to compulsory income management of half their Centrelink payments and all of most advances, lump sum payments and the Baby Bonus. This measure was imposed universally within the prescribed areas. As noted by the Review, there were no opportunities:

...extended to those living in the affected communities to negotiate their way out of the imposed regulation of their income, if they could demonstrate their ability to responsibly manage their income. The only determinant was whether an individual lived in a prescribed area on 21 June 2007.¹⁵⁰

4.207 The committee notes that many problems with store cards and the BasicsCard have been reported. The BasicsCard is issued by Centrelink and allows people who are subject to income management to access their quarantined money at approved stores and merchants. It cannot be used to purchase alcohol, tobacco, pornography,

150 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 20, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

gambling products or gift vouchers. It cannot be used to get cash out, lay-by goods or for 'book up'.¹⁵¹

4.208 The NTER Review found that as cards don't carry any security provisions which would limit their use to the authorised welfare recipient, they can be misused and exchanged for cash which undermines the income management scheme. They also heard examples of how in some instances, cards were not being redeemed for their full amount and many customers, through lack of understanding, did not take advantage of their full entitlement.¹⁵² This is consistent with evidence put to the committee during this inquiry.

4.209 The committee notes that BasicsCards had not been implemented at the time of the NTER Review though evidence provided to it has confirmed similar issues. However many witnesses have noted that there is growing acceptance of the BasicsCard as people become more familiar with it.

It is working really well. I see a lot of food getting back to the houses, and that is really good to see. They are getting used to it as time goes on, whereas before they were really worried about the money and all that access, but give them time and they will make use of it. It is used better now and is getting the food back to the kids.¹⁵³

4.210 A report detailing the perspectives of six communities affected by the NTER and commissioned by the Central Land Council found that amongst survey participants, there was almost equal support for and against income management with 51 per cent of survey participants in favour of it and 46 per cent opposed to it.¹⁵⁴

4.211 This report also found that income source was a factor influencing people's level of support for income management with people on wages most supportive of income management.

4.212 Advantages associated with quarantining arrangements included:

- increased household expenditure on food and children;
- reduction in drinking;
- young men are contributing to family food;
- reduction in gambling; and

151 Centrelink, *BasicsCard*, [http://www.centrelink.gov.au/internet/internet.nsf/filestores/co514_0807/\\$file/co514_0807en.pdf](http://www.centrelink.gov.au/internet/internet.nsf/filestores/co514_0807/$file/co514_0807en.pdf) (accessed 15 June 2009).

152 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 21, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

153 Councillor Tony Jack, Mayor, Roper Gulf Shire Council, *Committee Hansard*, 20 May 2009, p. 49.

154 Central Land Council, *Submission 92*, p. 19.

- facilitates saving money (including through the use of store cards).
- 4.213 Disadvantages associated with quarantining arrangements included:
- not enough discretionary cash;
 - blanket reform is discriminatory;
 - problems with accessing quarantined money;
 - incompatibility with population mobility;
 - lack of choice;
 - administrative restrictions on the use of quarantined money; and
 - cost shifting to Aboriginal people and community staff to deal with the new arrangements.¹⁵⁵

4.214 Evidence gathered for the report also indicated that if income management was better directed towards people with alcohol, gambling or substance misuse problems, there is some evidence to suggest that Aboriginal people would be more supportive of it.¹⁵⁶

4.215 The NTER Review found that even though there was considerable criticism of this measure many people believed that it provided an opportunity to manage their income and the family budget in a way that was beneficial. Anecdotal evidence indicated that more food was being purchased and that tobacco sales had decreased at community stores.¹⁵⁷ The NTER Review recommended that the blanket application of compulsory income management cease and that it be available on a voluntary basis to community members who choose to have some of their income quarantined for specific purposes, as determined by them. It was also recommended that compulsory income management should only be applied on the basis of child protection, school enrolment and attendance.¹⁵⁸

155 Central Land Council, *Submission 92*, pp. 19 – 20.

156 Central Land Council, *Submission 92*, p. 20.

157 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 21, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

158 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 23, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

4.216 This recommendation was not supported by the Commonwealth. Instead the Commonwealth has announced that it will consider options to allow people to apply for an exemption from income management.¹⁵⁹

4.217 The Monitoring Report stated that at 2 January 2009, a total of \$124.5 million had been income managed. Of this, \$119.9 million was allocated to priority goods and services with the assertion that most money was allocated to food (62%), rent (10%), store cards (9%) and clothing and footwear (5%).¹⁶⁰

4.218 One of the issues of concern to the committee is that there is no real way of knowing how much income managed money is being spent on food or other items. At its hearing in Canberra Centrelink advised the committee that most of the income managed money was being spent on food. However, the committee has formed the view that this is not actually the case. This is referred to in detail in Chapter 2.

4.219 At 15 May, 36 102 BasicsCards have been issued overall, with a total of 17 335 customers issued with a card and 18 767 being replacement cards.¹⁶¹

Licensing of community stores

4.220 The NTER legislation provides for the licensing of community stores. The licensing regime attempts to address a long history of problems with stores, focused mainly on the quality of services provided by many community stores and the integrity of their financial management. 'Poor quality food, limited ranges and exorbitant prices have characterised many stores in many communities.'¹⁶²

4.221 The NTER Review found that standards between stores varied and that even in some licensed stores prices were high and food quality was low. Many people believed that they were seriously disadvantaged by the poor standards of their local stores. The NTER Review expressed the strong view that where people have no option but to spend a major portion of their income at specific outlets, there is a heavy responsibility upon the government to ensure that those outlets operate in accordance with high standards. The NTER Review recommended that the system for licensing

159 Department of Families, Housing, Community Services and Indigenous Affairs, *Future Directions for the Northern Territory Emergency Response*, 21 May 2009, pp. 11-12 http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/future_directions_discussion_paper/Documents/discussion_paper_6.pdf (accessed 12 June 2009).

160 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 45, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

161 Correspondence provided to the committee from Mr Michael Zissler, Commander, Northern Territory Emergency Response Operations Centre, 26 May 2009.

162 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 21, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

community stores be continued with a requirement for there to be an audit of each licensed store every six months to ensure that high standards of governance were being applied, there was a range of good quality products, appropriate health standards were being applied and local employment strategies were pursued. It also recommended that the Commonwealth government examine ways to address the unacceptably high prices in stores.¹⁶³

4.222 Both of these recommendations were supported by the Commonwealth and Northern Territory governments in their joint response to the NTER Review.

4.223 The committee understands that licences are issued to community store operators who have a reasonable quality, quantity and range of groceries and consumer items, including healthy food and drinks available and promoted at the store; can demonstrate the capacity to participate in the requirements of the income management regime; and have sound financial structures, retail and governance practices.

4.224 At its Darwin hearing the committee heard evidence that some communities, while having access to a store, do not have access to a licensed store. This means that to use their income managed funds they have to travel out of the community. For very remote and isolated communities, this places a large cost burden on people whose income is being managed. The committee was provided with the example of Mapuru where people have to charter a flight to Elcho Island in order to use their income managed funds.

At Mapuru there is a shop that is willing to operate the BasicsCard facilities but somehow they will not let it. So people have to fly in and it costs \$500 return on a charter flight. There is no regular passenger transport or RPT run: they have to pay \$250 to fly in and \$250 to fly back. Then they probably buy \$150 worth of food and stuff.

4.225 The committee has asked FaHCSIA if information is collected on the number of people and communities who do not have direct access to a licensed store. FaHCSIA has advised that 13 NTER communities do not have a licensed store and that is because there is no store within their particular community boundary.¹⁶⁴

4.226 When asked about the situation in Mapuru and whether temporary arrangements could be made for residents whose income was being managed to access these funds at their local store, FaHCSIA provided the following response:

There are currently only a small number of the (approximate) 60 residents of Mapuru who are being income managed.

163 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 23, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

164 FaHCSIA, answers to questions on notice 9 June 2009 (received 22 June 2009).

Access to food, and the cost of bringing in food or getting to a food source, is not new for the Mapuru homeland residents. The residents have previously advised FaHCSIA (prior to the commencement of income management) that they shop fortnightly at the stores in Galiwinku and Gapuwiyak and hunt for their fresh food locally. The dry food sold at the Mapuru Co-op (when it was trading) supplemented this.

Centrelink has worked with income managed customers in Mapuru to ensure access to food that meets each individual's circumstances. This includes, for example, assisting customers to access income managed funds to travel to Galiwinku, Elcho Island and Gapuwiyak (where the BasicCard can be used) to purchase a wider variety and range of fresh, dry and perishable foods than is available at the Mapuru Co-op (as some residents have always done). Customers may also use the BasicsCard when they travel to other areas of the Northern Territory.¹⁶⁵

4.227 FaHCSIA also advised that the on-site licensing assessment of the Mapuru Co-op will be conducted in late June 2009, and it is expected that the assessment will not be completed until mid July 2009. The committee was also advised that it was FaHCSIA's policy that generally, unless a store in a prescribed area meets FaHCSIA's licensing requirements, then stores are not able to participate in the income management regime.¹⁶⁶

4.228 The committee considers that it is unfair for people who live in a community with a store not to be able to access their income managed funds at that store, and that prior to income management, people would have been able to spend their money in the store if they chose to do so. Income management has meant that this choice has been removed from them. The committee looks forward to learning of the outcome of the licensing process at Mapuru.

Recommendation 4

4.229 That in communities without access to a local store licensed to accept the BasicsCard, alternative arrangements should be made so that people are able to access income managed funds at their local store. This could be in the form of a temporary arrangement with the store until the licensing process can be completed.

4.230 The committee understands that it is possible for roadhouses to participate in the licensing scheme but that they are generally only licensed to sell fuel. The committee sought information at its hearing in Canberra on 9 June 2009 about whether roadhouses that do not sell Opal fuel, a non-sniffable alternative fuel, are licensed.¹⁶⁷ The committee understands that Laramba Store is licensed and has been advised that Ti Tree Roadhouse is currently approved to accept the BasicsCard for the

165 FaHCSIA, answers to questions on notice 9 June 2009 (received 22 June 2009).

166 FaHCSIA, answers to questions on notice 9 June 2009 (received 22 June 2009).

167 *Committee Hansard*, 9 June 2009, p. 53.

purchase of fuel and motor vehicle expenses.¹⁶⁸ The committee is concerned that sniffable fuel can be purchased at licensed stores using the BasicsCard in the Petrol Sniffing Strategy Zone, especially given the concerted effort to have all retailers selling non-sniffable fuel in Central Australia and the destructive effect sniffing can have in Indigenous communities. The committee also heard that regular unleaded sniffable fuel is not an excluded item under the income management policy.¹⁶⁹

4.231 The Department of Health has advised the committee that there are ten known sites in and around the designated Petrol Sniffing Strategy Central Desert Region that continue to refuse to supply Opal fuel. This includes four sites in the designated Central Desert Region and six sites that are located in areas that could be considered as feeder sites to the Central Desert Region. These sites are:

- Laramba Store;
- Maryvale Station;
- Ti Tree Roadhouse;
- Tilmouth Well Roadhouse;
- Cadney Park;
- Jervois Roadhouse;
- Rabbit Flat Roadhouse;
- Ross River Resort;
- The Dangi Pub (Urandangi); and
- BP Laverton Motors.

4.232 It should be noted that the Outback Store located in Ti Tree community commenced supplying Opal fuel on 1 June 2009. Ti Tree Roadhouse continues to refuse the supply of Opal fuel.¹⁷⁰

Recommendation 5

4.233 The committee recommends that in order to be licensed as a merchant for the BasicsCard, FaHCSIA make it a condition of license that roadhouses within the Petrol Sniffing Strategy Central Desert Region and feeder sites to this region sell Opal fuel.

168 FaHCSIA, answers to questions on notice, 9 June 2009 (received 22 June 2009).

169 Ms Michelle Wilson, FaHCSIA, *Committee Hansard*, 9 June 2009, p. 59.

170 DoHA, answers to questions on notice, 9 June 2009 (received 17 June 2009).

Creating real jobs in communities outside Community Development Employment Projects (CDEP)

4.234 The previous government policy decision was to phase out CDEP (as provided for in amendments made by the *Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007*) and to progressively replace it with other employment services such as real jobs, training or Work for the Dole. Remote area exemptions were also lifted from job seekers from July to December 2007. In December 2007 the current government placed a moratorium on the phasing out of CDEP and in April 2008 announced the reintroduction of CDEP as an interim measure, pending reform of the program.

4.235 These reforms have now been announced. CDEP will continue only in remote locations with two streams to be used to support people to increase their chances of employment: 'Work Readiness Services' are to help job seekers develop skills and move away from CDEP while 'Community Development' is to support communities and organisations.¹⁷¹

4.236 The NTER Review found that changes to CDEP caused a great deal of confusion and that while policy makers and social researchers engage in a debate about the place and value of CDEP, it considered that that 'for many Aboriginal people, CDEP currently represents the only opportunity to obtain work in which they can achieve a sense of satisfaction in contributing to the wellbeing of their communities'.¹⁷² They also considered that as with any program, the quality of the CDEP outcomes will depend on the competence of those responsible for implementing it and the effectiveness of the mechanisms put in place to monitor its administration.

4.237 The NTER Review recommended that CDEP should incorporate relevant training components to address the minimal literacy and numeracy levels of most participants, which diminish their job readiness. This recommendation was only partially supported by the Commonwealth and the Northern Territory governments. They have stated that literacy or numeracy training is not necessarily compulsory but should be supported for those who need it.¹⁷³ This issue is discussed further in Chapter 5.

171 Department of Families, Housing, Community Services and Indigenous Affairs, *NTER Monitoring Report July 2008 – December 2008*, Part Two p. 55, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Pages/default.aspx (accessed 13 June 2009).

172 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 21, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

173 *Australian Government and Northern Territory Government Response to the Report of the NTER Review Board*, May 2008, p. 4, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/response_to_reportNTER/Documents/Aust_response_1882953_1.pdf (accessed 23 June 2009).

4.238 The Review also found that the decision by the Commonwealth and Northern Territory governments and new shire councils in the Northern Territory to discontinue subsidising their services with CDEP and paying full wages with full entitlements to their employees was a very significant step to deliver real jobs. The committee heard evidence of this when it met with the McDonnell Shire Council. Eighty percent of the Shire's workforce are locally engaged Aboriginal staff.¹⁷⁴

4.239 Evidence to the committee indicated that conversion of CDEP places to permanent jobs had a beneficial effect, especially through jobs for rangers under the Working for Country program. Mr Ric Norton from Laynhapuy Homelands Association Inc told the committee:

the...area where we have done very well out of the intervention is the expansion of our ranger program. We have been quite successful in picking up the converted CDEP jobs under the Working for Country program. We already had some in train prior to the intervention and then we have picked up some of the expanded positions since the intervention, so we now have quite a substantial ranger program. We see that as a very strong asset of our organisation.¹⁷⁵

4.240 The committee also observed this when meeting with the Tjuwanpa Rangers in Ntaria (Hermannsburg). The committee heard that the Working for Country program funded by the Department of Environment, Water, Heritage and the Arts, has led to two full time and eight part time jobs for rangers. The committee considers the Tjuwanpa Rangers to be a very successful program providing an important role in the community and good skills development for young men in the community.



Members of the committee with the Tjuwanpa Rangers at Ntaria

174 Committee meeting notes, Central Australia, 29 April 2009.

175 Mr Ric Norton, Laynhapuy Homelands Association Inc, *Committee Hansard*, 21 May p. 42.

4.241 The Monitoring Report indicates that a total of 1 907 jobs were created up to December 2008 with almost 79 per cent (1 498) of these in Commonwealth government service delivery. The remainder (409) have been in local government service delivery. All of these positions have been filled by former CDEP participants.¹⁷⁶

Increased participation in remote areas including Work for the Dole activities

4.242 Work for the Dole is designed to assist people improve their chances of employment by providing work experience. NTER 'Work for the Dole' participants are required to attend continually during their period of unemployment rather than six months out of 12 months for non-NTER job seekers. Since 1 August 2007, a total of 134 Work for the Dole activities have been undertaken across the NTER prescribed communities. 70 per cent of all activities have occurred across 53 communities; 27 per cent in town camps and the remainder in outstations. Between June and December 2008, 11 activities were completed and 56 are still in operation and 2 066 people commenced on the program.

4.243 The committee notes that the Monitoring Report states that a lack of participation has been an ongoing issue. Attendance rates are around 30 per cent and of those who commence in an activity approximately only a third attend at least once per fortnight. This compares to a national attendance rate of 60 per cent. There is anecdotal evidence to indicate that compliance action continues to have little impact as an incentive to ongoing participation in employment programs.¹⁷⁷

Community Employment Brokers in communities

4.244 The role of Community Employment Brokers (CEBs) has been to coordinate the delivery of employment related services and to help find people jobs. The NTER Review was highly critical of this measure, finding that there was little evidence that their roles were being used effectively. At 15 September 2008 there were 30 CEBs servicing 55 communities and associated outstations and two town camp regions. The Review concluded that the high degree of scepticism within communities it visited about the role of CEBs meant that resourcing these positions should be reconsidered.¹⁷⁸

176 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 49, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

177 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 51, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

178 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 12, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

4.245 The NTER Review recommended that Community Employment Brokers should focus on mentoring and case management, especially with CDEP participants as well as on coordinating activities between education and training providers and Job Network providers.¹⁷⁹ The committee notes that this recommendation was not supported as CEBs will cease on 1 July 2009.

Coordination

4.246 This measure involved the establishment of the following:

- Northern Territory Emergency Response Taskforce;
- Government Business Managers to live in and work with communities;
- Logistical support for the NTER;
- Community engagement; and
- Ombudsman support to the Northern Territory Emergency Response.

Northern Territory Emergency Response Taskforce

4.247 The Taskforce operated for one year and reported to the government. The Taskforce's report is discussed earlier in this Chapter.

Logistical support for NTER.

4.248 The primary objective of the coordination measure was to provide administrative, logistical and other procedural support for the implementation of the other NTER measures. This was done through the establishment of an NTER Operations Centre. The Review found that there was no doubt that the Operations Centre was a very effective mechanism for cutting through the many logistical and administrative impediments associated with the roll-out of the major programs such as child health checks and income management. However this left very little room for consultation and engagement with communities.

4.249 As discussed above, administrative arrangements have changed slightly so that the Operations Centre is now delivering most of the NTER measures but GBMs are managed by the Northern Territory State Office.

4.250 The NTER Review, as well as this committee, heard many examples of how the 'siloes' operation of government departments and the inability of agencies to communicate and coordinate effectively.

We found that communities continue to struggle under an ever increasing demand for meetings with unfamiliar faces representing government and NGO providers seeking 'consultations' on complex and unfamiliar

179 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 23, http://www.nterreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

programs, who fly in and fly out on a daily basis and give no sense of a coordinated or planned engagement with the communities.¹⁸⁰

4.251 The NTER Review recommended that the Operations Centre continue under civilian management with the necessary authority and delegation from the Prime Minister and Chief Minister to drive and coordinate implementation across both Australian and Northern Territory government agencies delivery of services to Aboriginal communities. This has been done.

4.252 The committee has been overwhelmed by the scale of complaints it has received about the level of bureaucracy involved in delivering and accessing services. The committee notes that this issue does not just apply to the NTER but has application across the country. This issue has caused a great deal of frustration in relation to the NTER, especially as people struggled to comprehend the changes in the early stages of the NTER. Laynhapuy Homelands Association Inc put it this way:

Funding uncertainty due to policy changes, interim measures, shifting responsibility between Commonwealth, Territory, and Shires means the organisation cannot plan effectively for 12 months ahead, and the uncertainty about job security and viability of programs and work effort is demoralising. This impacts on staff turnover and hence program delivery and expenditure on recruitment.¹⁸¹

4.253 This was further reinforced to the committee when it visited Waltja Tjutanku Palyapayi, an organisation delivering a range of services to support families, children and young people in Central Australia. The committee heard that organisations like Waltja were being crippled by short term funding, the lack of funding certainty and the short term nature of programs. Waltja advised the committee that organisations like theirs need 5-10 years to really embed and make programs effective. It takes time to build relationships, put support in place in remote communities, train and support staff. The committee heard that for Waltja, the administrative cost of programs is expanding without any corresponding increase in funding. Every year funding bodies ask Waltja for feedback – what's working well, what's not working well. Each year Waltja tells funding bodies that the administrative burden is too onerous but nothing changes.¹⁸²

4.254 These experiences are supported by the findings of the Australian National Audit Office review of whole of government Indigenous service delivery. The review found that where a number of departments were involved in funding organisations and projects, suitable administrative arrangements had yet to be developed to deliver coordinated and efficient funding and monitoring arrangements.

180 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 44, http://www.terreview.gov.au/docs/report_nter_review/docs/Report_NTER_Review_October08.pdf (accessed 13 June 2009).

181 Laynhapuy Homelands Association Inc, *Submission 28*, p. 10.

182 Committee meeting notes, Central Australia, 29 April 2009.

While a 'header' agreement is available for jointly funded projects, each department which is a signatory has its own schedule including accountability, reporting and acquittal requirements. These individual departmental accountability requirements detract from the ICC/whole of government focus, and the level of duplication involved adds to the administrative demands on Indigenous communities. The development of suitable funding models with Indigenous communities has the potential to improve the effectiveness of ICC operations and reduce the administrative demands on Indigenous communities.¹⁸³

4.255 The committee also heard evidence of a lack of coordination and follow-through with new resources and infrastructure the NTER provided to communities. For example CAYLUS outlined a situation in Papunya where:

The GBM found that there was a room full of computers at the NTEETA building—the Northern Territory education, employment and training building—...that the intervention had donated to Papunya. They just sat there; they literally had not been used because there was no-one to use them. The shire service manager is completely overloaded and is not going to take on the technical intricacy of setting up an internet cafe situation...The potential legal implication of running that sort of thing is enough to make them say no, so we hired some people with lots of IT experience...we have hired him and his company to run IT training programs in that facility. The GBM made that possible. He sourced the place and has been really supportive of it. I have to speak highly of his efforts to make this happen to address that adult education vacuum.

It is working really well. They have all of the computers going. Before this, they literally had not been turned on since they had been dropped in there; the instruction manuals were still in plastic bags...He is now running an internet café...and it was exactly the demographic that we are trying to get. One of the issues we were talking about is that that demographic is now bringing along their little kids and so he has a movie running in one corner to amuse the kids while their parents learn how to type, how to use the internet and how to engage with the wider world. It has been really successful.¹⁸⁴

4.256 The committee considers that given how hard it is for organisations to attract and retain staff, discussed throughout this consideration of the NTER and acknowledged by governments themselves, barriers to effective recruitment should be addressed and a reduction in the administrative burden place on organisations made.

183 ANAO Audit Report No.10 2007–08, *Whole of Government Indigenous Service Delivery Arrangements*, p. 25.

184 Mr Blair McFarland, CAYLUS, *Committee Hansard*, 1 May 2009, pp. 10-11.

Recommendation 6

4.257 The committee recommends that the Commonwealth commit to longer term program funding so that organisations can enjoy greater funding certainty and offer staff greater job security. This is especially the case in relation to organisations who have established relationships with funding bodies and good risk management strategies in place.

Government Business Managers (GBMs)

4.258 There are currently 60 GBMs servicing 73 prescribed communities, Borroloola and town camps in Darwin, Tennant Creek, Katherine and Alice Springs.¹⁸⁵ GBMs are responsible for the coordination of Commonwealth government services provided in Indigenous communities and support the implementation of the NTER. GBMs are intended to develop a detailed understanding of the community in which they work, the service delivery and funding arrangements. Information provided to the committee from the NTER Operations Centre indicates that GBMs are intended to be the 'face of the Australian Government intervention in the Northern Territory at the community level.'¹⁸⁶

4.259 Responsibilities of GBMs include:

- Working with relevant agencies, including ICC staff, to coordinate Commonwealth government services and to maximise the benefits of all Commonwealth funding provided to the community;
- Advising the Regional Director and Operational Centre on the revision of service delivery or replacement of service providers where current provision is not functional;
- Working with Northern Territory government and local government services to ensure co-ordinated service delivery;
- Providing the key liaison and consultation point in communities, including communicating the NTER measures at the local level and working collaboratively with other Australian and Northern Territory government agency representatives on the ground;
- Providing regular reports to the Regional Director and key stakeholders on the progress of initiatives and advising where further measures might be required in the community; and
- Where appropriate, working with key stakeholders to support the implementation of transition strategies, including in relation to local government reforms in the Northern Territory.

185 Correspondence provided to the committee from Mr Michael Zissler, Commander Northern Territory Emergency Response Operations Centre, 26 May 2009.

186 Correspondence provided to the committee from Mr Michael Zissler, Commander, Northern Territory Emergency Response Operations Centre, 26 May 2009.



Members of the committee meeting with Mr Rob Hathaway, the GBM in Milingimbi

4.260 Information provided to the committee indicates that the GBMs also have trouble shooting role. In their coordination role across all Commonwealth government agencies they are expected ensure that Commonwealth agency staff work under their guidance and 'optimise timing, sequencing and connections with other initiatives being pursued by the Australian Government to achieve maximum leverage; and ensure effective and orderly engagement with the community'.¹⁸⁷

4.261 The NTER Review found that GBMs were having varying degrees of impact, this was also corroborated by evidence the committee heard. While some were engaging the community in meaningful ways, some remained distant from the people they were supposed to be supporting. The NTER Review recommended providing community development training to GBMs and renaming them as Community Development Managers. This recommendation has not been supported on the basis that their role is to coordinate whole of government service delivery.¹⁸⁸

4.262 The NTER Review also recommended that the senior government officials based in a community report directly to the Operations Centre. While the Commonwealth and Northern Territory government's response states that this is supported this does not seem to have occurred as the committee understands that GBMs continue to report to the Northern Territory State Office of FaHCSIA.

187 Correspondence provided to the committee from Mr Michael Zissler, Commander, Northern Territory Emergency Response Operations Centre.

188 *Australian Government and Northern Territory Government Response to the Report of the NTER Review Board*, May 2008, p. 4, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/response_to_reportNTER/Documents/Aust_response_1882953_1.pdf (accessed 23 June 2009).

Community engagement

4.263 The Community Engagement measure provided funding for the employment of up to 20 Indigenous Engagement Officer (IEO) positions throughout the Northern Territory. As at 31 December 2008 there were 19 IEOs in 19 communities.¹⁸⁹ Charles Darwin University has been contracted to design and deliver a targeted Indigenous community engagement training program for the IEOs.

Ombudsman support to the Northern Territory Emergency Response.

4.264 The Ombudsman's Office was provided funding in 2007 to investigate complaints arising from the NTER and to provide an oversight role in relation to the implementation and administration of the NTER measures. The Monitoring Report states that from June 2007 to 26 March 2009, the Ombudsman's Office received approximately 700 complaints relating to the NTER or other Indigenous programs. The most common theme was the issue of communication, consultation and general provision of information.

4.265 The complaints received by the Ombudsman's Office include:

- confusion about what people can and cannot purchase using their BasicsCard;
- confusion about where people can use their cards;
- the difficulties people face with accessing account balances on their cards and transferring money onto their BasicsCards;
- confusion surrounding what people can use their income managed funds for;
- ongoing concerns that everyone who lives in a prescribed community is subject to income management despite their personal or individual circumstances;
- general communication issues surrounding income management and people's individual accounts, allocations and circumstances;
- concerns that people have difficulty in accessing Centrelink and managing their affairs including income management allocations, balances, personal information;
- concerns about interpreters not being available when either using the telephone service or when people visit the Centrelink offices;
- concerns that information is not in the appropriate languages;
- wait times on the hotline, cost of these calls when using mobiles, the difficulty some people have in understanding how to use the phones;

189 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, p. 58, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mon_Rep_Part%202.pdf (accessed 15 June 2009).

- concerns about overcrowding in houses;
- discrepancies, inconsistencies and unreasonable rent amounts;
- delay with repairs and maintenance issues;
- people not knowing about leasing arrangements and how they will personally be affected by the new measures;
- concerns that community residents are not consulted on the running of the school nutrition program; and
- lack of employment opportunities for local Indigenous people.¹⁹⁰

4.266 The committee considers that it is important that people affected by government decisions have an outlet to complain about these decisions and that the Ombudsman provides an important service. The committee also supports the introduction of legislation to allow people affected by decisions made in relation to income management to appeal these decisions. This legislation is currently before the parliament.¹⁹¹

Commonwealth policy issues not addressed under NTER measures

4.267 The committee heard considerable and compelling evidence about the needs for increased aged care and disability services as well as additional support for carers. Carers Australia presented evidence on how much unpaid support carers, particularly young people and older people, were providing in communities and how their needs appeared to have been overlooked during the NTER.

4.268 Carers Australia also asserted that many people who should be eligible for carers payments did not have access to them. The committee raised this with the Department of Human Services and Centrelink at their hearing in Canberra. It was acknowledged that there was likely to be people who were eligible for carer's payment who were not accessing it and that this was an issue being addressed.

...for a variety of reasons our Indigenous customers have accessed the Newstart payment in the past rather than disability or carer's and that that changed once the remote area exemptions were lifted in remote areas and people had to comply with the participation regime, and we saw Indigenous people starting to apply for other payments. I think—and I am sure my colleagues in FaHCSIA would agree with me—that together we have identified a number of barriers in the way the policy is formulated as well

190 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report*, Part Two, June 2009, pp. 63-64, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/mon_report/Documents/NTER_Mo_n_Rep_Part%202.pdf (accessed 15 June 2009).

191 Department of Families, Housing, Community Services and Indigenous Affairs, *Future Directions for the Northern Territory Emergency Response*, 21 May 2009, p. 5, http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/future_directions_discussion_paper/Documents/discussion_paper_6.pdf (accessed 12 June 2009).

as the way the form is put together and service delivery occurs that makes it harder for some Indigenous people to access carer and disability. It has to do with not having access to doctors or shared care. Many of the Indigenous languages do not have a term for 'disability' or 'carer', because it is part of the family cultural network. We have been doing some work with our colleagues in FaHCSIA around ways to make those payments more accessible to our Indigenous customers. I would be happy to get you some more information on that and answer your specific questions. It is certainly an issue that in general we have been concerned about.¹⁹²

4.269 The committee is pleased to note that Centrelink and FAHCSIA are aware of this issue and have a process in place to address it. The committee will further consider progress made on this issue in its next report.

4.270 While visiting Waltja Tjutanku Palyapayi the committee heard about the brokerage service run by Waltja to buy things that people with disabilities need—such as clothes, mattresses, tarps and shade, billycans, blankets and firewood which are the main items that people ask for. Workers at Waltja told the committee that they would like to move away from providing such basic things and instead provide therapeutic items such as ramps and other equipment but because people are desperate for even the most basic of items, this is what the money is spent on.

4.271 Waltja expressed great concern that old people are not being cared for properly. In many cases, carers are very old or disabled themselves and some elderly and disabled people are still living in tin sheds without plumbing, shade, toilets, windbreaks, heating or cooling, fridges or stoves.¹⁹³

4.272 The committee shares this concern and considers that the needs of carers, people with disabilities and older people require focused attention. The committee will report further on available services in its next report.



Members of the committee with staff and members of Waltja Tjutanku Palyapayi

192 Ms Jo Gaha, *Committee Hansard*, 9 June 2009, p. 22.

193 Committee meeting notes, Central Australia, 29 April 2009.