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SENATE

SELECT COMMITTEE ON REGIONAL AND REMOTE INDIGENOUS COMMUNITIES

**Reference: Effectiveness of state, territory and Commonwealth government policies
on regional and remote Indigenous communities**

THURSDAY, 21 MAY 2009

DARWIN

BY AUTHORITY OF THE SENATE

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**SENATE SELECT COMMITTEE ON
REGIONAL AND REMOTE INDIGENOUS COMMUNITIES**

Thursday, 21 May 2009

Members: Senator Scullion (*Chair*), Senator Crossin (*Deputy Chair*), Senators Adams, Johnston, Moore and Siewert

Senators in attendance: Senators Adams, Crossin, Moore, Scullion, Siewert

Participating members: Senators Abetz, Back, Barnett, Bernardi, Bilyk, Birmingham, Mark Bishop, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, Cameron, Cash, Colbeck, Jacinta Collins, Coonan, Cormann, Eggleston, Farrell, Feeney, Fielding, Fierravanti-Wells, Fifield, Fisher, Forshaw, Furner, Hanson-Young, Heffernan, Humphries, Hurley, Hutchins, Joyce, Kroger, Ludlum, Lundy, Ian Macdonald, McEwen, McGauran, McLucas, Marshall, Mason, Milne, Minchin, Nash, O'Brien, Parry, Payne, Polley, Pratt, Ronaldson, Ryan, Stephens, Sterle, Troeth, Trood, Williams, Wortley and Xenophon

Terms of reference for the inquiry:

To inquire into and report on:

- a) the effectiveness of Australian Government policies following the Northern Territory Emergency Response, specifically on the state of health, welfare, education and law and order in regional and remote Indigenous communities;
- b) the impact of state and territory government policies on the wellbeing of regional and remote Indigenous communities;
- c) the health, welfare, education and security of children in regional and remote Indigenous communities; and
- d) the employment and enterprise opportunities in regional and remote Indigenous communities.

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Committee met at 9.05 am**VINE-BROMLEY, Ms Toni, Executive Officer, NT Shelter**

CHAIR (Senator Scullion)—The Select Committee on Regional and Remote Indigenous Communities is holding this public hearing as part of its inquiry into regional and remote Indigenous communities. On behalf of the committee, I would like to acknowledge the traditional owners of this land on which we meet and pay our respects to the elders past and present. On Tuesday 19 May the committee visited Milingimbi and talked to community members and organisations, and yesterday the committee held a public hearing in Katherine.

The committee is due to report to the Senate on 15 June 2009. Before the committee starts taking evidence I advise that all witnesses appearing before the committee are protected by parliamentary privilege with respect to their evidence. Any act that disadvantages a witness as a result of evidence given before the Senate or any of its committees is treated as a breach of privilege. However, I also remind witnesses that giving false or misleading evidence to the committee may constitute contempt of the Senate. These are public proceedings, although the committee may agree to requests to have evidence heard in camera or may determine that certain evidence should be heard in camera.

I welcome Ms Toni Vine-Bromley from the NT Shelter. You may make an opening statement and then I will put it to the committee members for questions.

Ms Vine-Bromley—Thank you. We have put in a written submission. In our written submission we outlined our position in terms of housing. Housing was not one of the major focuses of the initial reason for the Northern Territory intervention or emergency response. We feel housing is a basic human need and a cornerstone of other social functioning, such as health, education, employment and for people growing up in caring and responsive communities. We have had a long period of recognising the enormous need for housing, infrastructure and services in remote communities of the Northern Territory, despite NT Shelter as an organisation not being able to effectively represent, or be a voice for, remote Indigenous communities. We just do not have that capacity. Our funding is limited to one full-time officer, which is me; one part-time officer in Alice Springs and a part-time administrative role. While we try to extend information and offer feedback to remote areas of the Territory, mostly through the new shire structures and the service centres that they operate, we do not get a lot of feedback coming back through those kinds of mechanisms.

In the last two years the Northern Territory has seen some quite enormous changes. I believe that a lot of people in remote communities are still trying to keep up with the kinds of things that are happening. That started with the announcement of the emergency intervention and the initial harshness of that, which was a fairly frightening thing to be exposed to with the army coming in, medical checks and the issue of the income management and people having no real say about how those kinds of things were actually put into place. I have no doubt that some communities have very much welcomed those responses that have now been accepted.

We have also had the changes to the shires. Fifty-nine community government councils have now been reduced to eight shires throughout the territory. Along with that, there has been a change to the management of housing. Indigenous community housing organisations do not exist

anymore and the housing that is in remote communities will now become a public housing management model. Accordingly, rents will change alongside the way Territory Housing actually collects rents and manages its housing and its assets.

I do not know how much consultation has gone into the communities that will be affected by that. I do not think people understand the rent changes yet, and I certainly have not seen a rent framework for how that will be implemented and how people will actually pay rent, or whether they know that once their house is refurbished that their rent will change to that kind of a model.

The Closing the Gap strategy is, again, a welcome initiative. We believe that there is so much hardship, disadvantage, overcrowding and poor standards of housing, health, education and all those sorts of things out in the bush and we very much welcome the effort and the additional money and resources that are going in to what is happening there now.

The changes to CDEP have had an enormous impact on people. People were a little worried about what was going to be happening with homeland communities as well. I have not seen the report that was released yesterday, but there was an announcement that homeland communities would be maintained for a little while anyway.

Despite not being able to represent Indigenous and remote communities and the people there, NT Shelter is still committed to having a role in having a voice that talks about the fact that people are disadvantaged in their access to housing, in particular, and wherever possible we try to respond. We did put out a small survey to a number of communities. We had about 12 responses to that. I think I said 10 in my submission, but we have had an extra two after the submission was completed. Two of those were from communities that are now going to be called towns—that is, Ali Curung and Borroloola. At that point they had no information about what was happening. They are now going to be included in the 20 towns that are going to be established.

NT Shelter's position on a lot of these things is that because of the level of hardship out there, the lack of any kind of real housing and the overcrowding issues, we do experience a huge amount of mobility in the Northern Territory from remote areas to urban centres for people accessing services and facilities, which is normal in any Australian town. The fact that it overcrowds our urban centres, which are not equipped to cope with that demand, is one issue. We do not have enough social, affordable, short-term or transitional kinds of housing in those urban centres to cope with the demand of people moving here looking for work, a better life or education. The more money we put into those communities that will now be towns, we feel that will again begin to attract people from more remote areas to those towns, so they actually need the proper infrastructure to be able to cope with the demands that will be placed on them. That includes all-weather roads and also having good health facilities and dialysis for people who are experiencing renal disease. That has a huge impact in places like Alice Springs and Darwin, where many people come with their families because they need medical treatment. I believe the towns need to be able to respond to that.

There has been no comprehensive study of the mobility patterns in the Northern Territory, and that is something that we have called for on a number of occasions. It should look at the causes and the consequences of the mobility that occurs, how people use homelands and remote communities, how they use the town centres, what they come here for, and the consequences that

has in social and financial responses to that due to antisocial behaviour, overcrowding in urban communities and so on.

We also believe that changes to policy not based on research and evidence is a really ad hoc way to implement programs. We would like to see a lot more research and evaluation built into changes to policy and programs that happen so that they can then be changed because they are heading in the right or the wrong direction. We would like to see that evidence base being publicly available and we would like to contribute to that evidence base. That is something that NT Shelter would really like to do some research on.

What we are seeing in the Northern Territory, in terms of the housing response throughout the Territory—in urban centres and remote—is that we are moving to a public housing management model which is in stark contrast to other federal initiatives and state government initiatives that are moving to divert housing into a community housing model. We do not have a strong community housing sector in the Northern Territory. We have a very limited community housing sector in the territory.

Even with the housing that is going to be coming under the economic stimulus package, the federal Minister for Housing has said some of that should actually be transferred and managed by community housing, but we do not have the capacity in the Northern Territory to do that because of our limited size, development and huge geographic spread. We have never developed that sort of sector. We have taken the control of housing from Indigenous community housing organisations. In negotiating the leases, rather than a carrot and stick approach, I feel that we should be building in incentives to take on these reforms to build in some ownership by Indigenous communities so that they are involved as stakeholders in the reform process and have some ownership of it, and to have some vision down the road for some sort of control into the future. That was the basis of our submission and most of the main points that we wanted to raise.

CHAIR—Thank you.

Senator CROSSIN—Thank you. I have a couple of questions. With your Central Australian policy office, do you have a small office base down in Alice Springs?

Ms Vine-Bromley—I organised one yesterday and it is a little tiny square that we are sharing with another organisation. She has been working from home up until now.

Senator CROSSIN—Have you ever sought funds from our federal Minister for Housing?

Ms Vine-Bromley—Yes, we have. It has been through a couple of mechanisms, through the Stronger Families and Communities program a couple of years ago and then through another initiative last year, but we never heard. We also sought some funding through the Aboriginal Benefit Account two years in a row and we have not received it from there, either. We have also sought it from Territory Housing and we are not getting it there either.

Senator CROSSIN—Do you remember the other program last year?

Ms Vine-Bromley—No, but I can send you that information.

Senator CROSSIN—ABA is actually controlled by the minister for indigenous affairs. Have you tried through Minister Plibersek's area as the Minister for Housing?

Ms Vine-Bromley—No, I have not. I have only applied through FaHCSIA. The federal minister is not our normal source of funding. The federal minister should be really funding National Shelter as the peak body, but National Shelter is not a funded organisation, either.

Senator CROSSIN—It is highly unlikely she would give you money if she is not giving money to the federal body; is that right?

Ms Vine-Bromley—Absolutely.

Senator CROSSIN—I would like to ask you about the SIHIP. My understanding of the structure of SIHIP is that there is a project management group—maybe 'management' is not the right word—or some sort of a committee that is a liaison committee in SIHIP project. Are you represented on that or have you ever been invited to attend that?

Ms Vine-Bromley—No, we have not been invited and we are not represented on that. We have expressed an interest in the initial process of that and we have not been successful there either.

Senator CROSSIN—Is that probably because you are not perceived as having links out into the communities where this is going to happen?

Ms Vine-Bromley—I think it is perceived that we are not into the construction and infrastructure area. We have not been invited, either, to become part of the reference group that is looking at the social housing package. We are writing to the minister about that now.

Senator CROSSIN—Is that the Northern Territory minister?

Ms Vine-Bromley—Yes. I think it is really important that we be part of the social housing package that is coming down now.

Senator MOORE—The shelter is national in terms of the group that Minister Plibersek works with.

Ms Vine-Bromley—I am sure they are.

Senator MOORE—Has that not been replicated at the state level?

Ms Vine-Bromley—No.

Senator MOORE—There are no shelters involved nationally.

Ms Vine-Bromley—We only saw that was announced last Friday, so a letter is going straight to the minister. I have contacted someone in the department about it, but I will write to the minister.

Senator MOORE—A lot of your time is writing letters.

Ms Vine-Bromley—It will be, yes.

Senator CROSSIN—Do you know how many Indigenous community housing organisations there are in the territory?

Ms Vine-Bromley—I do not know how many there are, but I would imagine that there are about 10 to 12 still in existence. I would count Tangentyere as one of those. There are Yilli housing, Nyirranggulung and some others including Julalikari. There would be a few other ones smaller than those.

Senator CROSSIN—Do you have a network with them or are they members of yours?

Ms Vine-Bromley—Yes, they are all members of ours.

Senator CROSSIN—Are you able to network with them about what is happening and what is rolling out there?

Ms Vine-Bromley—Yes. We have people on our board from Kalano who are aware of the kinds of things that are happening in communities. We have an Alice Springs representative on our board and we have someone from Yilli housing on our board.

Senator CROSSIN—Do you have any involvement with town camps in Darwin?

Ms Vine-Bromley—Very limited involvement and only comment through the information that we get from representatives from Yilli Rreung housing who manage those.

Senator SIEWERT—I wanted to go to the rent framework. Despite your comments that you have not seen that, is that because it does not exist yet or because you have not been engaged in the consultation?

Ms Vine-Bromley—We were not involved in the consultation. We put in a tender for a consultant to develop the rent framework. I do believe that the consultant who undertook the work has finalised their work and the report has been presented, but it has not been made public yet. I do not know if Territory Housing is aware yet of how it is going to implement that. I do not know if they are even happy with the report that they received.

Senator SIEWERT—Can you remind me when that is due to start being rolled out?

Ms Vine-Bromley—I expect that Territory Housing will want to implement the new rent framework once houses are refurbished and once the new houses are on the ground. I would think as houses become refurbished people will be spoken to when they get back into them and be advised that they will be on a new rent structure.

Senator SIEWERT—You commented in your opening remarks about people not being aware. You do not think people are aware that there is going to be a new rent structure. Do your comments stem from conversations that you have had with people?

Ms Vine-Bromley—It stems from conversations that I have had with Yilli Rreung Aboriginal Housing Corporation who manage and provide some services on a number of small communities and town camps in the Darwin area.

Senator SIEWERT—You think people in Darwin do not understand. What about in other communities?

Ms Vine-Bromley—I would think that in more remote communities, unless they have had significant consultation around the issue, they would not be aware of that either, but I cannot testify to that.

Senator SIEWERT—You made comments in your submission and you touched on the 26 communities, 16 of which are in the NT and now we have got the 20 laid on top of that. Obviously, you did not mention that in your submission because it has only just happened.

Ms Vine-Bromley—It only happened yesterday.

Senator SIEWERT—Have you had any response from the 16 communities around that approach?

Ms Vine-Bromley—No. Two of the responses that we did get were from Borroloola and Ali Curung. They were saying that they had had no consultation. Ali Curung did have consultation, but they were concerned that people had been hearing about things for many years and nothing was actually turning up on the ground. They were saying that they were a bit disillusioned with the process. Borroloola had said to us before that they had not been consulted about any new housing or any new initiatives coming in there. I am heartened that the extra four communities that were identified yesterday, which are fairly substantial communities for the territory, have been added as town focuses.

Senator SIEWERT—Have you had any feedback from communities that are not on the list?

Ms Vine-Bromley—Absolutely. They are feeling very left out. They are just being left to exist the way that they are. They are not getting any new funding initiatives. They are not getting any new housing. Their housing is terribly overcrowded and terribly dilapidated. I do not know if you have been to some of those communities or seen the kinds of housing that people actually exist in, but it is just appalling. We do live in the twenty-first century. How can people have health and expect their children to learn properly when they have got 16 people in a house? These are houses are falling down with paint peeling off and taps and electricity not working. It is just dirty and horrible. I just do not know how people can possibly exist.

Senator SIEWERT—You made comments in your opening remarks and in your submission around migration. I will play devil's advocate for a minute and say obviously both the state and federal governments have a specific plan in mind in terms of investing in those communities. My question is: do you think that is a good approach; there will be migration and dislocation, but obviously their clear aim is to build up key centres. Do you think that is a good or bad approach?

Ms Vine-Bromley—I think it is essentially a good approach. I think those towns should be operating like towns. They should have business opportunities there. They should have a whole

range of services that any other Australian small town actually has. As I said, they need that in those communities so that people have got less expensive access to those communities. You can travel goods in and you can travel goods out and all those kinds of things. Building up those 20 communities and not addressing anything in those other outlying communities is just going to continue the overcrowding.

The money that is coming in through SIHIP and all the new federal government initiatives is really welcomed. It is fabulous, but we have such a need out there in other communities, as well, that are not going to get anything new. They are going to start building houses and they are going to become overcrowded again.

Senator SIEWERT—Will people move in?

Ms Vine-Bromley—People will move in, because there is nowhere else to go. I would really like to think that we are going to have 20 viable, well-functioning communities, but we actually need those other sorts of housing options—transitional, short-term options—to be built in as well.

We have a commitment by the NT government to look at some short-term and transitional housing in the urban centres in this current budget, and we need them. We have needed them for a very long time. They are not to become additional town camps, but to be people case managed and people helped home. If they are moving into town then they need the living skills and the life skills programs to be attached to them so that they can move on to more secure forms of housing, whether that is public housing or a different kind of community housing.

Senator SIEWERT—Thank you.

Senator MOORE—That kind of short-term housing seems to me to be the old Aboriginal hostels model where the hostels were set in place for that kind of transitional support of people moving in and out. Have you heard any discussion about whether some part of that is for the NT government?

Ms Vine-Bromley—I do think so for the NT government. They may contract a community organisation to provide some sort of hostel type accommodation. Some of it might be camping accommodation, too.

Senator MOORE—That is what hostels have been wanting to do for a long time and just have not been able to. It is that whole concept of when people need to be in a place short term, that they have got housing, as opposed to an alternative home.

Ms Vine-Bromley—Yes, and they pay for that housing.

Senator MOORE—It is a managed process, yes.

Ms Vine-Bromley—Hostel-type accommodation is one in the suite of necessary kinds of accommodation types that we need. It does not suit all people, but it does suit some people and so other people might need that camping option. It needs to be dry and it needs to be managed.

Senator MOORE—We have heard, particularly in other committees, about the issue of people needing medical help and people having to come in and stay for medical help. My understanding early on was that was a hostel's function, but it has just grown outside the need and there is just not enough. Thank you.

Ms Vine-Bromley—There is also a huge need in Tennant Creek for another hostel there. The bus from Alice Springs discharges people. It arrives at two o'clock in the morning and people are just left on the side of the road until people come and get them in the morning.

CHAIR—I am not sure what happened to the model. I think it is pretty much exactly as you described; the previous government allocated quite a few million dollars—this is in Alice Springs—but it got caught up in where it goes. It was to be a fully managed facility with accommodation for all levels. There was a strict prohibition on alcohol and a strict liability for use of alcohol or substances. The security was to be paid for by the Commonwealth and the infrastructure paid for by the Commonwealth, but privately managed. That was the model for Alice Springs. I have got to say that I have had a bit of difficulty finding out where that went.

You talked about hub and spoke. Those sorts of centres, particularly in Tennant Creek and Katherine, are the existing hubs at the moment for services. Do you think that model should be extended to Darwin? We have a number of NGOs that have facilities in Darwin, normally houses. Are you aware of them?

Ms Vine-Bromley—Yes.

CHAIR—Do you think we should have a couple of hostels of that nature in Darwin, as well, because we tend to forget that Darwin is also another regional centre for many communities?

Ms Vine-Bromley—I think that is one of the options that would definitely be used and it would fill up. Whatever we provide we will have enough people to fill it. The need is there and people will use it. People have a different perception of the service that they get from Aboriginal hostels in Darwin compared to Alice Springs. There are differing rules of how people operate in them. Darwin does not cater for families, so much, whereas Alice Springs does. There are different ways that people perceive how they use them and their needs.

CHAIR—There was some discussion around the potential to link the PAT scheme, the Place Assisted Travel scheme, with an accommodation scheme. The reason that we were having a conversation around that model was that clearly the largest demographic that needed assistance seemed to be families who needed access to medical services in one of the centres. Do you think that there is some scope for that? It also included a time factor. I think they were talking about six weeks being the maximum amount of time. They could not stay there indefinitely because we wanted them to be part of the model. The PAT scheme provided the fund and then there was an additional area for accommodation. When you made the appointment, the appointment knew that this was the amount of time that you would expect to stay there, with a day at each end, and then there was the return. It was quite prescriptive.

Ms Vine-Bromley—The old Salvation Nursing Home in Mirambeena Street is going to be converted into some kind of hostel for medical patients. That is something that is in train right

now in Darwin, and it is a very positive thing. It is Health who is running that facility now. That is one of those models, but we think a less formal one is also needed.

Senator ADAMS—I would like to come back to the governance of the organisation. How long have you been going?

Ms Vine-Bromley—NT Shelter has been an incorporated body for about 12 to 13 years now. We are on three-yearly triennial funding from the NT government and we are funded through Territory Housing.

Senator ADAMS—As far as the membership and board of management, how are people elected to the board? How do they become part of it?

Ms Vine-Bromley—We have an annual general meeting every year, as we are required to do. We like to encourage people from each urban centre of the territory to be part of our board. We actively seek a representative from each of Katherine, Alice Springs and Tennant Creek. We do not make places on the board for those positions, but we are really keen to make sure we have that territory-wide focus, even if it is just down the Stuart Highway. We have also got a clause in place in the constitution that if someone from a remote community wanted to be a member of the board we could co-opt that person on at any time. We have an opening for that to actually happen. Other people are nominated, seconded and participate because they wish to be part of the peak body.

Senator ADAMS—Do you advertise for members?

Ms Vine-Bromley—Yes. We advertise through our newsletters that our AGM is coming up. We call people to nominate. It is quite an open process for nominating to be on the board.

Senator ADAMS—Your organisation has been going for 13 years. When you applied for the funding did you have any feedback as to why you were unsuccessful?

Ms Vine-Bromley—For the Indigenous policy officer?

Senator ADAMS—Yes.

Ms Vine-Bromley—We were told that there were enough people in remote communities at the moment and they did not see the need for NT Shelter to have another one there.

Senator ADAMS—‘Thank you very much.’

Ms Vine-Bromley—Yes, thank you very much. That was from the Northern Territory government. The response from the Commonwealth, particularly the Aboriginal Benefit Account, was that the submission was carefully examined and was simply not supported. As they have particular rules around their funding criteria I did not really expect it, but we thought we would put a submission in anyway. With any submissions that we have put in to FaHCSIA we have had to skew how we fit into the criteria for the funding for that anyway. Our main source of funding is through Territory Housing and that is where we look to for most of our funds.

Senator ADAMS—I note that you said that because there was no funding for that particular position, which obviously is very important to the organisation, you are uninformed around remote area housing initiatives and therefore other wellbeing indicators suffer for Indigenous Territorians. How much information are you getting from these really remote communities?

Ms Vine-Bromley—We get very little. It is hearsay. It is attending meetings and those kinds of events where people are speaking. Homelessness Australia has had a national members meeting in Alice Springs for the last few days and they had a visit to a remote community, which NT Shelter in Alice Springs helped organise for them. That was just an opportunity for us to get our profile out there. We try to do that. We actually try to get our profile out there. We do get a little bit of feedback every now and again when we ask for specific comment on particular issues, but it is very limited. It is a one-way stream of information most of the time, although I am often ringing up and asking who would be the right person to talk to about something and a contact to put on my mailing list. From our limited resources perspective we try to get that and if there is anything specific we will ask communities if they can respond. We do get some responses.

Senator ADAMS—Do you have any communication with the shires?

Ms Vine-Bromley—Yes. We access those communities through the service centres and through the housing managers based in the shires. We have quite a significant database of people that we contact. We put out a monthly e-bulletin and a quarterly newsletter. People are beginning to know who NT Shelter is and the kinds of things that we stand for. That is all we can do within our resources. We could go and visit a lot of communities, but that is really time intensive and there is only myself and a part-time person in Alice Springs to do that.

Senator ADAMS—As far as communities ringing and asking for assistance, especially now with the outstations and the homelands being really sidelined, as you have mentioned here, are you getting much feedback from them?

Ms Vine-Bromley—Not a lot of feedback. As I said, it is only through the small survey that we emailed out to people where we tried to make it as easy as possible for them to fill it in and send it back. We only got a dozen responses from that. Some of those were quite small communities and some were larger ones.

Senator ADAMS—As an organisation, where do you see your future?

Ms Vine-Bromley—Hanging on to three-year funding will just keep us going, really. Our board is having a planning session next week about its future direction. We have been encouraged that housing is now part of the federal government's agenda. It actually has a focus. The territory plan that the Northern Territory brought down has been an acknowledgement of the kinds of things that we have been asking for over a number of years. I think it is a really exciting time and it is really important that we actually get it right. We have a once in a lifetime opportunity right now.

We were talking about homelessness over the past few days and we were all sitting around saying the same things we have been saying for a number of years, despite it being a high agenda item for the federal government. We want to get it right. We want to be included in the

solutions. We want to be part of the decision making. We want to be engaged so that we are in this together. We are wanting to do the right thing with government, non-government and the communities. We need to be engaged. We want to facilitate engagement with the sector as much as we can.

Our board will be looking at the kinds of things that it wants to follow up on from where we have gone over the past three years to the coming three years. I cannot speak for what they are going to be doing. I am going to be retiring at the end of this year, but the board will be carrying on and doing a bit of succession planning about their future and where the organisation is actually heading.

Senator ADAMS—With the new announcement yesterday of those 20 communities, where do you see your role there? What are you going to do?

Ms Vine-Bromley—I think it is really important that we support that as much as possible and continue to advocate that we need the kinds of resources in those communities that will improve the lives of people who are living there and who visit there. We want to see that transitional and short-term accommodation being developed in those communities alongside new housing for the people who need it. I think that is a really important development and it is something we truly support.

Senator ADAMS—Thank you.

CHAIR—Ms Vine-Bromley, thank you very much. There may be some questions on notice from the committee if they think that they have missed something. They will be provided to you by the secretariat. Thank you for providing your evidence today.

Ms Vine-Bromley—Thank you very much.

[9.43 am]

O'REILLY, Mr Mark, Principal Legal Officer, Central Australian Aboriginal Legal Aid Service

COLLINS, Ms Priscilla, Chief Executive Officer, North Australian Aboriginal Justice Agency

DOOLEY, Mr Glen, Principal Legal Officer, North Australian Aboriginal Justice Agency

JOHNSON, Mr Julian, Managing Civil Solicitor, North Australian Aboriginal Justice Agency

PENGILLEY, Ms Annabel Elisabeth, North Australian Aboriginal Justice Agency

ROE, Ms Hannah, Board Member, North Australian Aboriginal Justice Agency

WODAK, Ms Helen, Advocacy Manager, North Australian Aboriginal Justice Agency

CHAIR—I welcome the representatives from the North Australian Aboriginal Justice Agency and Central Australian Aboriginal Legal Aid Service. Information on parliamentary privilege and the protection of witnesses and evidence has been previously provided to you. The committee has before it your submission and I now invite you to make a short opening statement or statements. At the conclusion of your remarks I will invite the members of the committee to put questions to you.

Ms Collins—I would like to thank you for giving us the opportunity to speak to you today. NAAJA and CAALAS provide legal advice and representation to Aboriginal people. NAAJA looks after the Top End of the Northern Territory and CAALAS looks after Central Australia. We provide advice and legal representation for criminal, civil and family law. We also provide other services in advocacy, community legal education, research, mediation and welfare rights.

We put in a joint submission last year and over the last 12 months there have been a number of changes in statistics, so we would like to give you an updated copy of that which we will send through to you. We would like to raise some of the major concerns that we have, such as the increase in the incarceration rates in the Northern Territory, the impacts on more policing on remote and regional communities, ongoing future of the Northern Territory emergency response, income management, the Australian Crimes Commission, customary law, and lack of funding and resources for Aboriginal legal services in the Northern Territory. If you would like any of us to elaborate on that, each staff member will be able to update you.

CHAIR—I understand that you are going to make a further submission and I would like to thank you for that. This is a committee that will stand through the entire life of parliament, so we are always open to receiving submissions; we are not just established for a short period of time. Within those issues, if you have a particular staff member that would like to amplify those issues, we are more than happy to listen to those.

Ms Collins—I will ask Ms Wodak to talk about the incarceration rates.

Ms Wodak—NAAJA and CAALAS are extremely concerned. There has been a very dramatic increase in incarceration rates in the Northern Territory. In June last year the rate was 568 per 100,000. That was almost 3½ times the national average and the figures have continued to rise dramatically since then. In the last quarter of 2008 the figure is already at 629 per 100,000 and we anticipate that the next quarter figures are going to be even higher because in the December quarter of 2008 the daily average number of prisoners was 993 and by early February 2009 the number of prisoners was approximately 1,120. This is an extremely dramatic rise.

We think it is important that the committee appreciates that one reason for this is that in the territory over 30 per cent of the sentences that are handed out by courts are custodial. This is more than three times the national average, which is 10 per cent. In the Northern Territory we really have a gross underutilisation of non-custodial sentences.

There are also major issues in terms of how non-custodial sentences in the Northern Territory are used to target offending behaviour. The overwhelming majority of non-custodial sentences are fines and a small number of good behaviour bonds. We have very few community supervision and community work orders in the Northern Territory. We really have a dearth of targeted, rehabilitative, non-custodial sentencing outcomes. Not only that, in the Northern Territory we have a real lack of restorative justice options that are available for people. The only one that really is available for utilisation is the community courts. The NT government has promised increased funding so that will extend to 10 communities, but progress on that has been very slow.

CHAIR—Do you have some sort of comparative analysis on the types of offences? Perhaps you want to take that on notice. It is just that you make the point that in the Northern Territory we are not using one type of sentencing in comparison with the rest of Australia. Are the sorts of offences similar? That would be useful. Perhaps you could take that on notice, because I think that will underpin the point. It is not only the numbers here; if we can align that with the types of offences, that would be very useful.

Ms Wodak—We have had a look at the publicly available data on offences. It suggests to us that there has been an overall increase in most types of offences. The ABS data, which is up until 30 June 2008, does show increases in traffic offences and increases in offences against justice. They are breaches of domestic violence orders, breach of bail, escaped custody, breach of orders and public order offences. That was what was revealed in the ABS data.

Mr O'Reilly—I would like to just add something there. I do not have the figures at my fingertips, but we can probably get them. There is always a substantial proportion of people in jail for driving offences in the territory—often alcohol related driving, but often not. For example, the offence of driving disqualified is treated very seriously in the territory, so people from remote areas that are picked up there or in town driving a car when there has been a court order that they do not drive almost invariably end up in jail. There had been a plan some time ago to look at increasing the options in community sentences and community based sentences, but nothing has eventuated. There is always a substantial proportion of people in the territory that are jailed for driving.

Senator CROSSIN—What you are saying to us is that predominantly the increase in incarceration is based on driving unlicensed vehicles or driving—

Mr O'Reilly—I do not know. I think what Ms Wodak said is right. There has been an increase in policing in all types of offences across the board, but the question was aimed at whether a particular type of offending was seeing the increase in custodial terms. That is not the case. It would be across the board. People go to jail for violence, driving offences and liquor offences. The problem is that there is no gradation across the board in terms of dealing with particular types of offences. Jail is really too easy an outcome in any type of offending.

Senator CROSSIN—Is that in comparison to other states? Are you saying to us that the first resort here is jail rather than other options?

Mr O'Reilly—Yes. I think that is what those figures show.

Senator CROSSIN—Preferably, what would be some of those other options?

Mr O'Reilly—Ms Wodak talked about the lack of use of community work orders. There is scope for those to be used a lot more than they are. I suggested some time ago to look at increasing community based options. There was an attempt to expand the way that home detention orders could work, so that people could serve them out within a community. There is a lot of scope for that to happen, so that people can serve community based orders in the community where they originate from.

Senator CROSSIN—If I get convicted of an offence, I need to serve three months, and I currently live at Lajamanu, I cannot serve my home detention at Lajamanu?

Mr O'Reilly—It happens very rarely.

Senator CROSSIN—Is that because there are no correctional officers based in that community that can do the 24-hour monitoring?

Mr O'Reilly—That is often a problem. Those options are not available in particular communities.

Senator CROSSIN—In relation to those statistics, what percentage of those would result from alcohol or substance abuse?

CHAIR—I do not think the senator expects you to have it on hand. You could just take those things that you do not have to hand on notice—

Senator CROSSIN—If they are representing these people, I am pretty sure they will have a good idea.

Mr O'Reilly—Anecdotally, I can tell you that it is the vast majority. It would be up around 80 per cent.

Senator CROSSIN—That leads me to my next question. In your positions, what is the ability and what is the availability of rehabilitation centres in the Northern Territory in order for people who might be on their first offence to serve their time in a rehabilitation centre? Do we have enough of these in the territory to cope with the number of clients you see that need rehabilitation?

Mr O'Reilly—Speaking for the centre, they are inadequate and not always well resourced in terms of people with appropriate expertise running the programs.

Senator CROSSIN—Inadequate as in not enough?

Mr O'Reilly—Not enough.

Senator CROSSIN—And underresourced?

Mr O'Reilly—And underresourced.

Senator MOORE—Is it the same in the north?

Ms Collins—Yes.

Senator MOORE—I knew that would be the answer, but it is good to have it on record.

Ms Wodak—There are also concerns about the lack of services available to people when they return to their communities. They might have had three months in a rehab facility and then returned to their community; there are no support services available to them to assist them with the ongoing rehabilitation needs.

CHAIR—My view is that it does not matter how long the rehabilitation lasts, you go out of the door and you are in a community. You are not in your community. You often are not taken back to your community. You basically enter a high-risk environment for someone who has just come out of rehabilitation. Do you think there is any merit to ensuring that perhaps back at the community we have justice systems well away from the community inside the prison, or rehabilitation happens well away from the communities? Do you support a change in the philosophy to have whatever it is in terms of the justice at the compliance end or the rehabilitation end happen closer to the communities and actually start funding some of these perhaps smaller facilities? They will be inefficient no doubt, but do you think there will be some benefit in not having to come through a highly toxic environment, to try to return to a somewhat safer environment?

Mr O'Reilly—Personally I think there is some merit that. We have had some success in central Australia in one of the communities at Yuendumu where there is a program out there which is based close to the community and takes only Warlpiri people. It has been very successful. Similar arrangements in other communities would be of enormous benefit, I would have thought.

Senator ADAMS—Why are the community work orders not being used? Why is that not an option in the justice system?

Mr O'Reilly—I think there are probably a few reasons for it. Sometimes they are not available in communities for whatever reason, a lack of resources or lack of supervision of those programs and lack of a functional employment spend in some communities. I think there is a culture though within the territory in territory sentencing of easily sending people to jail. I think unfortunately some more productive options are not really looked at carefully enough. They are not encouraged enough.

Senator ADAMS—Is the funding available for people to be paid to be supervisors?

Mr O'Reilly—I gather. I am not sure what correctional services resources are in terms of being able to supervise those things in each community. They do work in some places, but it is often the case that you will talk to a correctional services officer and say: is there community work available in this community at the current time? They will just say, 'No, we have got no-one out there to supervise.' Whether that is a funding issue or an inability to find someone to do it, I am not really sure. We would have to see. But the bottom line reality is that far too often it is just not an available option.

Senator ADAMS—Would you be able to provide the committee with some evidence as to why it is not used? I am a JP from a little country town in Western Australia so I have been very involved with the community work orders. They have been really successful there, but you have got to get the right people of course to do the supervision.

Mr O'Reilly—I can make some inquiries about what some of the problems might be.

Senator ADAMS—As to why they are not doing it, thank you.

Senator SIEWERT—What reason do you attribute to the increased number of people being incarcerated? I understand the evidence to say that not only is it higher than in any other state per 100,000 but that there is an increased number of people being incarcerated? I think you said that over the last 12 months for this 12 months there has been an increase.

Ms Wodak—The increase in police prosecution files—to extrapolate what they anticipate the increase will be—is 57 per cent since 2006-07. It is really linked to there being court lodgement figures, the new files that are listed in the Northern Territory courts. We are just seeing the impact of an increase in police numbers. There has been greatly increased police numbers resulting in more prosecutions, resulting in more people going to jail. We have a tendency in the territory, as Mr O'Reilly has been saying and as the figures show, to send a lot more people to jail than other states and territories. You have this increase and it flows through into dramatic increases. We have also had changes to our bail laws and things like that. There have been a number of factors that people talk about as leading to the dramatic increases in the incarceration rate.

Senator SIEWERT—In relation to the increased police numbers, if there is one thing that everybody generally agrees on when we go out to a community—they may disagree with a whole lot of the other intervention measures—but nearly to a person they say they really like the police being in the community. It is the one thing—or one of a couple of things—in the intervention that everybody seems to agree on. I appreciate the issue around the increasing incarceration, but communities are all saying to us, 'That is the bit that we like.'

Mr Johnson—There are a couple of things after that also. Most people in communities will say, ‘Yes, we want a police presence in our community because that makes us feel safe.’ And feeling safe in their community is very important. But then they will go on to say, ‘When the police come into our community they have to come equipped with a sizable measure of cross-cultural training and a willingness to engage in that sort of training on the community and they have to respect us as people.’ There has to be two-way communication and respect between them.

It is those two latter things that are often lacking. It is those two latter things that, certainly from NAAJA’s perspective, we try to work closely with senior police to improve community policing outcomes in communities, including agreements between police and communities about how policing will operate, policing protocols and those sorts of things. Basically, we want to improve community policing outcomes so that there is less contact with the justice system because as often as not, particularly on communities, good coppers can sort things out without resorting to blind enforcement.

CHAIR—What you just said was pretty much exactly the evidence that has been provided to us at Milngimbi, for example. Someone was saying, ‘You promised us everything and we have had all of the pain but we have had none of the pleasure of the intervention,’ and all those sorts of themes. But some of them were saying: ‘Where is our police officer? If there is one at Milngimbi it does not matter. This is Milngimbi. An hour later we have sorted it out; it just does not matter.’ Then some other people were saying, ‘My son was locked up; bloody, bastard coppers!’ And they say: ‘They just walk in and do whatever they like. They just walk straight into our house. They do not need a warrant or any of those things.’ So there were a number of times when we said, ‘Actually, they do, and if police are acting unlawfully you need to do something about it.’

The reason I have segued into that is that in the submission you quote a number of anecdotal examples of that and you also make a broad statement—and I think reasonably accurate statement—that many people have absolutely no confidence in the Balanda system of law but also do not understand that. We now have a naïve community in terms of policing with the police officers who have arrived. We still have opportunities I think in some way to educate people, not only on the intervention side, but generally as to what the law is about. We would like perhaps a further submission from you, but how would you go about trying to provide a general education about the rights and responsibilities of police officers in your community? There is a lot of confusion because they have never had one there before. That is a big question that you could perhaps take on notice. Perhaps we need to educate the community on what they are allowed to do and what they are not.

Mr Johnson—We are trying to find little buckets of money hidden under the desks of bureaucrats in Canberra from time to time. One of those little buckets of money was dug into recently to provide us with a community legal education solicitor. Unfortunately it was only for 12 months. We will have to fight for more funding. That community legal education solicitor has been doing some excellent work in schools, working with DVDs in very simple language to explain to people what their rights are when they are arrested and a whole range of positive things like that. As usual it is a resource scarce environment—

Ms Wodak—Also, NAAJA and CAALAS are presently engaged in a research project looking at the impact of 12 of the 18 new police stations. We have completed the field work in the centre and we are just starting the field work in the top end. They are very preliminary findings at the moment but the main theme of the centre was very similar to what you were saying in that people overwhelmingly say that, yes, they want to have police. But there are all these other issues that then arise. But there are also all the related justice issues that come up. We would actually start with only one aspect of the justice system, so a lot of people have been saying in that research, ‘We want people to be doing work in our community when they have offended; we want them here; we want them to be rehabilitated here; we want to see that.’ That was one of the issues. There were also some major issues in respect of the fact that you may have police stations but you do not have courts in those communities. There are enormous transport bills, if they can get a means of transport, to get to court in the next community to face a fine of maybe a couple of hundred dollars. Then you pay for a \$500 taxi to have them return back to their community that is 200 or 300 kilometres away. There are a whole lot of related justice issues that have come up because we have not seen a holistic look at justice. We have just seen police and none of the other related justice institutions. We are not looking at justice broadly in these communities.

Senator ADAMS—In the territory do the police have to escort the person who is going to court or are they escorted by somebody else?

Ms Wodak—Not if they are summonsed. It is their responsibility to find their way to court.

Mr O’Reilly—If they are under arrest then it is the police. I gather in Western Australia there are contracts with other providers but the police do it in the territory.

Senator ADAMS—In some parts of Western Australia it takes both policemen out of a community with two police 500 kilometres backwards and forwards to take somebody off, so that leaves the community completely devoid of any police.

Senator MOORE—Yesterday we had evidence from people who expressed some frustration as to the way the whole area of child protection law was being operated. It came in the context that one of the major stimulants of the *Little children are sacred* response was the whole issue of keeping kids safe. We were going to have more police and there was going to be more awareness. One group of witnesses just expressed general dissatisfaction with the way that there had not been a lot of action and people were still too scared to come forward and women were not feeling safe. They were not feeling any more confident in coming forward and making complaints.

Then another group of witnesses actually gave quite specific examples of where a complaint had been made. There had been extensive investigation—this is just from their perspective—and then a person had been charged but then released on bail back into the same community. That was on a serious charge. I am only giving the evidence that they gave. From your perspective as people working in the law, I would really like to hear some comments from you about that major focus of the intervention and the preliminary work and my understanding of the promises to community about safety. Has there been a change in the way people feel about child protection and complaints about children and women being abused?

The whole process of magistrates shocked us in terms of the limitations that are often put on bail conditions in all courts anywhere. You could get bail but these are the conditions around it. There was allegedly an issue where a child was being abused by someone in a community and then bail was given without any restriction on that bail so it looks like the child, or the family of the child, has to move from the community rather than the person who was actually charged.

Given all the issues about innocent until proven guilty and protecting everybody's rights, that did seem to be quite strange. Whilst you cannot talk about particular cases and we did not ask particulars as to where or any names, that was clearly on *Hansard* the evidence yesterday by not just one person but a number of people who complained about this case. From a legal perspective, has there been any change in people's confidence using the law in these particular areas? If not, what needs to be done, because that is incredibly important in this whole process? What is the awareness and knowledge of magistrates and judges? Because of the amount of media coverage about why we had to have all these changes, what is happening within the legal fraternity around all that? I know that is a really simple question but I would really like to get some views on record from people working in the system.

Mr O'Reilly—I generally work in the criminal side of things so I have some knowledge of those sorts of issues. That sort of example surprises me. I would have thought that would be extremely rare. Bail for those types of offences has been toughened up over recent years. Ordinarily you would expect that bail would be very difficult to get for a client in that situation. I have not heard of a situation like that where bail has been allowed for someone to go back to a community in those circumstances without any kind of conditions on them. I do not know what happened in that particular case.

There is always the prospect that the prosecuting body can review that bail decision from a magistrate to the Supreme Court. I would have thought if that happened in Alice Springs that is probably what would happen; they would whip it into the Supreme Court. There is actually a mechanism there for prosecutions to say, 'Hang on a minute, we are going to appeal that.' Whoever is given bail is not granted that bail until it gets into the Supreme Court before a judge who can review that decision and then make another decision. There are fairly good safety mechanisms there. I would have thought, unless there were compelling reasons why someone should have been given bail, they would not be ordinarily. That is a situation that does not arise very often. Usually the complaint is that getting bail is much more difficult than not getting bail. That is surprising.

In terms of how communities are feeling about those issues, our understanding is that there have been investigations along those lines. The ACC is working to investigate those things and they have some fairly extraordinary powers in terms of seeking out information and compelling people to come and speak to them. I know that is happening. I do not know particularly the issues that are being raised there, but I know people are being questioned under that scheme. The only increase in those sorts of matters our service has seen really has been in relation to underage sex sorts of matters where you get people of a fairly close age in a relationship, sanctioned sometimes by family and by community. Those matters have been coming before the court. The tendency as to the court's responses to those things has been toughened up. Where once upon a time they would not have received a jail term, they are now receiving jail terms—

Senator MOORE—Both parties?

Mr O'Reilly—No. Usually the matters prosecuted are where one of the parties, usually the male, is over the age of consent. We have had cases where that has not been the case and only the male has been charged and brought before the court—

Senator MOORE—And he is underage as well?

Mr O'Reilly—He is underage as well. In a particular case in the magistrate's court somebody received a 12 month jail term, suspended after a period of time, for a consensual underage relationship. One of the side effects of this is that some of these issues which are more comfortably looked at as health and education issues are being dealt with as law and order issues. Because of all of the focus on it, the wrong sorts of matters are being given the wrong sorts of outcomes. That case was appealed successfully, which was a good outcome. One of the interesting issues about that—and this is another topic—is that in that case where you have got two underage people in a relationship sanctioned by family and by community under the current legislation you are not allowed to raise the issue of cultural practice as a mitigating factor, because that still stands in the legislation and that is part of our submission. There is an injustice in that. In appropriate cases that needs to be taken into account and it was not able to be taken into account in this case. But for lots of other reasons that 12 month sentence was inappropriate.

Not just to focus on those, but it is still the case and has always been the case that adult sex offenders in the Northern Territory are sentenced to lengthy terms of imprisonment, and that has not changed and has probably gotten tougher over the years. That is not what we take issue with; what we take issue with is cases where it needs to be looked at differently. It is much more difficult to look at those cases differently. Getting back to that other issue about how people in the community are feeling, I do not have direct knowledge, I suppose, of that. But more matters have been prosecuted over the last few years, but they are the types of matters that we have seen coming out. There is some resentment in the community in specific cases about the way matters are dealt with and the fact that they have involved police and been brought before the courts when there is a perception that they should not have been. I do not know if that entirely answers your question.

Senator MOORE—I just think in terms of that discussion it is good to get the feeling of the people in the legal profession about whether there has been change and also the whole concept of increased safety, which seemed to be the process. I just wanted to know if there is increased safety.

Mr O'Reilly—It is certainly an issue that everybody is aware of. When the courts sentence in these matters are aware of the issues and aware of the fact that it has national focus and, as a result, sentences have increased probably, which contributes to some degree I suppose to incarceration issues. But it certainly has raised that awareness.

Ms Wodak—One of the examples that we talked about in our submission was the lack of services that are available for our clients after they are found guilty, and this includes cases that have achieved national media attention and yet lawyers have really struggled with government to have resources devoted to their clients to try to address some of the underlying causes of their behaviour. These are people that are both committing sexual offences but have also been victims of sexual offences.

CHAIR—What sorts of resources, specifically?

Ms Wodak—We did not have any. In the case study that we gave in our submission, there were no resources that were devoted—

CHAIR—What sort of resources do you think should be a priority in those sorts of cases?

Ms Wodak—Ongoing culturally appropriate counselling and a range of expert resources to those individuals and to their family and then to the broader community.

CHAIR—We have touched on mandatory reporting of some sort of underage sexual liaison and there has been much comment about the inappropriateness of that in many cases. The discussions we have had with the people who have been giving evidence are basically that the community might say: 16 is fine; 15, there are probably plenty of cultural examples where that might be all right; 14, well, he was really scraping the bottom here; 13, you have lost the community and lost ourselves. I know that is where the difficulty arises. In terms of reporting we actually discussed what I thought was quite a practical solution. If a doctor has a problem or if the facts are simply that would normally put them within the reporting parameters, if they were then able to speak to a peer privately to be able to see whether or not that was at risk, then the community would have a lot more confidence in that process rather than a single individual, as is the case normally. Do you think there is any scope in the provision of the same process? How do you take culturally appropriate circumstances into consideration? Perhaps a group of people would maybe make that decision rather than an individual in terms of the mandatory reporting process.

Mr O'Reilly—I gather in other jurisdictions as far as the mandatory reporting goes there is a similar age defence built into the legislation. If there were recognition that there was more discretion and ensure within policing and prosecuting authorities someone to oversee it and be aware that there is an ability to exercise discretion, I think that would be useful. I think as it stands at the moment no-one thinks anyone has got any discretion to do anything. As soon as there is an issue then there is only one thing and it has to be reported, it has to go to the police and it has to go to court; that is not always appropriate, but that is how it is dealt with.

Mr Johnson—Last year in Bulman we had a circumstance of a young man suiciding. He had been charged under that legislation. The effect that that has on a community undermines the whole policing and child protection mechanism.

CHAIR—I think they were fairly severe circumstances. One would hope that that was always the case, though. Are you saying in the circumstances where someone suicides it has an impact on the whole community, or are you saying whilst that was an example, just to be clear, that the community are impacted in any event by the prosecution of those events?

Mr Johnson—Yes, they are.

CHAIR—I just was not clear.

Senator SIEWERT—I want to touch on income quarantining. In your submission, which is from last year, you talk about the fact that you have got funding to put on two case workers.

Could you give us a quick rundown on what has been the response to the case workers; what have been their findings on income quarantining?

Ms Pengilley—Overall what we have found is that people do not properly understand the Centrelink system. They do not properly understand what their rights are and what their obligations are in relation to receipt of benefit. Having not understood Centrelink in the first place, I think there is a fairly limited understanding about income management. I do not think a lot of people have really understood a lot of what is behind it or why it has been imposed on people. A lot of people are very shocked. Why is this system imposed only on Aboriginal people? Does the government think Aboriginal people are stupid? Do they think we are all child abusers? That is one common theme, just the shock and the hurt and the outrage and the confusion about having the scheme imposed upon them.

The other side of it is that a lot of people feel that it is positive because there is money for food for the children so people feel confident about having the basics covered from the point of view that there is money available for ordinary shopping. But at the same time there is a huge amount of frustration with how that system operates, going all the way from getting your balance, moving funds backwards and forwards and all that sort of thing. Another point in relation to the family assistance bill was just how a lot of this confusion and misunderstanding and difficulty in getting the Centrelink income management arises from the lack of understanding. The key factor there was the lack of English and also the lack of financial literacy.

Senator SIEWERT—Would it be fair to say that some people like it; others do not, which is how it has always been?

Ms Pengilley—There is sort of the middle camp which is: why is it for everybody? I think the blanket nature of it is what offends so many people and hurts them so much, that there is no regard to them as an individual or how they conduct themselves. People have said to me: ‘Centrelink knows the ones who are not looking after their children. Those are the ones who should be income managed. Why me? I look after my children. Why should this be imposed on me?’

Senator SIEWERT—The government says they are getting rid of the RDA exemption in the spring sitting but they are going to revamp the system and the budget had another allocation of money for income quarantining. I think it was \$90 million. Have you or your case workers been consulted in developing any new system that the government is coming up with?

Ms Pengilley—No. What NAAJA would say is that we are a little bit shocked or confused. We do not understand how the government in its 12 May release said that it will continue compulsory income management but will make it RDA compliant by intensive consultation with communities. We are just a bit confused about how it will become RDA compliant, especially given the decision was made that the government will continue it and then it will consult about the fact that it is continuing it. It seems to be a slightly back-to-front process.

Senator SIEWERT—Through your case workers how many people have sought your assistance to deal with issues and what is the nature of the issues? You touched on them a bit as

to people not being able to swap money between accounts and things. What are the types of things that your case workers have dealt with?

Ms Pengilley—Getting access to the balance on the BasicsCard is a big one. The corollary of that is people just having horrible experiences in shops where they are treated in a very discriminatory way because they are BasicsCard customers. The shop assistants seem to treat them differently because they have that BasicsCard. It is like, ‘What is your balance? Do you know how much you have got in your card?’, and so on. We understand the government has now agreed to a 1800 number, a free call number so people—

CHAIR—It is already on the back of the card.

Ms Pengilley—Already?

CHAIR—It was yesterday.

Ms Pengilley—Really? A 1800 number?

CHAIR—Yes. It is a 1300 number.

Ms Pengilley—That is not a free number.

CHAIR—That is on the back of the card at the moment.

Senator SIEWERT—That has always been there, has it not, the 1300 number?

CHAIR—It is the balance check number.

Ms Pengilley—Unfortunately that is a charged call and you also go through to assist and you can be on hold for a long time. It is not a workable system. It requires people to have phone credit and access to a working phone and lots of things. If there is going to be a free call number for balance inquiries, that will be a really good step towards easing the inconvenience and the hurt that people suffer when they try to shop without knowing their balance.

Some other issues are where people want to travel interstate. FaHCSIA are inflexible about allowing people any kind of temporary exemption from income management while they travel. The reality is that only Woolworth’s and Coles are national BasicsCard retailers. If people are going interstate they have to ring a special number and organise money to go to different retailers and so on. For people travelling interstate it is a real incursion on their ability to just operate like a normal person when they travel.

Mr Johnson—One of the most critical chapters in the *Little children are sacred* report is chapter three in part one, the rules of engagement. If government and people like us worked with those rules—they are just basic principles of respect—then a lot of the things that we are talking about today would have far improved outcomes.

Senator CROSSIN—As to your issue about the lack of resources, we have increased police presence in communities around the territory and increased numbers of charges being laid, so

your workload no doubt has increased. Tell us what that has meant for people working in your organisation?

Ms Collins—It has had a huge impact on the organisation. Over the last five years our criminal matters have increased by about 20 per cent and our civil and family matters have increased by 90 per cent. Our budget increased by one per cent, so it did not even cover our very basic three per cent CPI on salaries and rent, let alone increases in the communities. We have been lobbying for additional operational funding, both NAAJA and CAALAS, so that we can firstly just cover our basic operational costs and then also take into account these large increases.

What is happening now is when we go to the bush courts instead of sending one solicitor we now have to send two solicitors. In some instances you can have up to 100 matters a day in a bush court. Now the lawyers are having to sit late at night or there are additional days added. That is a huge impact on the organisation because the solicitors are carrying big workloads. We just have a lack of resources to be able to send that many people. We have not been notified of any additional NTER funding yet, even though there has been an announcement that there is funding. We are still waiting to be advised of what that is.

Senator CROSSIN—That is the announcement that was made a week or two weeks ago; is that right?

Ms Collins—Yes.

Senator CROSSIN—You do not know what your share of that funding is at this stage?

Ms Collins—We have not been advised. We have been chasing the Attorney-General's department and we have not been given any information. On the operation side we received an announcement by Minister Debus that there was an extra \$6.224 million for ATSILS. But when you actually looked at how that funding was set up, a very small proportion of that goes towards the operational costs. If the funding does not cover the very basic operational costs and the increases in the matters that have been held at the communities, we are going to have to start reducing our services to the communities. This then has an impact on the people out in the communities because, just as every Australian should have access to justice, they will not have that access.

Senator CROSSIN—You would put to us then that the increase in the police presence which addresses some aspects of the *Little children are sacred* report and goes to making people feel safe in their communities has been addressed, but the outcome of that is that more outcome as a result of policing has not been addressed in access to justice through your assistance of people?

Ms Collins—Yes, that is correct. Where there was not a police station, there is now a police station, so people are being charged for children with no seatbelts, being unlicensed or unregistered. Those sorts of increases are being experienced in the communities and people are getting large fines, but then we even have to send out additional lawyers to be able to cover that and our funding has not got that.

Senator CROSSIN—They cannot pay those fines; is that right? They are not able to meet the payment of those fines so that leads to an arrest, does it, or a criminal prosecution?

Mr Johnson—They lose their licence as a result of not being able to pay a fine.

Senator CROSSIN—They come to you for representation in that area and your funding has not increased to be able to provide additional resources?

Ms Collins—No.

Senator CROSSIN—You do know the Senate's legal and constitutional references committee currently has an inquiry into access to justice?

Ms Collins—Yes, we put in a submission to that.

Senator CROSSIN—It would be useful to reiterate that as well.

CHAIR—Thank you very much for the provision of evidence today. As you can sense from the questions, we would prefer to spend a day on this so there may well be some questions on notice which will be provided through the secretariat. Thank you for your time today.

Proceedings suspended from 10.31 am to 10.52 am

COX, Ms Suzan, QC, Director, Northern Territory Legal Aid Commission**HUSSIN, Ms Fiona Levene, COORDINATOR, Policy and Projects, Northern Territory Legal Aid Commission**

CHAIR—I welcome the representatives of the Northern Territory Legal Aid Commission. Information on parliamentary privilege, the protection of witnesses and evidence has previously been provided to you. The committee has before it your submission and I now invite you to make a short opening statement. At the conclusion of your remarks I will invite members of the committee to put questions to you.

Ms Cox—Thank you for inviting us to make submissions and to be here today. We, as the Northern Territory Legal Aid Commission, welcomed the report *Little children are sacred* and the recommendations arising out of that report, particularly those recommendations addressing offending, which were both proactive and long term. In particular, the improved resources for child protection services and police, improved access to rehabilitation for offenders, a comprehensive alcohol supply reduction strategy and the strengthened community justice mechanisms, which would enhance community participation, law and justice concerns.

The Legal Aid Commission has attempted, since early 2007, to try to fill the gaps where the other legal providers have been unable to go. We have worked collaboratively with NAAJA and CAALAS and we support them in their submissions to you. As I said, we have attempted, over the last couple of years, to fill the gaps where they have been unable to go. For example, where they have gone to bush courts we have gone out to communities where the courts have not been going. We have used our resources. We have some limited funding from the Attorney-General's to assist us. We have employed Indigenous liaison officers. I am sorry that my Indigenous liaison officer from Darwin is not here today, but unfortunately Mr Petterson is sick. We have him working in Darwin and we have another Indigenous liaison officer in our Alice Springs office. The commission has offices in Alice Springs, Tennant Creek, Katherine, Darwin and Palmerston. For these purposes, our offices in Tennant Creek and Alice Springs are particularly important.

We have conducted outreach through more than 100 visits with our lawyers and officers, and we have attempted to coordinate other service providers to fill the gaps where people have needed legal assistance. Through our visits we have uncovered a lot of unmet legal needs, as you can imagine. Some of those needs which we anticipated would be there were not, and we discovered a lot of others. I can give you examples of some of those issues. They include credit and debt issues, consumer issues, police complaints, including inadequate responses, warrant issues, alcohol issues, Centrelink welfare rights, housing tenancy, transport support, work health claims, employment law, unclaimed superannuation, Corporations Law, including commercial business advice, banking issues relating to ID, and other civil law issues.

I will just pause here to say the Legal Aid Commission really is not funded for civil law and has not been since 1996. We depend on things such as the intervention money to be able to address unmet legal needs in those areas and we provide some services in our limited capacity. We have discovered a lot of unmet legal needs and we have attempted to address those mainly by bringing other service providers in, such as ASIC and consumer protection. We have also

used some of our funds to produce DVDs. We are talking about huge gaps in legal education out in the communities. One community that we visited—because we wanted to make culturally sensitive DVDs imparting legal information—we asked, ‘What would you like us to make a DVD on—domestic violence, going to court or whatever?’ The response was, ‘The legal system. We don’t know where you get your law from.’ That took us back a bit and we had to regroup. Then, through a lot of consultation, we devised a DVD on the Australian legal system for that particular community, which is in Yolngu Matha and it is subtitled. I can make it available to you if you would like to see it.

CHAIR—That would be very useful.

Ms Cox—We have also made other DVDs. In Tennant Creek it was child in need of care DVDs. In Tiwi Island it was to do with domestic violence. These DVDs have been made with the people in the communities. We have discovered some good actors. They have been in language, Tiwi or Warlpiri and Warumungu in Tennant Creek and they have been very well received.

Primarily the Legal Aid Commission is focused on criminal law, family law and legal education, but it has really focussed our attention on the real needs of legal education in the communities and how there really is very little. NAAJA has been attempting to do more and we have also been attempting to do more, but we need resources for it. That is the bottom line.

CHAIR—How widely distributed has that actually been? Whilst you have created them, is there one particular time? Did you have it across the Yolngu Matha? What sort of distribution did you have?

Ms Cox—I will ask my policy officer to address that.

Ms Hussin—We have taken a different approach depending on the region. With the one that we have made at Galiwinku we made a batch of 5,000 copies. The idea was that most communities and most people will have access to DVD players and when they know people in the DVD they will put it on and they will actually watch it numerous times. That was our key target way of distributing the DVDs.

This year we are also going out to communities and doing film nights. We have our own supply of a canvas screen that we have had made up and a data beam projector and speakers. We are self-sufficient, which is good, and it is a lot cheaper. We went to Milingimbi and Maningrida a couple of weeks ago, and we have also got plans for Ramingining, Gapuwiyak and Galiwinku. We are looking at having it screened as part of a male ROM festival, and we have also been talking to the Garma Festival about having screenings there. At all of those screenings we have copies available so people can take them away and watch them. We have actually had feedback in relation to that DVD in particular from a whole range of service providers, including Balanda service providers, who are saying, ‘Now I understand the Australian legal system.’ At first we thought they would not want to know anything about the Constitution or the sources of law going right back through history, but people are really interested in that and it gives them a context to draw on for the present.

In relation to the Tennant Creek productions we are doing the same sort of thing. We will have film nights. I was just recently at Canteen Creek, where we have a film night and then the next day we are available to talk to community members about a whole range of legal issues. Where possible we bring along other services with us. Consumer Affairs has been very proactive in attending those outreach communities with us and there is a whole range of consumer issues in those communities. It gives people a way of feeling comfortable about approaching those services and starting that conversation.

CHAIR—There are a number of recurring issues that might be not so much thematic, but as we have had changes in the community, such as the introduction of police officers, one of them is around the issue of the rights of police officers to come into your dwelling or residence or move you from your veranda and so on. This is just around some areas. In Milngimbi the day before yesterday there were a lot of issues and confusion around that. It would be informative for me, I have to say, because I am very reluctant to put what I think, because I might be wrong as well. With the nuances of the law I am really not qualified, but it would be terrific to be able to have a question and answer in regard to what rights policemen actually have and what you should do in the event of this or that. I kept saying, ‘Listen, if it has been unlawful by a police officer or, in fact, anyone then you have rights and you should complain and you should know where to go.’

Ms Cox—We have developed an education kit made for schools. It has a video and learning sequence. It is called ‘Cop This’. This is aimed at young people, particularly young Indigenous people. It is acted out by the young Indigenous actors and it is all about what you do if you are spoken to by police, if you are arrested and getting in trouble. I think it starts off with a group of boys outside a house where one is a lookout and the other ones go and break in, and then what ensues afterwards, including records of interview at the police station and whether they are charged or whatever. We have done some of that, but I take your point. I think that NAAJA has also recently done some work in this area.

Ms Hussin—When we show films that DVD is used as part of that. It was filmed at the Bagot community and there is a range of people from different communities that people will relate to, ‘I know his cousin’ or whatever. The music that is in the DVD was written and performed by the young kids from the community, so it has that kind of feel to it. We do have a question and answer session around that when we get the opportunity to do that.

CHAIR—As you are aware, NAAJA gave evidence earlier this morning so we will have to write to them to get that piece of material. Across the suite of materials that you have, I wonder if you could give us a single copy of each one if they are available?

Ms Cox—Yes, certainly. We can do that today.

CHAIR—I think that will be very useful for the committee. Thank you very much for that.

Ms Cox—I would also like to make the point that, following the intervention, as a result we do not have increased Indigenous people coming to our service charged with sexual offences in relation to children, but we do have an increased situation of children in need of care for all sorts of reasons. I do not know whether you are aware that in relation to the state-federal divide of the Legal Aid Commissions we get funding from the Commonwealth government in relation to

Commonwealth matters, but that children in need of care, in fact, is a state or territory matter. That is really where we felt the results of more intervention in that area, so that is a real problem.

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.

The other problem that we see, from the commission's point of view and our resources, is the growing imprisonment rate and the inappropriateness of long-term prison for a lot of these offenders. There should be a much bigger focus on rehabilitation. I have been saying it for 30 years, but it really needs to be done out of jails and in the community. Nothing happens very well in prison for all sorts of reasons, and our Indigenous prisoners are there short term, mainly for driving offences and for minor assaults. There is not enough time to turn them around on anything, but it does increase the prison numbers. We have really felt that on our resources.

The final point I would like to make in terms of this inquiry is that we welcome the need for more focus on better housing and policing in the communities, but when you do make those changes there is going to be an ongoing effect. We need to be there to give independent advice, because a lot of issues arise out of income management, housing issues, employment and, of course, greater policing. I would like you to take that into account.

CHAIR—Thank you.

Senator SIEWERT—We heard from NAAJA this morning that they effectively have not had a funding increase, which you just touched on as well. What would you estimate is your funding shortfall? I know it is: how long is a piece of string, to a certain extent.

Ms Cox—We are in a deficit on our Territory side in relation to the criminal representation mainly, and also the children in need of care and the welfare side. I would have to take that on notice to give you the actual deficit at the moment. I can tell you that in the federal budget there has been no increase in Territory funding for the Legal Aid Commission. We have maintained our funding and that is a good thing, but we will be talking to the Territory government in relation to increasing our funding on the Territory side.

Senator SIEWERT—What has been the increase in your workload?

Ms Cox—Again, I will have to take that on notice. Anecdotally, we are seeing much more activity in the courts in relation to welfare cases, children in need of care, particularly out in Tennant Creek, Alice Springs and Darwin.

Ms Hussin—As to the other matters that were alluded to in relation to the civil needs, we have really only scratched the surface in relation to assisting people in those areas, to provide that ongoing assistance and develop a relationship with new communities to get people to come forward and seek that assistance. As Ms Cox said, that is an area that we are not funded for. We do have some additional funding as a result of the intervention, but if we were to do it on an ongoing basis that would be an area where we would seek further funding.

Senator SIEWERT—With respect to the new funding that was announced in the budget for the intervention, have you had a look at that and whether any of that would be available to the commission?

Ms Cox—We have been told that we will be funded for the next three years I understand on the same amount of funding we have had for our intervention work. We welcome that, because it means that we can keep doing what we have set up and what we are doing at the moment. We have had to employ people. We have had to establish relationships out in the communities. That is being done and we really want to have an opportunity to keep doing it. That is a good thing.

Senator SIEWERT—Last year we were up here—it was a different committee but with many of the same members—and we were looking at the changes that were being made to the FaHCSIA bills around the parent system and the narrow casting. We were talking to some of our witnesses around what is being done in the community around education over underaged sexual activity. If I recall correctly, there was the beginnings of some project work. I was reminded of that when you mentioned the DVDs. There was some initial work being done, but it had not made much progress at the time. Have you been involved in any of those projects?

Ms Hussin—You may be referring to the NT government's series of audio CDs, focussing more on the promised marriage issue and reminding people about the law in relation to minors and sexual engagement with minors, but focused more on that structure. That is the only thing I can think of that is really focused in that area. I cannot say that I have ever heard of anyone being aware of that resource or using it in any way, but that is not to say it is not happening.

Senator SIEWERT—The resource that has been produced?

Ms Hussin—Yes, the government resource.

Senator SIEWERT—I understood from the witnesses that there needed to be a broader support mechanism and education of younger people to teach them what is and is not acceptable in a more supportive way. The concern was that the police and the criminal justice system is going in and there is not the education side. Has that changed?

Ms Hussin—From a legal education perspective, I do not think that has changed. That is probably because most of the legal services see that more as a health education issue and that they are more likely to have a receptive audience in that context. The more recent information that has come through about the changes to the Care and Protection Act and mandatory reporting do highlight further concerns in that regard. I think that services, at present, are still regrouping to try to work out how to respond to providing that information in a way that still encourages access to those sorts of supportive mechanisms. I am just thinking as we are talking now. There is also an NT government program around the pornography laws. I understand there was some project unfolding in relation to that, but again we have not been engaged in that process at all.

Senator SIEWERT—With the increasing number of children that you are dealing with, how do you work with other services to start addressing issues? I realise you deal with the legal side of things, but are there then community support organisations that come in and work in communities to start addressing the causes?

Ms Hussin—It depends. Some communities have stronger support mechanisms and agencies that are better functioning and have that capacity to a larger degree, and some others do not. Where they are there, we do.

Senator SIEWERT—You opened with comments around the *Little children are sacred* report and talked about the issues around a comprehensive approach to rehabilitation and grog. We have heard a large number of comments saying there are just not enough rehab and support services dealing with alcohol. You have probably read NAAJA's submission and that is echoing a number of other submissions that we have seen. They are saying that just bringing in the restrictions without those support services does not work. I was interested to hear your comments around the comprehensive approach to alcohol. I must admit that that is not what we have been hearing.

Ms Hussin—Those comments were related to the recommendation in the report.

Senator SIEWERT—That is what I wanted to clear up. You are supportive of the recommendations. I am sorry, I should not put words in your mouth. Do you agree with some of the other witnesses who are saying, 'We're not seeing that comprehensive approach'?

Ms Cox—Absolutely.

Senator SIEWERT—What are the key elements that are missing?

Ms Cox—There need to be more community based programs. There needs to be rehabilitation aimed at offenders in their communities and not outside the communities. I understand that there will be offenders who need to be in jail for a long time and they will need to be taken out of the communities, but the majority of offenders do not need to be removed from the communities. They need to be rehabilitated. Basically, more community based programs in the community. We just do not have the resources in the Territory, in the correctional services, which is aimed at those sorts of programs as opposed to building a new jail. We do need a new jail, but as to building a new jail and having people locked up for long periods of time, the whole of the criminal justice framework is towards not giving people bail easily, keeping them on remand, keeping them in prison and giving them sentences with minimum non-paroles that are high. Eventually people have to get out and they have to be able to deal with the community from which they come. This is not being addressed. We really need a lot more officers out in the communities where people can do community work orders. I have not seen anyone do a community work order for years. They just do not get them.

Senator ADAMS—That was a question that I asked the last group of witnesses—why is that just not an option? It just does not appear to happen. For a lot of these people it probably would be a very good way to rehabilitate them, have them work in their community and be supervised properly.

Ms Cox—It is probably a great shame for a young man to be picking up rubbish in the communities.

Senator ADAMS—That is right. I know in Western Australia that it is working well, if you can get the right people to be the supervisors. That is a solution they are using there.

Ms Cox—That is the sort of thing we would like to see. People do need assistance with alcohol and drug abuse, because a lot of communities have dysfunctional people in them. They need a lot of assistance in the mental health areas as well.

Senator ADAMS—My next question was actually to look at substance and drug abuse. In your opinion, are you having more and more cases involved in that respect?

Ms Cox—It is well established that the criminal offending is more usually than not associated with alcohol or substance abuse.

Senator ADAMS—Are drugs in dry communities on the rise?

Ms Cox—There is increasing drug use in the communities, yes, as there is everywhere. The communities are not isolated away from the rest of our culture. Drug abuse is rife throughout.

Senator ADAMS—What is the role of your Indigenous community liaison officer? What exactly does he do?

Ms Cox—We have two of them. I will let my policy officer describe that.

Ms Hussin—Her function is to make the connection with the community, arrange outreach visits, organise interpreters where they are required—basically all the things that use their own knowledge, experience and existing connections that they have with communities. They gave us advice on culturally sensitive issues, especially in the early days in Central Australia of this project, where there were many funerals. There was a lot of assistance and advice about negotiating, and still providing the service but doing so in a way that is not going to offend and is respectful. Even though our lawyers have been working with a whole range of diverse clients in the past, many do not work in Indigenous communities or have not had that experience, so it is giving advice about protocols and procedures. Cooking the barbecue seems to be part of the duty statement more recently, which is a very important function and does get a lot of people engaged, and then providing feedback post the report. The other function that we are performing as part of this outreach activity is advocacy assistance for communities. Post the community visits we will have a debrief where we will talk about some of the advocacy issues that the community has raised and how we could assist in a broader way beyond just the individual client-solicitor representation. We have written letters to ministers on behalf of communities, sent petitions on behalf of communities, engaged with the police, met with Centrelink, met with Consumer Affairs, written to the Liquor Commission and those sorts of functions as well. They will provide us with the advice about what the community really meant when they said something. They will have that context and it is of enormous assistance.

Senator ADAMS—Do you work closely with the shires?

Ms Hussin—We try to. Again, that differs from region to region. One area where we have been doing a lot of work and which is on the court circuit, but we have made an exception because there was such a high level of need there, is the Elliott community. We have provided numerous workshops in the Elliott community and to community members around that area in a range of areas. We have worked reasonably effectively with shire staff as part of that process. We have written to the shire and said we would like to strengthen those relationships because, of

course, their staff are there on the ground all the time. We are planning visits and organising the best date, or other agencies are going there because it quite often can happen that there will be eight other agencies visiting that community in that day and people get swamped by information. It is all those sorts of things where you need a person on the ground to liaise with. We would really like to strengthen those ties with the shires, but we get the feeling that at the moment they are in the early days of consolidating their activities and they do not have that much capacity to work with agencies such as ours, which may be seen as optional extras at this stage when they need to get their core business going.

Senator ADAMS—Thank you.

Senator CROSSIN—Thank you for your time this morning. I want to ask you about the area of your activities in relation to increase in children in need of care and the representation for people through the legal system. What sort of cases are we talking about here?

Ms Cox—Mainly children who have been neglected,, and not children as a result of sexual abuse.

Senator CROSSIN—Are these families that are now under the watch of Family and Community Services?

Ms Cox—Yes. They have come to the attention of Family and Community Services.

Senator CROSSIN—What role does the Legal Aid Commission play in those sorts of cases?

Ms Cox—It depends on who we are acting for. We may be acting for one of the parents. It is coming to a parenting program and a situation where the child is better looked after, or it might be coming to an agreement that the child is taken into the care of the minister and placed in a foster family, or we may be appointed as the child's representative and advocating for the child.

Senator CROSSIN—How many cases of those would you have had in the last 12 months?

Ms Cox—I would have to take that on notice. I can probably supply that to you today.

Senator CROSSIN—How many cases of child abuse prosecution do you think there have been in the last 12 months?

Ms Cox—Do you mean in relation to children in need of care?

Senator CROSSIN—No, in relation to child sexual abuse.

Ms Cox—Is that Indigenous children or non-Indigenous?

Senator CROSSIN—I am interested to know if you have a breakdown of Indigenous and non-Indigenous children and whether the perpetrators are actually Indigenous or non-Indigenous.

Ms Cox—I cannot give you figures. I can give you anecdotal evidence. I am aware of most of what we do in relation to defending, because we do defend people charged with offences arising out of abuse of children. I can advise you that in my experience as director of the commission and being aware of the cases coming through most of the perpetrators are not Indigenous and the children are not Indigenous. That is perhaps because we are not an Indigenous service provider. We defend those who have a conflict or if they have been referred to our agency from either CAALAS or NAAJA.

Senator CROSSIN—In your submission that you sent to us—I am conscious of the fact that it was last year, but I think it is still relevant—you outline a number of recommendations from the *Little children are sacred* report that unfortunately have sat there like many other reports. They go to offender rehabilitation. It does talk about increased community based rehabilitation and it also talks about better delivery of programs to change behaviour. One of the issues that was raised in NAAJA's submission to us today, which I did not get a chance to talk about, is programs for children who are now adults who have been victims of sexual abuse and who offended themselves because they were also abused. So, support for victims of sexual abuse who are now offending. Do you have any knowledge of what sorts of support systems there are in the Territory for people in that situation?

Ms Cox—I would not say it is support. Most offenders who participate in the sexual offender program, which is available in the prison, are victims themselves. I say that anecdotally, again, as a criminal defence lawyer. It is invariable that your defendant has been abused themselves if they are abusing. It is not always, but most of the time. It is not a support, as such, but mainly a program that they need to go through to stop them reoffending. Often within that program, as I understand it, it is catering for people who are victims themselves. It is not support, as such, but it is within the program which is aimed at stopping them from reoffending.

Senator CROSSIN—What sorts of programs are also out there for victims of sexual abuse who do not offend, that may live on, say, remote communities?

Ms Cox—I am not aware of any.

Ms Hussin—I am not aware of any, but that is not our core area of work. We get them at the point where they have offended. I think there has been some voicing of concern about that, especially at the young stage, as in something specific for young people. There has been talk about the need for that.

Senator CROSSIN—Are there any for non-Indigenous people that you are aware of?

Ms Cox—Only if you can afford it. You can go to the Tamarind Centre of somewhere like that where you have got psychological or psychiatric issues. There are counselling services available to some extent.

Ms Hussin—I am not aware of the full detail of programs, such as Head Space, which is the new program that is specifically aimed for young people with emotional and mental illnesses. That may include programs such as that, but I am not aware of them.

Ms Cox—There are things like the Rape Crisis Centre which deal with predominantly female victims. I do not know of any equivalent that deals with males.

Senator CROSSIN—Thank you.

CHAIR—On behalf of the committee I extend our thanks to the Northern Territory Legal Aid Commission and for the evidence that you have provided to us today. Because of the nature of these matters I am sure we would like to speak to all the people who provide evidence for far longer, so there may well be some questions on notice that will be provided to you through the secretariat.

Ms Cox—As I said, we will make those DVDs available today for you. I would like to know how many I should supply?

CHAIR—You could just supply the one. We can make copies if there are no copyright issues.

Ms Cox—No. Thank you.

[11.28 am]

MUNUNGGURR, Mr Barayuwa, Chair, Laynhapuy Homelands Associations Inc.

MUNUNGGURR, Ms Yananymul, Chief Executive Officer, Laynhapuy Homelands Associations Inc.

NORTON, Mr Richard Harcourt, General Manager, Lanhapuy Homelands Associations Inc.

CHAIR—I welcome representatives of the Laynhapuy Homelands Association Inc. to the table. Information on parliamentary privilege, the protection of witnesses and evidence has been previously provided to you. The committee has before it your submission and I now invite you to make some opening remarks. At the conclusion of your remarks I will invite members of the committee to put questions to you.

Ms Mununggurr—Since the intervention has started it seems to have made no difference with what language we use; the parliaments of government of this country seem deaf to the concerns and aspirations of the Yolngu people, the Indigenous people of our area.

One grand plan of government, the intervention, has given way to new grand plans—the National Partnership Agreement on remote service delivery, the national agreement on remote Indigenous housing, Working Futures, and remote service delivery. Both the Australian parliament and the Northern Territory parliament have determined that homelands should have no future as communities. They have determined to ‘smooth the dying pillow’, just as their forefathers did, providing just enough resources to maintain them while desperately hoping to make the major communities more attractive to the next generation.

Both governments have conveniently wiped their hands of responsibility for 30 years of neglect and failure to invest in basic infrastructure and services, which are the right of every other Australian citizen. We have not moved away from services and infrastructure and they have just simply ignored us while they build services and infrastructure elsewhere, all across this nation. Both parliaments are so confident and obsessed with the rightness of their ideas and their power to control our circumstances that they continue to discount our experience of what works and what is needed, or any perspective that differs from their own.

Two years into the intervention, conditions in Yirrkala have deteriorated. More people are going to Nhulunbuy. That is the nearest town, about 20 kilometres out of Yirrkala. The black market in kava is growing rapidly again. Basic local government services are worse. CDEP under the shires seems to have become dysfunctional. Petrol sniffing and related crime have never been worse. Gambling is still common. Apart from income management and statutory five-year leases, there seems nothing that could not have been achieved without this grand plan. Apart from two unoccupied government business managers residents, the intervention has produced no new housing. The intervention and shire reforms have disempowered the community, disempowered the Yolngu and destroyed social capital that had been developed over many years. The community no longer feels in control or knows who is responsible.

Our organisation and homeland members have benefited from some of the additional resources that have flowed into Indigenous Affairs generally. We now employ 70 Yolngu Indigenous and our range of programs has expanded dramatically. We have been able to establish a dental service and through collaborating with Yirrkala Homeland School we have secured funding to establish small jointly managed homeland training and teaching facilities with accommodation. Those four facilities are going to four homelands. We are grateful for these additional resources, but the expectations that have come with them have placed enormous strain on our organisation.

We cannot tell you more other than that our 12,000 members across the Laynhapuy region remain committed to building our own future within our communities on our traditional land—a future that includes passing of our culture, laws, ceremony and knowledge on to our children and grandchildren, but also includes education, training, employment and economic development. But the timeframe must be one that is negotiated with us and is realistic as to the current state of underdevelopment within our homeland communities.

We want to ask some questions and try to understand why, despite all the barriers, homelands are healthier, safer and more productive places to live with greater potential than the major communities governments seem determined that we should move to become dependent upon. We also want to ask questions about why both parliaments—the NT government and the federal government—have condemned homeland members to ongoing overcrowding and substandard housing. Why have our homeland members lived without access to affordable electricity for the past 30 years or so? Why has it taken 30 years to fund \$200,000 to build a bridge at a creek crossing that keeps over 100 people isolated from shops and services for more than three months every year? Why has it taken 30 years to recognise that teachers need somewhere to sleep when they work in remote homelands, nor that providing clinical health services on a school veranda or under a tree is not appropriate, or that a visiting trainer needs somewhere to train and sleep? These are the questions we ask every now and then.

How can the neglect and ignorance of successive parliaments over the past 30 years be explained and why should we now be expected to bear the cost of this neglect and consequent lack of development? Since the announcement of the homelands policy or the Working Future we are not happy with what has come about. When Pat Dodson went to our communities and spoke to us he had a consultation process with all the Yolngu people, Indigenous people. We sat down, we worked with him, and we presented him with our views about what we would like to do for our homelands. Not one point from that piece of paper was put into the Working Future plan. It is all different. It is something that we are not happy with.

That is coming from us coming from Laynhapuy as a homeland service provider. It is something that we were not expecting. We thought that the government would work with us and would listen to us, would take our views and consider our views, but it is all bad. I think it has turned all bad. This working plan or grand plan of the Northern Territory government is going to affect our people very badly. Thank you.

CHAIR—Thank you very much. Are there any other statements?

Mr Mununggurr spoke in the Yolngu language—

Mr Mununggurr—I will pause there for a moment. I just said that as the chairman of Laynhapuy Homeland I am very worried, very concerned about the smaller communities that will be affected by the announcement that took place yesterday. Many of us have lived there. I come from a smaller community myself. I am not going to be leaving. My father is buried there. That is where I am. That is who I am. That is my home. That is how I like it. Many people believe in what that land holds for them. Just then we received a phone call from one surviving old man, Dr Gumana, who said, ‘I am the only one old man here and I live in one of the smallest communities. I am worried for my people. Okay, if government wants to do that they better shoot me first and take my land.’ That is the concern that we have—how to be noticed or notified, or seen, to be seen. We want people to understand us. We are the people. We breath, we sing, we dance, we enjoy the environment that surrounds us. We love it, but we can only work with the government if you give us the way that we can come hand-in-hand and work together, in a way that you must understand us first. Thank you.

CHAIR—Thank you.

Senator CROSSIN—As to yesterday’s announcement with Garrthalala now being the main hub, or one of the 20 hubs, my understanding is that where there are currently schools situated on the outstations they will continue and be resourced. Is that your understanding?

Mr Norton—As far as we know, yes, the homeland school is not under threat in any way, but by the same token there has been no indication of any government support for our secondary school program, which is probably the most successful secondary school program in the territory. We have 30 students who regularly fly to Garrthalala homeland each week and board there. The boarding facilities and the additional classrooms were established by the parents using their isolated students assistance allowance and with the assistance of Geelong Rotary Club. The discussions with the territory government earlier this week and the agenda laid out in the National Partnership Agreement basically say there is no scope for further investment and growth of homelands, particularly in the area of housing. If you stop housing, you stop growth and you condemn people to continued overcrowding. If you cannot invest in the infrastructure and you cannot invest in the housing, those homelands have no future. It may not happen tomorrow. It may not happen next year. That is the effect that those decisions will have. The Northern Territory strategy has been very closely aligned with the National Partnership Agreement. There is no immediate threat, but it raises big questions about the future.

Senator CROSSIN—How many participants do you manage on CDEP?

Mr Norton—We currently have 310. We have been repeatedly asking for an expansion of those numbers. We have, to date, been unsuccessful in that. We hope that if we become the preferred provider from 1 July we may be able to negotiate some additional places. We recently started providing services to a number of the homelands formerly associated with Gapuwiyak community who felt they would be better serviced by us rather than the East Arnhem Shire. We have had a protracted process trying to negotiate additional places to cover people from those homelands on CDEP.

Senator CROSSIN—Does the Blue Mud Bay decision impact on the planned work that you have intended for Laynhapuy?

Mr Norton—Not directly at this stage. As an association, as opposed to being the traditional owners, we are only tangentially involved in the Blue Mud Bay process. Dealings over fishing licences or anything like that go through the Northern Land Council, not through us, and we are not party to any of those sorts of discussions. However, as an association we have been working for a couple of years now on trying to establish an eco-cultural tourism venture at Blue Mud Bay with Yilpara community. We are assuming that will progress. Whether the Blue Mud Bay decisions and the sea rights issue will have any long-term economic or employment benefit related to that project I cannot say. At this stage we are unaware of any major discussions that would result in economic or employment benefits for Yolngu in the Blue Mud Bay area.

Senator CROSSIN—What has been the response of the Yilpara community to the announcement yesterday?

Ms Mununggurr—I think we are all in the same situation here. Yilpara is one of the biggest communities, and the traditional owner there wants something done for his community.

Senator CROSSIN—But he is not within the 50 kilometre radius of Yilpara, is he?

Ms Mununggurr—No.

Senator CROSSIN—So, it will not become a hub. It will only have services maintained as they are now?

Ms Mununggurr—Yes.

Mr Norton—I can clarify that we are currently looking after 25 permanently occupied homelands, although there may be a couple that fall within 50 kilometres of a major centre. I think Ramingining, Nhulunbuy and Bulman would fall within 50 kilometres of Gapuwiyak, but they are completely inaccessible during the wet season. Amongst the older Laynhapuy homelands, Bawaka would be within that 50 kilometres, but again it is pretty inaccessible during the wet season and you would spend about an hour and a half driving across sand to get there. All the rest of ours fall outside that radius, so the idea of Yirrkala being a hub and upgrading the road network is really not very practical.

Senator CROSSIN—Dhalinbuy is outside the 50 kilometres, is it not?

Mr Norton—Yes, it would be.

Senator CROSSIN—I would like to go to the increase in crime that you mentioned, Ms Mununggurr, particularly the increase in petrol sniffing and alcohol abuse. Even though people have their income managed, do you believe that the level of alcohol consumption has not decreased? What do you put that down to?

Ms Mununggurr—I am sorry?

Senator CROSSIN—Why is that?

Ms Mununggurr—We have a permit system in place for Yirrkala community, but people are misusing the permit system and abusing the system. For example, if a person is a non-permit holder, a permit holder might get alcohol for that other person, and it is just going. A permit holder can also purchase grog for kids under 15 years old. That is happening at Yirrkala. Kids from 15 up to 18 years old are drinking alcohol even though they do not have permit licences or are permit holders. They still get grog from the permit holders. Petrol sniffing is still our main issue at Yirrkala. Kids are still sniffing petrol. Laynhapuy organisation has been broken into many times now and we are copping a lot of damage worth over 40 or 50 grand being done by kids.

Mr Norton—I would like to comment on the alcohol issue. One of the things is changing dynamics. I am prefacing my comments by saying that I am not advocating the reintroduction of kava on a large scale, but certainly there was a change in behaviours when kava was banned and people who previously would have bought kava and drunk kava at Yirrkala are now going in and spending time at the Arnhem Club or the Walkabout Hotel and so on. One of the implications of that is that those adults are actually out of the community rather than in the community. There is a resurgent black market in kava, but it is extremely expensive, so alcohol would be a cheaper alternative if you were happy to drink alcohol.

Mr Mununggurr—As with the petrol sniffing, a number of sniffers are still there. They come in a group. Now, when they are locked up at night they go around and look for glues and other substances. It is still there.

Mr Norton—At the moment petrol sniffing in Yirrkala is still pretty much a small gang activity where a couple of young people if they are in town take off again, once they are out in remand or whatever, and then it drops down. It is the same with the associated crime. We had a bad run over a couple of months with vehicles regularly being stolen and things like that. The overall level of activity seems to be related to the presence of a number of individuals.

Senator CROSSIN—I would like to ask you about income management. What are your views about income management and do you think any changes need to be made? How could it be different?

Ms Mununggurr—For me, personally, income management is not working for my people. Why do we have to have income management? Where is the right there for Yolngu people? It is like that right was taken away from Yolngu people on how we can use our rupiah, our money, by having it income managed by Centrelink. There are a lot of issues going on at the moment with income management. I have had complaints from Yolngu people. They are finding it hard, especially ladies. They come to me and they tell me that they end up with hardly any rupiah, or money, left over to get food for their kids, for their grandchildren. Income management is sometimes used by taxi companies, bush taxi companies that go out bush, to the homeland. It is run by non-Indigenous taxi drivers and is transport for Yolngu people that goes to the bush and it costs about \$500, for example, from Gangan to Yirrkala to go shopping. Once income management is used, all their money is taken away and sometimes with the taxi company they do not end up with food.

I have heard rumours that taxi companies are also charging extra to get a packet of cigarettes for people in the homelands. Transport to Gangan might cost \$500 when they pay from income

management. It might cost that Yolngu person \$520 extra. That is for getting a packet of cigarettes for that person. With income management we cannot buy alcohol or cigarettes, but this is what is happening with homeland Yolngu people.

Mr Mununggurr—When you fly out in our aviation you cannot pay with income management vouchers.

Senator CROSSIN—Senator Moore was saying: what happened before that? But I think what you are saying is that it might have cost you \$500 in a taxi before income management but now you are using up all of your disposable money and so all you have got left when you get to town is the BasicsCard?

Mr Norton—The other side of that is that, while you can use some of your income management for transport and so on, what the taxi drivers are doing is packaging it up so you get transport plus and they just add onto the fare but do not disclose what the plus is. It could be cigarettes; it could be alcohol.

Senator CROSSIN—You could still use your BasicsCard to pay for the taxi fare you mean?

Mr Norton—Basically people are finding ways to get around the system and the checks, yes.

Senator CROSSIN—Do people feel that they are being ripped off now with income management, where they were not before?

Ms Mununggurr—Yes.

Senator SIEWERT—We have had some people say that they have had the intervention. Mostly they do not like the intervention but the one thing that they thought they were going to get was housing and housing support, and now they feel ripped off because they are not getting housing through the intervention because it is now focused on communities. Do you feel like that? Do your people feel like that?

Ms Mununggurr—Of course we do. We feel that way. The intervention has done nothing whatsoever for the homelands alone—no housing. The only area that we have got funding for is health alone, and that is it.

Senator SIEWERT—Have the health checks and the follow-ups delivered outcomes? Have there been follow-ups?

Ms Mununggurr—Yes, there have been a lot of follow-ups, yes. We have also got a dental program happening with the intervention, but that is the only area that we have had any assistance for the homelands, just the health side of the story.

Senator SIEWERT—Did you get extra police? A lot of communities got extra police.

Ms Mununggurr—No.

Mr Norton—There is no permanent police presence in Yirrkala. There is an Aboriginal police liaison officer in Yirrkala but, because of its proximity to Nhulunbuy, they cannot justify having a permanent presence there. As to the health funding, in our particular case it really has been funding. There has been no additional presence on the ground. They did not mobilise doctors or volunteers and so on for that. There was simply the provision of additional funding and our health services have expanded to take on those extra functions.

Senator SIEWERT—That is your community health service. Did you ask for it to be delivered that way?

Ms Mununggurr—We were expecting that we were going to get volunteers and extra doctors but nothing happened.

Mr Norton—We were not unhappy about that. We actually felt it was better for our health service to control the delivery directly—

Senator SIEWERT—That is where I was going with that. There are a lot of communities who say, ‘We want to be able to control delivery of our health services.’ That is why I was asking that. It seemed like a good thing.

Mr Norton—I would have to say the other 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.

Senator SIEWERT—How many people would be on the ranger program now.

Mr Norton—I think we currently have around 50.

Senator SIEWERT—As to health and what is being delivered through the additional health funding, that is being delivered to your community health service?

Mr Norton—That is right. Basically most of it is flowing through as variations to the core OATSIH funding agreement. We have had additional funding to do the dental project, for instance. I think they have recently received some additional funding for a mental health worker, but I guess it is all very blurred now. It is very hard to know what is the intervention and what is just core business of the agencies.

Senator SIEWERT—You do not know if you are going to get that ongoing funding or whether it is—

Mr Norton—In relation to the dental service, I believe the Northern Territory health department has picked up a fair chunk of the cost for the ongoing activity.

Senator SIEWERT—You did not get the extra doctors coming in, but did you do the health checks?

Mr Norton—They did the health checks but it was very much in a sense bringing forward the program they were already doing, so it just helped them get through it quicker.

Senator SIEWERT—You already had a program to do that and this enabled you to complete it quicker?

Mr Norton—That is correct.

Senator SIEWERT—Then follow up on follow-up checks and other care that was identified during the health checks?

Mr Norton—I have not spoken with our health manager for a while about this one, but I know at the time we made our submission they did have quite serious concerns about the ability to follow up, not in terms of the clinical service we provide but when referring patients to the mainstream health services. There were issues around that.

Senator ADAMS—Just as to the patient assisted travel scheme, I note that you are saying that there were deficiencies in the budget and it is going to cost the health service a lot more money. Could you actually just explain why your budget is not sufficient?

Mr Norton—I am no expert on the PAT scheme, but basically there is a restriction on PATS that you can only get travel assistance if you live I think it is more than 200 kilometres from the service. So there is only a small number of our homelands where the residents are actually eligible for PATS assistance, which means our health service out of its core funding is having to pick up a lot of the costs for patient travel in and out of Gove, possibly to Darwin. It has to do with the limitations within PATS. If we refer somebody and then a specialist lines them up for further clinical treatment and so on, basically the bills come back to us rather than someone in the mainstream health system picking up all those subsequent costs associated with the referral.

Senator ADAMS—It is for a specialist service, so how far are your homelands from Darwin?

Mr Norton—Gove is about 700 kilometres by air from Darwin, 1000 kilometres by road, but the distance is measured from Gove District Hospital, not from Darwin.

Senator ADAMS—It is the local hospital, but are the specialists there? Patient assisted travel is something that I have done on a lot of work on, so I am wondering whether or not you are getting what you really should be entitled to.

Mr Norton—I would have to take your question on notice on that one and put it to our health manager. I am not across all the details of PATS.

Senator ADAMS—I would be very happy if you could do that and if you can just explain exactly why you are being denied that and why the health service is having to fund these referrals.

Senator SIEWERT—While you are taking questions on notice, if you have any additional information on the follow-up health services and whether or not you consider it has been a

successful follow-up, that would be much appreciated as well. You make a comment in your submission that you do not have government business managers?

Ms Mununggurr—We do not have government business managers. The only government business manager we have is based at Yirrkala, but she does not have anything to do with the homelands.

Senator SIEWERT—When you said that the only houses that have been built in the homelands were the two government business houses, one of those was for that government business manager?

Ms Mununggurr—Yes, for Yirrkala.

Mr Norton—Under the emergency legislation, the role of government business manager is actually circumscribed to the prescribed community. Although the homelands are on prescribed Aboriginal land under the legislation we are not a prescribed community. The two government business manager residences are actually in Yirrkala. One was one of the original round of container dwellings that had formaldehyde problems. The next one is a proper demountable dwelling, but apparently there is some issue with air-conditioners, or something. But the net effect is that there is probably around \$600,000-odd of expenditure on residences for the government's business managers which are not being lived in. We assume she is either in government housing in Nhulunbuy or staying in a hotel. That is not a criticism of the government business manager.

Senator SIEWERT—That is simply the circumstance. When we were in Alice Springs we found out that in Papunya they discovered that a room full of computers had been delivered there through the intervention and were not being used. They are now being used because it has been discovered that they are there and they are setting up a training program. Are there other resources that you have been given through the intervention such as education support, computers or any other form of infrastructure?

Mr Norton—The one piece of infrastructure we got through the intervention was a transportable building which was to enable visiting dentists to stay. We actually contributed additional funds to that, just about doubling what was contributed so we could actually get a proper configuration and basically have what will result in a three-bedroom dwelling that we can use for ongoing visitor accommodation. That is the only capital funding we have as far as I know.

We have had other capital funding but, like I said, it is very hard to know now what is the intervention and what is not. We have not been gifted a room full of computers. To be frank, we do not need any more computers. What we need is a full-time IT support person who can support and train. As an organisation we now have to look after probably 60 computers, including computers and internet connections and telephones, on our remote homelands and that has become a major burden to us.

Senator SIEWERT—That is in fact what they are doing at Papunya now. They have got an IT person going in who is actually providing training. It has been very successful.

Senator ADAMS—I will ask about adult education. I note here in your submission you are saying that adult English literacy and numeracy levels on the homelands are at approximately grade three level. Where have you got to with your request to try to sort this problem out?

Mr Norton—That assessment of the literacy levels was made by the literacy and numeracy teacher from Batchelor Institute for Indigenous Tertiary Education who has worked in the area for many years. Following that we put in an application to try to get a WELL program, a Workplace English Literacy and Language program. I believe that program has been substantially revamped with the new Indigenous employment program and we will look at it again.

But our first round of applications for that basically went nowhere. The project we had constructed was going to require a couple of hundred thousand dollars. At that stage the WELL program was capped at \$120,000, I think, and there was basically no point in proceeding with it. Based on the advice of the literacy and numeracy teacher we constructed a program outline. It was estimated that it would probably take three years of full-time training to get people to a post-secondary literacy standard. He could only deal with a class of about 30. I cannot remember the number exactly, but we were looking at two groups of 30. The reality is, even if you could get that level of resources, you are looking at about 24 or 25 years before you could provide literacy and numeracy training to all the adults in the homelands. I think the WELL program is DEEWR's responsibility. Sure, it looked like a big bucket of money, but to actually get literacy outcomes on the ground it is a pittance. The problem is huge. It is a massive issue and it will take decades to solve and it will not be solved with \$100,000 here and \$100,000 there for 12-month projects.

We do literacy and numeracy stuff in any of the other training they do. They try to incorporate little components of it. We have a training section where they do not actually provide the training. They coordinate the training activities; identify the training needs; and identify trainers, primarily Batchelor and CDU, but also individual registered training organisations to come in and run courses. Wherever it is needed or appropriate they have to do some literacy and numeracy just to help people try to get through the certificates, certificate 1 and certificate 2. But the literacy and numeracy is a critical barrier. We have a number of construction trainees and apprentices. In the past we have had them in our mechanical workshop. Very few of them can do certificate 3. They do not have the literacy and numeracy. They might have the technical skills but they do not get through the certificates.

We are doing what we can in any individual training, but ideally we would have one or two literacy/numeracy trainers in house full time. That would be our preferred way of doing it. Instead you have to try to negotiate a bit here and a little bit there.

Senator ADAMS—This would be one of your biggest issues in people getting real jobs. It is a fact that they are being held back because they are not getting the basic training or have the resources available to actually learn?

Mr Norton—There was a decision made early on in the life of the current government where they did put substantial funds into literacy and numeracy programs, but the decision was that some major RTOs like Charles Darwin University would get, in a sense, the bulk of the funding to deliver training in the major communities. Literacy and numeracy training outside the major

communities was tied to participation in Job Network and being a client of a Job Network member. Job Network basically does not exist outside the major communities so there were really few clients and even fewer trainers to be seen. Although some money may have been committed to it, it was not going to deliver any outcomes.

Senator ADAMS—Are you going to try to continue to get funding and to make people aware of the problem?

Mr Norton—The issue of funding is a daily event.

CHAIR—In regard to your opening remark on the funding for the continuation of your secondary school, do you know who currently provides the recurrent funding for the running of that school?

Mr Norton—It is run essentially as an extension of the Yirrkala homeland school, which was only primary level. About four years ago they set up a pilot project and I think they ran out of their own resources for the first six to 12 months and then they got a small grant from the Commonwealth.

I think earlier this year they were successful in having that pilot project extended. Again, it is one of these instances where you have a pilot project that is actually working and successful and it just gets extended as a pilot project. I do not know which exact bucket of money it is but it is not secure, ongoing funding and it is not funding to build the school. It is literally just to keep it running. There are some staff within the homeland school allocated to working with the secondary students. All the boarding costs I believe are covered by the parents out of their isolated students allowance. The funding is really picking up the travel costs and the additional costs for the staffing of the school.

CHAIR—What would you think would be the consequences for that whole region if the school is not sustainable?

Mr Norton—Based on history I think you would have to say that they are not going to go to Yirrkala school. Yirrkala School is still struggling getting its secondary program up, anyway. We have had kids sent to boarding schools in the southern states or the eastern states. It is still tried periodically. It generally has not been successful. Admittedly things have changed and now there are some more dedicated programs to try to make it work for Indigenous students, but it has not been a big success to date. I suspect if the school were not sustained the kids would just fall out of the loop completely.

We have attendance of I think 30 or 40 students a week—this is run by the education department, not by us—and I believe they could expand it if they had the physical capacity at the school to do it. We would just ask government to really make some decisions based on evidence. Look at those numbers and look at the subsidy that goes to the major private schools when they have disadvantaged students brought in; look at the subsidy that has gone to Tiwi College and really make some judgement about where you are getting value for money and then hopefully give us a bit more money.

CHAIR—On behalf of the committee I thank the representatives of the Laynhapuy Homelands Association. There may be some more questions on notice. As is the case for most of the people who give evidence, we do not appear to ever have enough time so the committee may provide questions on notice. I thank you for your appearance today.

Proceedings suspended from 12.16 pm to 1.16 pm

YOUNG, Mr Christopher, Chief Executive, Chamber of Commerce Northern Territory

CHAIR—Welcome. Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you. The committee has before it your submission. I now invite you to make a short opening statement and, at the conclusion of your remarks, I will invite members of the committee to put questions to you.

Mr Young—From its point of view and as can be seen from the submission presented, the Chamber of Commerce has obviously had a number of issues, particularly in the regions, in relation to the Indigenous issue. From our point of view, we have encountered a number of problems and we have worked very hard with government authorities to try to work those out. On the whole, we have been quite happy with the processes that have occurred. There are still some minor issues with some of our members in relation to the way in which they engage in the whole process but, on the whole, most people have been reasonably comfortable. I guess that is really all I have to say. I just invite people to ask questions, if they have any.

CHAIR—Perhaps you could start off by expanding on the issues of engagement that some of your members have expressed to you, not necessarily mentioning any particular member; I recognise that some of those things may not be appropriate. But perhaps you could give us just a general sense about the lack of engagement or otherwise that your members feel.

Mr Young—If the committee is happy, I will talk it through the various issues that were there. The implementation of the welfare quarantining system posed a considerable challenge to a number of our members, particularly those in the remoter regions; that challenge was partly around the way it was originally introduced by Centrelink, which meant that the majority of organisations, at least of a retail nature, were left out in the cold in the first round. That was because, under the quarantining arrangements, there were some fairly hefty requirements for businesses to register and become engaged. The way in which it worked meant that the majority of those who were receiving quarantine payments, although they had the opportunity to specify where they wished to spend their money, opted for the easy option, which was to accept what Centrelink handed to them. That meant that, in essence, the major department stores had it well and truly over and above any of the local stores in providing goods and services to Indigenous people. Effectively, in the remote communities, the situation became one where the community as a whole basically had to say that they would spend their funds at the local community store, which meant that they did not travel to do anything further in that respect.

There were quite a lot of issues and, as a result of the quarantining, a number of our businesses saw a marked drop in their business. The introduction of the BasicsCard obviously has had an effect, but there are still some minor issues with that—for instance, with the way it is administered currently in a larger retail operator that may provide a range of services. I will use a very simple example: a camera store in Alice Springs cannot be registered to accept the BasicsCard, yet that self-same BasicsCard can be used in Target or Kmart in Alice Springs to buy photographic equipment. So there does not seem to be a lot of even-handedness in those sorts of processes and a number of stores have had that sort of issue. The same would apply in that a Basics Card can be accepted by in news agency or a video shop, both of which can retail pornography also; that is an issue for some of our members as well.

The placement of business managers in the various designated communities appears at this stage to have had little or no discernible effect on growing the businesses in those communities. I realise that a whole range of issues surrounds that particular situation, but at this stage we are not seeing very much activity one way or another coming out of the remoter communities. We have, however, seen quite a marked drift or in population shift from a lot of the communities into the larger urban centres; that is either to avoid the impact of quarantining or just to move from the communities where they cannot access alcohol to the larger communities where they can access it. This is creating a whole series of problems, with everything from housing shortages in town camps to there being an awful lot of young people on the streets et cetera who are no longer engaged in school or what have you. At this stage, quarantining resulting from the so-called school enrolment, to be quite honest with you and from all of the evidence that we can gather, is not working. Although students maybe enrolled in a school, in a lot of cases, depending on the school's program, they have to attend only one day in every four weeks; if they do that, they will continue to stay enrolled. That is not how you educate children.

CHAIR—We have had submissions on a number of occasions about the equity issues, as with the camera shop, and I have had personal submissions from my constituents as well. We will be providing some answers at estimates and I will undertake to contact you in regard to those answers.

Mr Young—Thank you.

CHAIR—As part of the evidence we took—I think it was yesterday—there was a list of the types of things that had been approved by GBMs in this sort of cash account for wish lists of communities to assist communities to build things, so they can be delivered fairly quickly—that was the idea. There was one for some fencing supplies to support an ongoing enterprise; they would be paid for the fencing supplies and for doing it. But that was the only business mentioned. The remainder were things like: ‘We’d like a recreational hall’ or ‘some amenities’—sort of social amenities. I am not assuming, but one could take it from that that perhaps the GBM is neither tasked nor equipped with the skills to provide ideas for business; I am not sure whether they were triaged in that background; it certainly does not appear that they are—and I concur with your remarks. What sort of role do you think the chamber could play, at either a Territory or a regional level, in engaging with government business managers and talking to them about the sorts of opportunities that could present themselves in partnerships between the region business community and some of the communities? Do you think there would be some value in that?

Mr Young—I think that partnering is probably the important part. We can identify any number of members within our group who would be interested in partnering with businesses in remote communities. At this stage, the big issue for anybody establishing a business in a remote community revolves around tenure security and all those types of things. We do have businesses that are prepared to give it a go, but they are unsure of how they would proceed or where they would go to in order to try to set up those businesses. From the chamber's point of view, we are obviously very keen to see that we can get some level of economic development within the remoter areas; therefore, we are quite happy to work with the business managers in a partnering arrangement or in helping them to find partners that might be interested in engaging in businesses in those communities. Then we can also help them with training and various sundry things as well.

Senator ADAMS—I would like to follow up on that regarding the people you are consulting with as far as concerns the remote communities. Do you have good engagement with the shires?

Mr Young—We have reasonable engagement with the shires. In the last 12 months, the shires have been very busy just getting themselves organised; they have not done a lot of work towards expanding their activities or getting involved in anything other than setting themselves up. Last week I met with the two shires based in Alice Springs, one of which is the Central Desert Shire Council. Their first year is almost up and, at this point in time, it has really been a case of their getting themselves organised. We are standing there saying, ‘We’re quite happy to help you in any way that we can,’ but they are not ready to accept help from us just yet.

Senator ADAMS—How do you get your information from the smaller remote communities? What is the process?

Mr Young—Usually via our members who might be working in those communities at any stage.

Senator ADAMS—You made some comments about children not attending school. We have been travelling around through both the Northern Territory and Western Australia, and there are quite a lot of incentives for and some really good results from children going to school. One of the examples I could give is Hermannsburg. This time last year they had 20-odd children at school; this year, on the day that we visited the school, they had 162. The whole community seems to have embraced what is happening and turned itself around. So there are some examples. Balgo is another one in Western Australia; that started off with very few children attending the school. Then a partnership was developed between the community council, the school and the community store, and the community store does not open until 65 per cent of the children enrolled are attending school. On the first day it was a disaster and the community store did not open at all; on the second day, people woke up and about 50 per cent of the children were at school; and the day that we were there was the third day, when I think they had up to 70 per cent of the children at school. There are all sorts of initiatives. I do feel that the chamber might be able to look at some of the positive areas because it is not all bad.

Mr Young—We are quite happy to look at the positive areas. I guess I am saying that the welfare quarantining, as a measure, has not generally worked to ensure that more children are going to school.

CHAIR—I understand that is there is the second tranche, which we had a close look at in Hermannsburg because they were preparing to roll it out. They do have a form of breaching; but breaching for school attendance has not worked, because it has not been implemented yet. We were all a bit disappointed, I think, that it had taken so long in coming.

Senator SIEWERT—Some of us are.

CHAIR—Some of us are. I understand that will take up a part of the second portion of the welfare, which will increase pressure. However, it appears that you would have to refuse absolutely to take a child to school for some time before anything would happen.

Mr Young—Yes. The real issue is that there have been programs over a number of years that have worked where a partnership has usually been developed between the school and other services within the community; Hermannsburg is a prime example of that and there are other communities that have gone down that same road. There, for whatever reasons or through whatever programs have been run—we have seen them come and go—they have boosted school attendance. We are coming from the point that, as a straight out measure, the quarantining, which was supposed to have the effect of getting kids into school, got a lot of kids enrolled but not necessarily engaged in the schooling. We have examples of kids who, as I have said, turn up at school for one day in four weeks. Some schools do not take kids off their rolls until those kids have been absent for four weeks. That means that a kid can turn up for one day in four weeks and continue to be registered or enrolled at that school. But attending school for one day in four weeks is not educating that child. There are plenty of examples of that sort of thing happening. We have examples of teachers being threatened for not marking children as being present; that is a real issue particularly in remote communities. Another real issue is that teachers are being forced into being policemen and that is not their role. How can they build trust with the families and the kids, if they are being forced into a position of saying who is at school and who is not?

Senator SIEWERT—Following up on that issue, can I ask how you know that kids are not turning up for four weeks? Are you talking to the schools or to the parents?

Mr Young—We are talking to the schools, basically.

Senator SIEWERT—Do you ring the schools and ask them how attendance is going?

Mr Young—We ring the schools or we talk to people in the Education Department or to our members that might be working out in those communities. It is anecdotal evidence; I can give you that. I am not going to put papers in front of you. But that is the sort of thing that we are getting as feedback. I am not saying that there are not good examples as well, but there are some bad examples.

Senator SIEWERT—I must admit that I differ from many of my colleagues in that I do not think the SEAM process is going to work, unless you fix some of the underlying reasons why kids do not attend. Even if they do attend, it does not mean that they will learn.

Mr Young—Yes.

Senator SIEWERT—A lot of the places that we have been to where they have been successful not only have had a combination of incentives, which Senator Adams was talking about, but also seem to have very dynamic people. It seems that you have—Hermannsburg is a classic example—a very dynamic principal who has managed to drag resources in, I think, by putting themselves on the line. They also seem to be running innovative programs, say, engaging with kids. What have you seen that you would say does work? I was just giving some examples, but what would you suggest we should be doing?

Mr Young—It is a little bit difficult. I am not an educationalist; I am a businessperson.

Senator SIEWERT—I appreciate that, but you have been living with the community.

Mr Young—As I have said, the systems that work are usually those where you build relationships and have a partnership between the community elders, the school and the parents. That engagement process is what really has to work. Sometimes the bribe of not opening the store until so many people are in school is a good one—because, if they are not opening the store, they are not buying goods or what have you. But move that into the Western Arnhem region and you will run into all sorts of other things as well. They still put curses on schools and on people. A few years ago, the principal in Numbulwar was running a really innovative program there; she was offering the kids breakfast to get them to go to the primary school. She got all sorts of numbers up, but she ran afoul of one of the traditional owners and an elder there and she was cursed. That meant that, effectively, she was unable to operate in that community and so she had to leave.

Senator SIEWERT—I am sorry; my mind has gone completely blank. I wanted to ask you about one of the points that you have just made. I will pass on; I am sure that I will think of it in a moment.

CHAIR—Perhaps we can come back to you, once you have grabbed that moment ago. Senator Moore.

Senator MOORE—No, I will defer to Senator Crossin.

Senator CROSSIN—Good afternoon, Mr Young.

Mr Young—How are you, Senator?

Senator CROSSIN—I am fine, thank you. I have just spent a couple of weeks going up and down the track, doing some research myself about the operation of the BasicsCard. I am probably not allowed to offer my personal opinion here but, to be quite frank, I have some very serious concerns about the impact of that card on your small and medium businesses. The now infamous case of Toyworld in Alice Springs, I suppose, is growing larger than life and no doubt you have had some discussions with that person. I wonder whether you want to offer some thoughts about what I think is an anomaly between being able to buy toys at Kmart but not at Toyworld.

Mr Young—I guess that is one of our concerns. We started with a situation where, originally, only the big retailers were allowed to get involved. When they first started with the scheme, particularly in places like Katherine and what have you, Centrelink was offering what effectively were gift vouchers to Woolworths, where they could go and buy their groceries. Everybody else was excluded. Everybody else went to Centrelink and said, ‘Well, what do we do?’ and they said, ‘What basically has to happen is that, if a person wishes to shop at your store, first, you have to be registered and, secondly, they then have to nominate that they are going to spend money at your store.’ The majority of Indigenous people took the easy way out: they took their certificates and trotted off to Woolworths, which meant that a lot of businesses missed out.

The BasicsCard, when it was first introduced, meant that a lot more businesses could participate, but there is still the issue that, as you quite rightly say, a toy store is not allowed to participate or is told that they cannot participate, because they sell toys, which is not considered to be an essential service; however, the same person can go into Kmart, Target, Woolworths or

Coles and buy toys in their toy sections. Toyworld is one that has been affected by that issue. The other is the camera store, with people wanting to come in and buy camera equipment or just develop photographs. People can get their photographs developed at Kmart but not at the local photo shop, because the photo shop has been told that it does not provide an essential service.

Senator CROSSIN—Yes, that is right. That is the reason, I think.

Mr Young—It is not even handed. There are other issues with the BasicsCard. One of the major ones at this point in time is that there is no way, until you start processing a transaction, for people to know how much money they have left on the card. We are seeing all sorts of situations there. People are turning up with a full basket of groceries and putting the whole lot through: ‘No, that doesn’t work. Okay, we’ll take these two items off and feed it through; no, that still doesn’t work. We’ll take a few more off and feed it through.’ You have people standing in a queue, waiting to go through a supermarket checkout, with this sort of process going on. Then you get the shop owners abusing the holders of the BasicsCards that they have not rung Centrelink to find out how much credit they have left on their card and all that sort of thing. The technology, I am told, is coming that will allow a scanning of the card to tell them how much money they have left and so on. But that is making it a very unwieldy sort of thing at this point in time for people to operate. Unless you have all of the facilities in place, it is very difficult for people to understand how the thing works.

Senator CROSSIN—But there must have been those situations when we all started to use EFTPOS cards. When you use EFTPOS to buy your groceries, it does not tell you the balance in your account either.

Mr Young—No, it does not, but it processes it and it is left up to the bank to send you the nasty letter when you are overdrawn.

Senator CROSSIN—Yes. However, if you do not have the funds in your account, you cannot EFTPOS; you have to be in credit all the time.

Mr Young—That is right.

Senator CROSSIN—But it still does not give you a balance. Maybe it is also all about teaching Indigenous people how to use these cards; I am not sure. I want to talk to you about another issue because I have started to pursue this very vigorously: my concern that people cannot lay-by with their BasicsCard. If they want to buy a small \$350 chest freezer, they cannot put a deposit down and lay-by it. I have been told that is because we do not want people going into debt; but I have also been told that the lay-by code of practice or policy is not consistent amongst businesses in the Northern Territory. Can you shed some light on that situation?

Mr Young—To the best of my knowledge, the lay-by policies are very much set by the stores, so there is no consistency in those policies. However, I must admit that it is a matter that has not been raised with me at this point in time; that is probably because it is more from the point of view of the users than of the retailers. But it seems to me that it makes no sense not to allow people to be involved in lay-by for the simple reason that they still have to feed their families and they may not be able to afford to buy something in one hit.

Senator CROSSIN—This issue was put to me in a couple of stores that I visited in Tennant Creek. With the winter coming, one or two stores there have some particularly gorgeous flurry blankets, but they are \$70 each. So, if you want to buy six for your family, it amounts to quite a bit. People were asking in March if they could lay-by six of them, put them aside and pay them off. Of course, they cannot do that with the BasicsCard.

Mr Young—The card will not allow it. The card just processes the whole deal.

Senator CROSSIN—But, as retailers, when they sign the contract—

Mr Young—They are not allowed to—

Senator CROSSIN—they are not allowed to sell alcohol or cigarettes or to lay-by.

Mr Young—Yes.

Senator CROSSIN—They are restricted by their conditions.

Mr Young—That is right.

Senator CROSSIN—So no-one or no business has raised with you that they would like the opportunity to have lay-bys?

Mr Young—It is not something that has come back to me at this point in time. But, now that you have raised it, I will ask the same question and see. As I said, there have been a number of issues; some of them they raise all the time and others they do not.

Senator CROSSIN—So it is better than it used to be, but there are still anomalies in the system.

Mr Young—There are still anomalies. The anomalies are really over the fact that there seems to be exclusion. I can understand saying that you are not going to allow a pub to have a BasicsCard facility but, at the same time, it makes it very difficult for other retailers, particularly where they are competing with people that have multiple levels of service and yet who are told that they cannot compete in that area.

Senator CROSSIN—Yes, I think you are right. You can use your BasicsCard in Kmart. You get your BasicsCard for Kmart because essentially they sell clothes. You may use your card in Kmart and never buy clothes—

Mr Young—That is correct.

Senator CROSSIN—but you cannot use it, say, at Toyworld, a bookshop or your camera store.

Mr Young—Yes; but you can also use it in a video shop.

Senator CROSSIN—Another little piece of information that came my way was that somebody in FaHCSIA was starting to review the procedures for the BasicsCard. I have not pursued that personally, as I have not had time. Do you know anything about that? Would they have consulted you in this review?

Mr Young—Not so much the Darwin office but our offices in Alice Springs and Katherine are particularly active with FaHCSIA in relation to the BasicsCard and a lot of the issues that have been raised. We do know that they are working on the ‘balance’ technology, for instance. Those sorts of things are being indicated to us as things they are looking at for the next round. So number of refinements are coming; where and when at this stage we are not aware of, but we do know that they are coming. It is not something that is done and dusted and in place—‘It’s there and we’re going to leave it alone now.’ We understand that they are still refining the process as they go.

Senator SIEWERT—I have just thought of my other question. Going back to schools—sorry to bounce around—the other question that I want to ask is: when we were in South Australia, I noticed that the schools there seem to have at least half the student-teacher ratio to the ration that the NT has, which seems to be a very significant step in addressing some of the issues that Aboriginal children face at school. Are you aware of that? Have you looked into what happens at the schools to ensure that they meet kids’ needs?

Mr Young—I am not really qualified to answer that question.

Senator MOORE—I am interested, in terms of your make-up across the Territory, in how many Aboriginal businesses are members of the chamber.

Mr Young—We do not ask our businesses to identify whether they are Aboriginal or not.

Senator MOORE—You don’t? Up here, it is almost a standard thing on most forms: ‘Do you wish to identify?’ Given that you do not ask, how many personally identify as Aboriginal owned and controlled businesses?

Mr Young—We have about 1,200 members; probably about 70 of those businesses would be rated as Aboriginal owned or controlled.

Senator MOORE—Is that sprinkled across the whole Territory?

Mr Young—That would be across the whole Territory. We also have as associate members people from a number of the Indigenous associations and that sort of thing as well.

Senator MOORE—They come on in view of their whole-of-community aspects and so on?

Mr Young—Indeed.

Senator MOORE—We had your Alice Springs people come to see us when we met at Alice Springs.

Mr Young—That is correct.

Senator MOORE—They told us about some attempts they were making with training and engagement programs with Aboriginal businesses and would-be businesses in the area. Does that sort of thing happen outside of Alice Springs as well?

Mr Young—The program that they are running in Alice Springs is a pilot program. We are doing two, but the main one is that there is a lot of hype done around looking after Indigenous employees when they get into a business.

Senator MOORE—Giving them support and all that kind of stuff, yes.

Mr Young—Giving them support and all that sort of thing. Unfortunately, they usually forget that the business has issues as well—

Senator MOORE—It is a business.

Mr Young—because it is a business. Currently, we are running a pilot program in Alice Springs in which we are mentoring the employers rather than the employees in order to get them to understand the cultural issues and those sorts of things associated with employing Indigenous people. If that pilot program works—all the indications are that it probably will—the chances are that we will roll that program out into other areas across the Territory.

Senator MOORE—It sounded really exciting. It was also linking with some schools to try to engage kids into understanding what it is like to be employed and have job.

Mr Young—Yes.

Senator MOORE—That is just so important.

Mr Young—We are involved in a number of smaller projects around that sort of basis, through any number of different schemes and programs. We are very supportive of trying to bring Indigenous people into the mainstream economy; that is really what we are all about.

Senator MOORE—Our next witnesses are from Outback Stores. Are they members of your organisation?

Mr Young—Outback Stores are members, yes.

Senator MOORE—Certainly we will talk with them about their engagement with community and getting community people involved and so on.

Mr Young—Yes.

Senator MOORE—I also want to follow up on your speaking about the BasicsCard. We are a little BasicsCard obsessed in this committee because it comes up a lot. You used the adjective ‘hefty’: there are hefty qualifications to getting engaged with the process around the original card and also when it is ongoing. You have talked a little about the essential service component, whether you are an essential service or not. How to define ‘essential’, always strikes me as being quite difficult. Were there any other aspects that you thought were a bit hefty? I know that

Centrelink had a whole bunch of people whose job was to go out and talk to businesses about how they became—I am trying to think of the word they used—or got to be on the list.

Mr Young—How they would register to be members.

Senator MOORE—‘Register’ was the word, yes. It was quite formal. What did you think was hefty about the process?

Mr Young—The hefty part of the process was actually before the card was issued.

Senator MOORE—At the very start.

Mr Young—at the very start and the record keeping requirements for a business. It was fine if you had the particular EFTPOS facilities already set up and it was very easy for you to track transactions. But a lot of smaller businesses who operate with a basic cash register were being told that they needed to install EFTPOS type systems that were going to cost them anywhere between \$7,000 and \$10,000.

Senator MOORE—At their own cost?

Mr Young—At their own cost. That was in the first instance. In the second instance, there was a whole range of record keeping requirements that they had to complete every time a purchase occurred, which then needed to be submitted to Centrelink. As I said, for a small business, that created quite a hefty burden—

Senator MOORE—Sure. I thought it was a very good rule and that is why I am following up on it.

Mr Young—on them from an administration point of view. It probably tripled the amount of paperwork that they had to do on a normal transaction basis.

Senator MOORE—Has that got better?

Mr Young—The BasicsCard has definitely made it easier because it works through the standard EFTPOS that everybody has, so it has allowed a fair amount of that administrative burden to move away. There is still a bit of an administrative burden, but most people are happy to accept that because they want the business.

Senator MOORE—We have also heard—please jump in; I am just going on in my normal way about the old BasicsCard, which I get carried away with—an allegation that the onus is on the person who is the sales assistant and that the system does not itemise what people are buying. If you have a customer and a card, the determining factor in whether or not the customer is purchasing an appropriate item is the person on the counter who puts it through. So they could be putting through toothpaste, a toothbrush and other things and then something that they should not be putting through. It is just a matter of using the system. Have your people talked to you about that—the accountability and responsibility that people on the desks have?

Mr Young—It is a concern for business owners because a level of appropriate training of staff is needed. Accidents do happen. People do not realise that something has gone through; they have processed it anyway. Again it is a sort of policing issue. Okay, the buck has to stop somewhere, but it is being pushed down to the retailers, who are there to make a sale, on ensuring that they only sell appropriate goods and services. Their argument will be: ‘Well, that’s not our job. If somebody comes in here and wants to buy A, B and C, we’ll sell them A, B and C, if we have them to sell.’ So we have had some concern amongst some of our members that staff may make inappropriate sales without realising they are not supposed to be making them, yes.

Senator MOORE—Is there any issue about intimidation?

Mr Young—That is more an issue in the remoter communities than in the closer metropolitan areas or, I guess, in the main corridor.

Senator MOORE—It has not been a major issue?

Mr Young—It has not been a major issue, really.

Senator MOORE—That is what I am trying to understand.

Mr Young—I guess, from what we have heard at this stage, there has not been a great deal of intimidation.

Senator MOORE—My other question is intervention related, but it is to do with alcohol. I expect that you also have some alcohol businesses as members.

Mr Young—Yes.

Senator MOORE—I know that the special provisions that were put in place for the purchase of alcohol in the NT are a NT state issue, but they were all linked into the whole process. Some concerns were raised by retailers when, through that process, the extra responsibility for people in retail was brought in. Do you have anything that you would like us to know about in terms of that process?

Senator CROSSIN—Tell us how many forms have been collected with the \$100-or-more details on them.

Mr Young—I cannot answer that question, to be quite honest. But I do not know whether anybody reads them, because I have heard, along with the reasons for consumption, there are numbers of proscribed places being given to retail assistants as the locations where the alcohol will be consumed. Those retail assistants dutifully write all of that information, including the names of those places, on the forms. Those places written on the forms include all sorts of proscribed communities, such as the Todd River, the middle of the Todd River and so on, but there does not seem to be any follow-up afterwards. So I suspect that, even if the forms are being collected, nobody is actually reading them. From what our members are telling us, they have to go through the process of completing the data, but they do not believe that the data is being used for anything in particular. They will continue to dutifully collect the data, but they question what, if anything, it is being used for.

Senator MOORE—Has it calmed down now? With a lot of systemic change, there is lots of angst; but, once it becomes common practice, it becomes just another part of the job. Would you assess that as happening there or not?

Mr Young—Apart from the fact that every time I go interstate and buy alcohol I hand my licence over automatically and they look at me as though I have two heads—

Senator MOORE—And they know that you are from the Northern Territory.

Mr Young—and they immediately know that I am from the Northern Territory, I think the majority of retailers have calmed down to the fact that these imposts are in place and they just accept them as having to be done. I expect it is also fairly widely honoured in the breach in a number of communities and areas: maybe they take down one in three rather than every one or only when they remember.

Senator MOORE—This morning Senator Crossin and I were talking about fair trading when an issue about taxicabs was raised by one of the far communities—and I will not abuse the community by trying to attempt to pronounce their name. Would any taxi drivers be part of your chamber?

Mr Young—It is unlikely.

Senator MOORE—The issue was about the extreme cost of going to and from these far communities and a business transaction that may have developed that links transport with the purchase of things they may not be purchasing. The cost of the trip might be \$500, but it would be \$500-plus if it included a packet of cigarettes. It would be that kind of business arrangement. From your knowledge of process in the Northern Territory, is that a fair trading issue? If you thought that something like that was going on, would you raise it with the relevant department?

Mr Young—If we thought it was going on. I am more than convinced that there is probably a fairly lively trade in BasicsCards anyway, for a variety of reasons. We are also well aware that there have been instances of goods being bought using a BasicsCard and those goods being returned for cash.

Senator MOORE—We have heard of that; it is like a return process.

Mr Young—Yes. The stores have a refund process for various things, particularly the bigger ones. People will go in and buy stuff that they do not really need, return it and pick up the cash—and I can assure you that they are not going back in and buying food; they are heading straight down to the local liquor outlet.

Senator MOORE—With the cash.

Mr Young—Yes, with the cash. So we have those sorts of instances going on, yes.

CHAIR—Thank you very much for the evidence that you have provided today. The committee may wish to provide some questions on notice if something has been omitted. Those questions will be provided to you through the secretariat. Thank you again.

Mr Young—That is not a problem. Thank you very much for this opportunity.

[1.54 pm]

BODAGHI, Ms Danyelle, New Business Manager, Outback Stores

KOP, Mr John, Chief Executive Officer, Outback Stores

CHAIR—Welcome. Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you. I now invite you to make a short opening statement. At the conclusion of your remarks, I will invite members of the committee to put questions to you.

Mr Kop—Chair of the Select Committee on Regional and Remote Indigenous Communities, Senator Scullion, and inquiry members, service delivery to Indigenous communities is particularly topical at the moment. Both the Northern Territory and Australian governments are grappling with how to provide effective schooling, housing and health services to remote communities, with the budgetary constraints that apply to all of us. Provision of food security is equally important in the midst of services that remote communities depend on. Without a reliable and affordable supply of healthy food, kids will not get a good education, grow up healthy and strong and contribute to functional regional economies. Without strong community stores, remote towns and communities cannot function as independent, healthy entities.

Outback Stores is trying to provide a critical service as well as build community capacity for the future. This has its challenges, as you would be aware, because we have to implement professional retail practices, cost-effective logistics and governance that position communities for the future while at the same time overcome the cost of decades of neglect of infrastructure, governance and service provision. Compounding this is the rapidly changing policy environment, the fact that we operate out of sight and out of mind of city-based Australians and, like all fundamental change, we occasionally rock the boat and also perhaps have to dodge the rocks that are thrown at us by vested interests.

Outback Stores congratulates the Australian government for its focus on improving the standard of community stores operating in remote communities. We recently contributed a detailed submission to the Standing Committee on Indigenous Affairs inquiry into remote community stores, to which I refer this committee for details of the operations of Outback Stores. In terms of your focus on the effectiveness of community stores, I would like to make a few brief points and then I will be happy to take any questions.

Certainly, through the first 12 months of income management in particular, Outback Stores witnessed a refining of the implementation and support offered to stores by FaHCSIA. The historical underinvestment in community stores means that many stores we entered had management agreements that were often in a poor state of repair and at times they had very poor governance. This placed additional burdens and costs on our organisation. There was also a need for improved communication. At times we found our store managers were subjected to community frustration and anger and, particularly in the early stages of the rollout, customers had great difficulty in accessing their personal Centrelink balances; there was sometimes the perception that the store had taken over their money. The NTER income management measure, while controversial, was a positive outcome for raising the profile and operational standards of

community stores. Thank you for listening to me, ladies and gentlemen, and I certainly welcome any questions you may have.

CHAIR—Thank you.

Senator CROSSIN—Danyelle and Mr Kop, hello. Certainly I know that there has been a House of Representatives inquiry looking into this issue, so you probably feel that you have been giving federal evidence to the federal parliament for months now. I, personally, have certainly been to quite a number of the stores that you now manage and I have to say that I have seen the change—quite a different change. One of the things that Indigenous people say to me is that they like the stores because they look like normal supermarkets. They can relate to, I suppose, the style of display that you have compared with the display in major supermarkets. In that area, do you have assistance from some of the major chains, or do you have that expertise within yourselves?

Mr Kop—We do have assistance from the major chains through being able to acquire assets, such as fixtures to put normal packaged food on. We negotiate with the chains and ask them if, when they do their major refurbishments, we can take their old fixtures, which we see as still being in very good condition, and put them into the community stores; so we have proper racking facilities to be able to stock the stores. There is no agreement at all with the major chains as to supply and freight, so there is more a benevolent view by the major chains to assist.

Senator CROSSIN—Has Outback Stores been in a position, say, in the last two years to do any research, looking at the cost of freight and what impacts on making fruit and vegetables so expensive once you get off the Stuart Highway, either east or west?

Mr Kop—In terms of the cost of fruit and vegetables, Outback Stores believes that it does not subsidise; we are trying to set up a true economic model. If we are to do that effectively, it means that we have to negotiate absolute freight to the maximum capacity. That is normally done in a clustering approach, grouping stores together. I think this is the key to many remote Indigenous stores: they have never had the ability to negotiate as a group and were always on their own; therefore, freight suppliers and suppliers of other goods could then set terms favourable to themselves. When you aggregate communities, you can use that aggregation to set better freight terms. There has been a very good example for us around the Katherine region, where we have just been able to negotiate freight at less than half of what the current cost is.

Senator CROSSIN—Take us through that. How do you do that? Do you get a bulk shipment that goes to Katherine?

Mr Kop—Our stock for the Katherine region comes out of Darwin. We negotiated with two local freight companies specifically in the Katherine region, offering them the freight runs into Barunga, Manyallaluk, Beswick and Bulman, all of which are stores currently managed by Outback Stores. We then negotiated between those two companies a pallet rate to get the best possible freight rate. Because we have proper retail people who understand the costs and who certainly understand the capacity of being able to negotiate, we were able to negotiate some very favourable terms with those suppliers. We usually then deliver into that a delivery mechanism that looks at how often the stores require a load: do they need one on a seven- or perhaps a 10-day basis? We then make sure that the loads are as close as possible to utilise only a single

truck going into those communities. So again it is about how you aggregate and negotiate the cost per pallet. Therefore, you get to a true cost of what your freight should be and then have your normal mark-up on your fruit and vegetables.

Senator CROSSIN—In your opinion—I do not know whether Outback Stores have collected any sort of hard evidence about this—are people buying more fruit and vegetables in the stores because they are beginning to realise that it is a healthier option for them, or is it because they are being forced to do that by way of income management and the BasicsCard?

Mr Kop—I would not say that they are being forced by income management. That is certainly not what we are noticing in the stores that we are managing. There are two aspects to it. The first is how you merchandise in a store. That is, if you have fresh fruit and vegetables and a good range on show at the most competitive prices possible, you then give people a choice; it is about providing good choice in the first place. The second area is that we have found that around counters, especially at the point of sale, is not the place to stock such things as confectionary but to put bowls of fruit and vegetables—perhaps boxes of bananas—and, therefore, really use enticing and merchandising techniques for people to be able to get access to good fruit.

The other part we do is to integrate very closely with school nutrition programs, whether that is with breakfast programs or lunch programs, and start providing things such as fruit to those programs quite specifically. So people do have a choice. However, it is also about bringing in that education part with the 5 Program and the 3 and 2, which is a critical part of our being in stores. We certainly have not noticed that, because of income management, people are being forced to buy fruit and vegetables; it is more through merchandising techniques and how we pass on or transfer knowledge.

The other part to your question was specifically around whether we have evidence. We monitor what we call the ‘participation rates’ of fruit and vegetables in the total sales of the store. We measure the amount of fruit and vegetables we sell, in tonnage and in sales, through a particular store and we graph it. We have set a target for ourselves; we want to get to 10 per cent. Currently, we are close to seven per cent; when we came to stores, it was running at about two per cent. So there has been a marked improvement.

Senator CROSSIN—So what are most people in your stores buying?

Mr Kop—Most people tend to purchase more fruit items. There is a high degree of bananas; that is certainly the No. 1 seller. Apples and oranges do sell. Then, in the vegetable lines, very staple type lines tend to be the biggest sellers; potatoes carrots are certainly the biggest sellers.

Senator CROSSIN—Are the other 90 per cent of their purchases a wide range of goods?

Mr Kop—They are a wide range of goods and they go across package grocery lines and dairy lines. As part of the Outback Stores objectives, we also really bring in many more fresh products. We are talking about fresh milk, which may be a lot more difficult. Significant dairy products, such as yoghurts, have lower life codes on them, but it is really ensuring that you are giving a proper choice and range in the store. So it is across those various departments.

Senator CROSSIN—Are your stores managed by a local community committee, or do you just operate now as an enterprise and a business?

Mr Kop—The set-up is that the community owns the store and has a governing committee; Outback Stores operates on a fee-for-service basis for that committee. Although there may be governance issues, certainly Outback Stores does at times have to assist in working through them, in terms of how we deliver money stories to get a clear understanding of where the money is and in being able to deliver such things as other governance requirements such as making sure that annual reports are lodged and things of that nature.

Senator SIEWERT—One of my questions relates to that issue, so I will start there. Does Outback Stores own any stores?

Mr Kop—Yes, it does. Currently we own two stores. There is the Ti Tree store here in the Northern Territory. Outback Stores put up funding of some \$550,000-odd, which we then used to set up a store in the Ti Tree region. We did that by leasing an art gallery from its previous owner. We have transformed that into a store and have spoken directly to the Central Desert Shire about formulating an Indigenous committee that we want to hand ownership to; but it was just about how we would actually set up a store. That is one. The other store where we do have a level of ownership of, which is just more by default is Wallace Rockhole. When we brought food security to that community, the community itself did not want to have any ownership of the store; so we came to own it, or more the assets, by default. We are currently working with the community and the shire to see how we hand that over.

Senator SIEWERT—How many other stores are there; and are they are all stores where you have gone in and worked with and for the community to take them over?

Mr Kop—That is right. Outback Stores works on an engagement model and we are certainly not a force entry into a community. We are currently in 27 stores throughout the Northern Territory, Queensland, South Australia and Western Australia. We currently own only two stores and that, as I said, is purely by circumstance and not by our want. The model will always remain one of engagement and on a fee-for-service basis.

Senator SIEWERT—How many are there in the NT?

Mr Kop—I need to do the calculation. We would have 23 in the NT.

Senator SIEWERT—The second submission that we received from you states that the company was set up at a cost of \$48.1 million—and I will come back to another issue there in a minute. It also states that Outback Stores were given \$29.1 million to help unprofitable stores. Was that \$29.1 million on top of the \$48.1 million, or does it form part of the \$48.1 million?

Mr Kop—No. That was on top of it. Outback Stores has been granted \$77 million.

Senator SIEWERT—Is that over the period of time since you opened the first store? You opened the first store in May 2007, didn't you?

Mr Kop—We opened our first store on 1 November 2006.

Senator SIEWERT—It says that you started trading in 2006.

Mr Kop—That is right. We did not actually have a management agreement with that store. We had our first management agreement in 2007, so I apologise. Numbulwar Canteen Creek was the first store that we entered into. We did not have a management agreement with them, but we have been there since 2006.

Senator SIEWERT—It says here that you were set up by a group of senior retailers drawn from large supermarket businesses, such as Coles Myer and Woolworths, and with support from the federal government via IBA. Does that mean that the people who set up Outback Stores used to work for those supermarket chains and brought with them their retail experience and were not there representing the supermarket chains?

Mr Kop—That is correct. Our board is made up of some very senior retailers across the country, but they are all retired from those chains and they give their time voluntarily to help the Outback Stores organisation.

Senator SIEWERT—You also highlight in your submission that the agreement includes signing up to a business structure that ensures the fair distribution of profits. You have said that you have a community-group board for the stores.

Mr Kop—Yes.

Senator SIEWERT—How do you work out a fair distribution of profits with the community and how do you deliver it back?

Mr Kop—We do have some very strict governance rules within Outback Stores that ensure that there are enough funds to ensure that the store's assets or things of that nature can get repaired. That will vary by store, so it is about the level of investment that is required. Outback Stores makes a decision, which it translates in a very transparent manner, to say that so much of the funds will need to be kept as reserve funds in case anything goes wrong in the store. The funds that are normally left are distributed by community decision. The only policies that we put on top of that is to say that we will not distribute to individuals and it has to be based on what the community wishes to do. In instances we have had communities ask to invest it back into the store, into some pricing; other communities have asked to purchase a bus; and other communities have asked to spend it specifically on social programs, such as sporting carnivals and things of that nature.

Senator SIEWERT—What percentage do you keep to put back into the store, outside of what the community may choose to invest?

Mr Kop—That would vary significantly per store. How much we would need to keep back just in case would depend on the condition of the assets to. Usually that decision is taken on the level of repairs and maintenance or other issues that might be coming from the store.

Senator SIEWERT—How did you decide which communities to work with and in? Did they approach you, or was a store known to be failing you went and contacted them?

Mr Kop—It comes from various sources. In terms of our new business, some stores come through referral methods; some stores we approach and give a story—we have very specific Indigenous relationship people who go to communities to present the Outback Stores story; or a referral might come, through a government agency or an administrator, where a store has run into significant difficulties.

Senator SIEWERT—For example, could a general business manager contact you and say, ‘The store is going under’?

Mr Kop—Yes.

Senator SIEWERT—Have you gone into any communities where you are competing with the existing store?

Mr Kop—The only community that we are in where we are competing with the existing store—and it has some strange circumstances—is probably Yuendumu. There, the government built a make-shift store out of the women’s health centre to secure food security because the licence could not be issued to the social club store. So, yes, we are competing against a community store there.

Senator SIEWERT—Is that the only community where that is happening?

Mr Kop—Yes.

CHAIR—I would like to ask a couple of questions about Ti Tree. I am not sure whether you have considered selling fuel in Ti Tree. Obviously you are aware of the circumstances in Ti Tree. I will not call them a competitor, because I think they are a different sort of a service industry; however, it would be fantastic in Ti Tree and it would solve a lot of challenges from parliament rather than from government if you were to sell Opal fuel. Have you considered doing that?

Mr Kop—Yes, we have considered it and I think the fuel is going into Ti Tree next week. It has taken us a little while because we had to establish a deal with Ausfuel. I am pretty certain that it is next week that they are starting to lay the foundations for putting in fuel—and, yes, of course it will be Opal fuel that will go there.

CHAIR—All we need now is a government policy to ensure that all government vehicles fill up at your place rather than at the other.

Mr Kop—I agree. Obviously that would be very good.

CHAIR—I am not sure how legal that is, but I will inquire.

Senator ADAMS—I was going to ask about Ti Tree. I think it is great that you have finally got there and are making inroads with Opal. What about Rabbit Flat? Can you go and sort them out?

Mr Kop—We will try.

Senator ADAMS—I saw your business group when we were in Alice Springs and I was very impressed with what you are doing. Are many of your managers pulling out, or are they staying together in a cohesive group now? How are you going in that respect?

Mr Kop—Labour turnover in Outback Stores is certainly a challenge for us and I think it will continue to be. We are putting people into very difficult circumstances in very remote parts of the country. We recruit people on a value basis, in terms of their integrity and their level of social conscience, with a lower level of degree on their business acumen, although we certainly bring that with them in the training that we provide. But fundamentally we want to make sure that we have people with extremely high moral and ethical standards in that they are being put into a remote community and will be dealing with cash. That does bring its tolls. Many people will volunteer and certain people will struggle. We normally find that, after six months, people either love it and are committed or they have come to the conclusion that it is not something that they wish to continue with. We continue to refine the training programs and our recruitment, regarding how we profile people better, to decrease our labour turnover.

Senator ADAMS—Just on the flexibility of product, what process do you have if a community decides they do not like a product or they want extra products coming into the store? What is the process that they use to inform you of what they want?

Mr Kop—The first part is that, when Outback Stores engages with a community, we put in what we call a core range of goods, which will vary by region. We normally get that level of understanding from looking at the key lines being drawn out of suppliers around that particular area. Once we have established that core range, the committee or any other person in that community has the ability to ask for range additions. Those range additions are discussed with the store manager, the store manager puts them through to the Darwin support office and then additional lines can be ranged. So a community gets input on those things. We normally get a lot of requests but not so much around food products; they tends to be more around what we call general merchandise lines. It could be because a sporting carnival is coming up or a ceremony or other specific things are happening, such as stimulus packages are being released, where washing machines or other things are requested.

Senator CROSSIN—I am not sure that I have seen too many of your stores holding white goods, such as washing machines; I see you more as a grocery outlet. In a number of the towns that I have been in, retailers have asked me why the BasicsCard cannot be used to pay off a lay-by.

Mr Kop—Why it cannot be used for that, I think, is a valid point—and, yes, it certainly cannot be. When it comes to white goods and other large items of general merchandise, normally we provide a booklet at the front counter that has in it a wide range of not only bedding but also white goods and everything else. To actually purchase such goods and store them in a store would tie up a significant amount of the store's cash, and we do not see that as good management on the store's behalf. That allows the store, through the store manager, to order any particular item that people want, but we just do not tend to stock those items. You are right: what needs to be on display are your food items, 24-seven.

Senator ADAMS—Do you have a complaints process?

Mr Kop—Yes, we do have a grievance process. Very important in the Outback Stores model are two aspects of grievance process. It is not normal for Indigenous people themselves to raise their grievances directly, so we have supervisory models. Every store has a supervisor and six stores have an area manager, and they are in the stores on a very regular basis. That is the first community contact and they have very good relationships with the community. However, we also have relationship managers; if the community feels that they have an issue that they are not comfortable discussing with anybody else, they can go directly to an Indigenous person—this has happened in the past—who then raises those grievances. Those grievances then get dealt with efficiently. What I mean by that is that sometimes we have had to remove store managers; it was not that they were doing anything wrong but that, quite specifically, the relationship was just not working. So there is a very good grievance process that we do adhere to.

Senator ADAMS—What is your policy for Indigenous people being employed in the stores?

Mr Kop—We have a very strong policy around Indigenous employment. The only non-Indigenous person can be the store manager—and the assistant manager, if they come as a couple. Every other employee must be employed from the community. It depends upon store size, but we normally have anywhere from two up to seven employees from the community.

CHAIR—Since the intervention, I have had, as I am sure has Senator Crossin—because we are the local constituents and we are often in the areas in which you operate—a number of complaints, which have gone back to government and been investigated. Over time, I have to say, you should be commended because the vast majority of those complaints have turned out to be baseless. I think, basically, your organisation does an excellent job. Having stayed and lived in some of the communities and eaten out of some of those stores many years ago, I find it is just like stepping onto Mars to go in now and compare what is there with how it used to be; that is to be commended.

The remaining issue that seems to continue to raise its head is purchasing policy. This is raised by a number of small suppliers—not people who sell directly but wholesalers—who, in the past, used to wholesale a suite of items of which you would be aware: jerry cans, buckets, handlines, hand reels, clotheslines and buckets. I am talking about all of those things—almost a haberdashery—that we used to find in outback stores: billies, camping equipment and all that sort of stuff. A number of those people have said—perhaps because of a monopolisation, although not in the normal sense, or a centralisation of the regulatory and purchasing processes—that they feel left out. They feel left out not so much because they do not compete; it is just that the preferred purchasing policy seems to be to pick one supplier. I have to advocate for businesses and obviously I think that, the more businesses there are, the better the diversity is. Have you had those sorts of submissions and are you doing anything about that issue; or is that just the business marketplace?

Mr Kop—It is a combination. We try to operate very much regionally. For example, if we are in the Katherine region, we will try, as I indicated earlier, to utilise Katherine based freight suppliers and we will use Katherine meats for the meat supply into those stores. In Alice Springs, we use Alice Springs based businesses. So, wherever we are, we always use regional suppliers. The difficulty is—this comes back to my earlier comment—that Indigenous communities have never had the opportunity to get the buying power that everybody else in Australia takes for granted. Anywhere else in the country you have Coles, Woolworths and independent stores to

shop in, which all have buying power capacity. All Outback Stores does is provide that buying power on behalf of the communities. To do that effectively, you need to negotiate with a number of suppliers and, the more suppliers you have, the more fragmented that negotiation becomes. That is certainly part of the marketplace.

We do stay regionalised; we do not use national providers. We very much encourage suppliers, when we talk to them, to think about how they can form that level of partnership and think about what the opportunities are. If you have good sales growth out there, there are lots of different opportunities and you are not restricted. We do not have sole supplier agreements with any supplier and, therefore, we can have any agreement. It is just: can that supplier provide affordable quality food into the community? That is the first thing that we will look for. If Outback Stores believes that either the reputation or the quality of a good could be questionable, it certainly would not allow that good to go into communities. But fundamentally it comes back to Indigenous people deserving a right to price.

CHAIR—I think my fundamental question was more about the other products than food, but thank you for the answer. These communities over time have had, I suppose, ideas and leadership in an area. We have seen some of the most magnificent gardens and produce coming from them, and it is very well organised. Some communities in the Northern Territory still produce eggs and some produce vegetables, although it is not commonplace. Does part of your policy or would your policy in the future would perhaps embrace providing a local market for that product? In addition, do you think there are any food standard issues associated with that? You might want to take that on notice, but no doubt that is the sort of issue you would be thinking of because you would still have obligations under the Food Safety Act and those sorts of things. Have you had a look at those things? I am talking about eggs, fish and fruit, which all can be produced locally. What sorts of thoughts do you have on that?

Mr Kop—Certainly we encourage that, when a community does any form of growing. We are in Jilkminggan community and they have a market garden, and we are selling some of their products out of the store. Outback Stores has a view that longer term we need to look at vertical integration, and that is about building the Indigenous economy. As you aggregate the stores and get volume through, what stops us from thinking about how we set up proper Indigenous freight companies? What stops us from having an Indigenous farm that has needs grown and then has the abattoirs attached to and distributing into those communities? Certainly Outback Stores aim would be that, as it continues to grow, we would like to do that. Fundamentally, it is about: let us, firstly, get the food security part right and then make the stores sustainable but then, secondly, think about how you build economic conditions that start driving wealth back into Indigenous communities; and you can only do that by vertical integration.

Senator MOORE—I want to clarify an issue. We visited Milingimbi a couple of days ago and dealt with the ALPA store there. We asked about how they linked in with Outback Stores. Could you just go on the record as to how the ALPA network fits in with Outback Stores?

Mr Kop—ALPA is represented on the Outback Stores board, although they do not tie into any of our supply or other forms of agreement. However, they were a great help to the board in giving an understanding of Indigenous communities and some of the things that we could potentially think about, so there is a relationship certainly from that perspective. We also have a working relationship and we have a memorandum of understanding between the two businesses.

For example, if we can assist Indigenous people by, say, purchasing computer software, we would do that between the two companies to ensure that the communities will get the maximum benefit. But we do operate very much as individual businesses, besides those two aspects.

Senator MOORE—The other issue when we were there was to do with the BasicsCard, and that is something that this committee gets very interested in. Something had gone wrong with the telephone line, as happens in remote localities. While that phone was not working, people, could not use BasicsCard. That situation continued throughout the whole day. The stores told us that they would let us know when it had been fixed, but they had no idea of when that would happen. In effect, that stopped business, to a large extent. Even though we know it represents only 50 per cent of transactions and some people had other cash they could use, telling people that they just could not purchase while that connection was down was quite stressful for those working there. Has any thought been given through the networks about working with the departments and whoever else would be involved about coming up with an option for that situation? If a systems failure happens in Darwin, even if you are not able to use any card because the EFTPOS is down, there always seems to be an alternative; but, when you are so far away, there is only the one option. Has there been any discussion about what happens when that kind of thing occurs?

Mr Kop—No, there has not been. I think it would be fair to say that it would be no different with Outback Stores. We are probably at the receiving end of the BasicsCard system, so it is about how you manage that system in the best way possible. We have certainly set up satellite network systems for using telephone and internet connection and getting those types of things effectively into communities and have very good point of sales systems in place for the communities. When an EFTPOS system goes down, regardless of whether it is at the store or the other end, you run into that fundamental problem which I think all people suffer. We have not had a significant outage or certainly it has been very rare for us to have an outage on the EFTPOS system. Our biggest struggle has been more along the lines that people cannot obtain their balances. Although we have tried to provide telephone lines for that, it is very cumbersome. In addition, it is certainly a very shameful process for Indigenous people to find out that they do not have enough money for the good that they are purchasing. We are probably finding that to be a far bigger problem than having an EFTPOS outage.

Senator MOORE—I saw in your submission and also in the ALPA processes that there is a law about no book-up.

Mr Kop—Yes.

Senator MOORE—There are no ifs, buts or maybes; just no book-up?

Mr Kop—There are absolutely no ifs or buts. That is a standard and we discussed that quite openly with community. Outback Stores has some very stringent rules. They are not always what we call the nicest rules, but we believe that they are absolutely imperative for starting off with good governance.

Senator MOORE—What kinds of rules are they? You particularly mention book-up in your submission. When you say ‘other rules’, what kinds of things are they?

Mr Kop—Book-up is one of them. Also we do not pay off old debts. If the community is in a position where it needs to go to special administration or financial administration, it should be doing that. We work with the community. We found, for example, that Bulman community had to go into administration; it is now out of administration and is actually making a profit. Beswick is currently in administration; it is paying off its historical creditors. It is about doing proper business all the way through that. So that is another pretty tough rule because it is about people and communities having to make a really hard decision. I know that is not an easy decision, but we can work through with communities and we are very keen to do so. There other rules around trading hours: we will be open for a minimum number of trading hours, unless there is a ceremony that forces us to close. They are what we call the non-negotiables to ensure that the community has a good starting point.

Senator MOORE—So it is a business.

Mr Kop—It is a business.

Senator MOORE—Do you have food outlets, such as cafes, at all your stores?

Mr Kop—We call them ‘takeaways’. No, not in all of our outlets. They are probably the most difficult areas for us to manage because around them you need very, very strong food safety policies. We do have them in a number of our outlets where they have been established already, but they are certainly a very difficult environment.

Senator CROSSIN—Have you now taken over the Barunga and Beswick stores?

Mr Kop—Yes.

Senator SIEWERT—We were talking before about returning profits to the community. How many stores are now returning a profit to the community?

Mr Kop—I would have to take that on notice in order to go back and look at the numbers because we do have stores that come in and other stores that sometimes fall off our network.

Senator SIEWERT—When you say they ‘fall off’, do you mean that the community takes back control?

Mr Kop—We have certainly had stores where engagement has not worked and either they have asked us to leave the community or we have decided to leave the community.

Senator SIEWERT—If you could take that on notice, it would be appreciated. Also—you do not to have tell me which ones they are—how many stores have gone off? It would be useful if you could tell me that also.

CHAIR—Also perhaps some of the general circumstances, without naming stores.

Mr Kop—Yes.

CHAIR—We are just looking for some general information on transfer.

Mr Kop—Yes.

CHAIR—Thank you very much for coming along today. As you have seen, there is quite a lot of interest in the matter. I know that you are probably ‘committeed out’, but there may be further questions from the committee. This is a select standing committee and we will stand over the entire length of the parliament; so this does not just start and finish. Questions on notice maybe provided to you through the secretariat. Thank you very much.

Proceedings suspended from 2.36 pm to 2.59 pm

HARRIS, Acting Commander Wayne, Northern Territory Police

KELLY, Assistant Commissioner Grahame, Northern Territory Police

CHAIR—I welcome you to this public hearing and ask you to announce your appearance.

Mr Kelly—My area of responsibility is the operation's service in the Northern Territory Police Force, which covers all our uniform operation across the Northern Territory. I am representing the Commissioner of Police of the Northern Territory Police.

Mr Harris—I am the officer in charge of the Task Force Themis office, which is primarily tasked with dealing with all the intervention requirements.

CHAIR—Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you. I now invite you to make an opening statement. At the conclusion of your remarks I will invite members of the committee to put questions to you.

Mr Kelly—I have been involved in the Northern Territory Police Force for just over 30 years now. I have worked in remote communities. I have worked in a range of roles as a police officer. The intervention in the Northern Territory has arrived at a point in time I believe that has generated an opportunity for the police force in the Northern Territory and for other agencies in the Northern Territory to be able to achieve a range of things to help our communities that we have been unable to do in the past.

From a police perspective we have police stations in communities where we have never had police stations. We have had an opportunity by locating those stations and those offices in particular places to achieve some outcomes that have been impossible for us in the past. The dynamics that we have been able to achieve by having more police in strategic locations has meant that we have been able to stem the flow of alcohol into some of the communities, in some cases in a fairly substantial way. It is also very clear that a lot of the communities where we now have police are much safer communities. The communities are very supportive of the police from our perspective. One of the issues that we are constantly faced with still in the Northern Territory is requests by communities who do not have a permanent police presence for police to be placed there in the same way as they have in other communities.

Although the Child Abuse Task Force was established prior to the intervention in Darwin and primarily dealt with issues around the top half of the Northern Territory, it has been significantly bolstered by the addition of investigators from the Australian Federal Police. It has achieved some significant inroads into the protection of kids in the communities. It is fair to say that the expectations of some people that police would start arresting people and throwing them in the trap within days of the task force being established were probably naïve to some degree and underestimate the nature of the crime that we are dealing with. It is a significant problem for us to get disclosures from children and it is a process that will take, in my view and based on the experience that I have in these sorts of things, many years before we will get to the stage where even some of the disclosures will be brought to us by victims.

I would say though that the presence of police and the active role that our Child Abuse Task Force and our partner agencies are taking are proving to be a benefit in a number of ways. One of the examples is the sort of work that is being done in communities to educate young people in protective behaviours and the sorts of things that the families can do. This is a significant area of work that does not show in arrest statistics, and there is quite a lot of work around those sorts of issues being done.

In our view the intervention has been a major success in a whole range of ways. There have been some difficulties. There are still difficulties that we are all faced with in terms of having the capacity here in the Northern Territory to do the things that need to be done, but I have to say that it is probably the best opportunity that we have ever seen for some things to happen that really needed to happen. The future in our view is quite positive.

CHAIR—One of the issues that you touched on is that there was an expectation that there would be a lot of arrests and there would suddenly be greater levels of protection. I think some of the principal criticisms of the intervention and those people who are fundamentally opposed to that say, ‘Well, where is the evidence? Where are all these people?’ Even with a different level of crime, that is the trafficking and smuggling of illicit substances into the communities or whether it is in fact sex abusers or those sorts of things, the common theme is that there is a special code of silence. There is a difficulty. I talk to people in the community and say, ‘Who brings in all the guns?’ ‘I know he is. Yeah, we know he is.’

We had some evidence yesterday in Katherine that they know that there are child abusers who are still there in the community and still active today, and there is a frustration about that. Again, from me, ‘Why aren’t you able to point that out? Why aren’t we able to do that?’ Could you comment generally on that cultural difficulty which I guess is probably a reasonable way to describe it? What efforts do you think can be made either in a legislative way or an educative way to try to start breaking down that barrier, because it seems to me without the support of the community it is going to be very difficult to move these people who are fundamentally responsible for many of the ills that face those communities?

Mr Kelly—Perhaps I can break that into a couple of segments? Firstly, what we are dealing with is an entrenched culture. I would make the point that it is not restricted just to Indigenous communities, but we are dealing with what is essentially a secretive crime in some respects, especially with child abuse. We are dealing with victims who are young and vulnerable. If I can use a for instance, about the middle of last year I spoke with a 34 year old Caucasian woman who grew up in Adelaide, who was well educated, came from a middle-class family, was sexually abused starting when she was about nine years old and it went on for some six or seven years. She first spoke about it when she was 28 or 30 years old and she did not tell the police until she was 34 or 36. What chance has an uneducated, young, Indigenous woman whose second language is English and who does not know there are services available to her? What chance has she got? Most importantly, I think it is fair to say that the sorts of things that we have discovered are that there is a culture in communities where parents shrug their shoulders and say, ‘Oh well, that is the way it is.’

We are dealing with a culture where some of the people in the community are the power brokers. For many years they have been able to hold sway over people through financial advantage, through threats and intimidation and through violence which is endemic in the

communities. This is one of the concerns that we have that has been expressed to us by some people in communities. They have started to come forward now. What happens if the police get pulled out of the community? What happens to them then? These are real issues for some people. But what it says to us is: we are still grappling with that culture that we have to get over. The only way that you can do that is build trust, and that takes time. It takes a lot of time and it takes a lot of energy and a lot of skill from people from different agencies to get underneath some of those things.

I will give you an example of one community where we established a community action plan. Part of the process was to try to educate the community that it is not okay for this to happen. Teaching the kids in the schools; having the police go to the schools and spend time in the classrooms with the kids, talking to them about these issues; and having a sex assault counsellor travelling to the community two days a week and then ultimately three days a week and staying overnight for a couple of nights every week. It took 18 months running her beauty parlour with the girls and she got two disclosures, and we locked up the crooks. That had been going on for years. We had had major investigations in the community and we had had work plans in the community, but it took two years for those kids to speak up.

CHAIR—Is it reasonable to say then that because there are low levels of statistics against expectation you might say, ‘Well, how many have you locked up?’, and you can say, ‘Well, there is that many.’ Then you can go back and say that is not necessarily a reflection of the levels of this type of activity in the community?

Mr Kelly—It is not fair to say that; that is a fact. That is an absolute fact.

CHAIR—As to the trafficking aspect of it, as I speak to police officers on the beat around the territory, one of the frustrations seems to be—and I have to say having been pulled up myself a number of times and being very thoroughly searched I commend them again for their activity; they are everywhere—that the people are known to them and sometimes they are recidivists. They are the same blood tribes. There is a process I understand of winding it up. There is a first, second and third sort of strike before we start getting very serious about these things.

But there is certainly a frustration amongst the police officers that they are still dealing with people who have effectively attempted and been in the business of trafficking in substances that have been prohibited in the communities since the start of the intervention and they continue to attempt to do that now. Some of the suggestions that have been put to me, not necessarily by your officers but by a number of people in the community, that that will only change when they are—not so much jailed—somehow excluded from travelling to the community. That is the only thing that would impact upon them. I am not saying that as a suggestion, but do you think there are any other mechanisms that we can use as a disincentive for these same individuals, the handful of individuals, who are trafficking in this manner?

Mr Kelly—Let me say this: 27 years ago I was working in an Aboriginal community and I was one of the people who were doing the road blocks trying to stop the grog and the ganja. That was 27 years ago. Our police officers are still doing the same thing. There must be something fundamentally wrong if we have not made a dent in it yet. One of the things that I think it is fair to say is that exclusion is not the solution on its own. Jailing is not the solution on its own. Prohibition is not a solution on its own. What we are dealing with is an extremely complex issue.

Again, I make the point that this is not an issue that is restricted to communities; it seems to be worse in communities because of the nature of what we are dealing with, but it is going to take a complex solution.

One of the things that we have to do is stop the supply that is just completely uncontrolled and is just out of control. While ever people have money and are ill with alcoholism, they are going to spend the money on alcohol. Some of the steps that have been taken in the intervention have been quite successful. You can see Indigenous women in supermarkets with trolleys full of groceries. That was almost unseen two years ago in terms of the women from out in the bush communities. Some of those things are happening. It is a strand in the complex net that has to be established. I think the intervention has put in place a lot of things that are contributing.

Rehabilitation services are something we just do not have at the levels that we need. We do not have a capacity, or have not had a capacity in the past, to even run basic anger management courses for people who are prisoners in jail for less than six months for domestic violence offences. These are the sorts of things that we need to start really thinking about and investing a lot of money and energy into so that the solutions are broad, cover a whole spectrum and deal with the whole range of issues but involve interventions and rehabilitation. Locking them up and throwing away the key is not a solution.

Senator CROSSIN—What is it then that you believe is needed to assist you to do your work in those communities? Do you need more sexual assault counsellors, for example; safe houses that are well resourced? What is it that we can do that will assist?

Mr Kelly—I think the first step to a significant degree has been taken; that is, that there are police present. Nothing is going to change if the community is not stabilised with a police presence where the community has some stability, if you like, some understanding that there are people there to help steer the ship and keep people safe. The next part of it is to identify the sorts of things that the communities need. One of the mistakes that is often made and has been made for as long as I have been up here is that one size does not fit all. We have two significant programs going, both of them aimed at alcohol reduction. Both of them took a couple of years to negotiate with the people. Both of them are significantly different. Both of them are very successful and neither of them would be able to be applied in the same way in the other community and be successful. That is the level of work that has to be done. It has to be quite individual.

Senator CROSSIN—Where would you say they are?

Mr Kelly—They are Nhulunbuy and Groote Eylandt. They are alcohol reduction programs. The Alice Springs experience is a variation on one of those. The issues have to be dealt with on a community by community basis probably, maybe on a small regional basis or even a cultural plan group basis. Community engagement is a significant component of it, and that is one of the things that even as police we acknowledge that we have not got as right as we could have, and we are doing a lot of work to try to develop a new business model in the communities that will involve us spending a lot more time talking to people and engaging them in crime reductions and developing community action plans for crime and alcohol. Whatever is done has to be done on a community basis and it has to be done in a collaborative way with the people who live there.

The services that need to be provided are those ones that first of all protect people and start to teach them what the societal norms are and should be in terms of the behaviours that are now in many communities not necessarily accepted but are just the way things are. There is a lot of work that has to go around that. There is an education process that needs to be there, but it needs services and people, good practitioners, to be able to deliver that sort of education. Then there are the services themselves. Some of the people that we are dealing with in these communities are repeat victims. Some of them are traumatised and have been repeatedly victimised. There is a lot of work that needs to be done to seek out those people and provide the services that they need to help them move on. Then there are the programs that we need for the offenders. We have to accept that you cannot just lock people away. That is a solution and it gives the community respite and it has a punitive effect to a degree, and that is appropriate, but there is a whole range of other things that need to be done. Services need to be provided so that people can get that intervention work and assistance from social workers.

I use an example of Wadeye and the community building, the glue that holds the community together. Wadeye was a difficult community and it always has been. Enormous amounts of money were spent out there. There were new clinics, new schools, more teachers, more nurses, more police, and lots of houses and then we are still having riots. The question has to be asked: what is wrong? The answer to that is what is wrong is that we put a whole lot of assets out there but what has got the community together in a way that they are taking responsibility for their community and they are proud of their community and it is the glue that holds them all together and makes all of those assets worthwhile? In some cases that is what is missing. We are not doing enough work in that area.

Senator CROSSIN—I do not know what your perspective is but this year I certainly felt that out at Wadeye the football competition where for starters they have eight to 10 teams playing AFL to the point where they got to the grand final, and I think with minimal disruption throughout the competition, was a significant milestone for that community.

Mr Kelly—Absolutely. One of the things that you might know is that we established out there what we called a tasking and coordination group chaired by the superintendent of police from Katherine, who flies out there on a monthly basis and meets with all of the people from all of the different agencies. That group specifically has between seven and 12 of the actual owners for the country that that community is on. They are empowered to have a strong say in what happens on their land despite the fact that it is made up of so many other people who actually live there. Plans have been put in place to try to develop the capacity for those old men and women to have a stronger say in what is going on and a say in how people behave on their country. So it is a reinforcement of their culture. That is what we have put in place in an effort to get some of that glue happening.

I have to say that in my meetings out there before that was established there had been a funded position out there for a sports coordinator that had not been able to be filled. When it was filled, they had not been able to get the traction because the community was still a little bit unsettled and disrupted. I talk to the sergeant out there. Twelve months ago he was ready to move out, looking for somewhere else, but now he is just to the stage where he is keen to stay there for a longer period of time because he feels as though the community has turned the corner.

Senator CROSSIN—Commander Harris, I want to touch on the Themis task force and its integration with the Australian Federal Police and the Northern Territory Police Force. Also have you any experience in the cross-border unit that has been established?

Mr Harris—Since the intervention started, initially we were dealing primarily with interstate police forces from other jurisdictions, VicPol, New South Wales, et cetera. That phased out around about July last year and we have been dealing with all AFP officers. I work very closely in our operations centre in the NAB building with the command element of the AFP. They are responsible for oversighting any issues that they have to deal with from an AFP perspective. AFP officers are all sworn in as Northern Territory police special constables, so in effect they come in under our command. Obviously they are still AFP officers. At the end of the day they have their home jurisdiction so at the end of the day there has to be a strong working relationship between the two organisations.

I can say that it has been a very strong, rewarding relationship. From my point of view it has actually worked very well. Despite our many differences in the way we do business, the professionalism of the AFP and my home jurisdiction I think comes out and it has shown in how we have managed to pull together and deal with the issues as they come up on a case-by-case basis and get the job done. In short, the working relationship between the AFP and the NT police has been very good. From a cross-border perspective, no I do not have a great deal to do with that—

Senator CROSSIN—That new initiative between NT, SA and WA—

Mr Kelly—I can speak to that. It is an area that we have been very strong in. As you know, we have the substance abuse intelligence desk in Alice Springs and the dog operations unit which are funded by the Commonwealth, or at least one of the dogs is. We fund one of them. That has been so successful and has achieved such significant results over a period of time that we were very keen to engage with the Commonwealth again in the same way. We have replicated that in Katherine. It is a relatively new unit there, but already they are starting to kick some goals in terms of interdicting not only cannabis but kava into the East Arnhem region.

Senator CROSSIN—You may not be able to answer this question but do you have any thoughts about the funding of the Australian Crime Commission for the next couple of years and how that fits in with your operations and what you are trying to achieve?

Mr Kelly—The Australian Crime Commission actually has a really significant intelligence role. One of the things that they are able to do is take intelligence that we receive and value add to it not only from the point of view of other information that they might have received themselves but also because of their access to a range of intelligence sources around Australia. I can give an example. For instance, with what are starting to be referred to as the carpetbaggers in the Aboriginal art area, we provided some information about one of those people we had some concerns about and the Crime Commission was able to provide us with a brief which was quite comprehensive about some other involvements in another state. As well as that they have an increased capacity that we do not have to draw a lot of information together and to give us some cohesive reports about the sorts of things that they see are going on.

Senator CROSSIN—Are they working across the territory or just in Central Australia?

Mr Kelly—No, they are not only in Central Australia and the territory and the top end, they actually have a brief across remote areas.

Senator CROSSIN—I guess I am talking about the little unit that has been funded to operate. There is no such unit. They have just been given money to extensively work in the territory then; is that right?

Mr Kelly—Yes, they are based in the Northern Territory, in Alice Springs. We actually saw that as a positive thing and pushed for that in the first instance because they were central and they were in the heart of Australia in the remote areas. Alice Springs provides services to a very big part of Central Australia, not just in the NT, so they were ideally located. But they also work in the top end of Western Australia. There is an office in Darwin here that has a couple of officers who are working to the Indigenous Intelligence Unit as well, so they have quite a wide brief.

In terms of the future, one of the things that we would like to see—and this is a subject that has been raised as a possibility—is a replication of our substance abuse team in a way that deals with violent crime, primarily family violence, that uses the intelligence model similar to the substance abuse intelligence desk and operates in that tri-state area as well to try to develop the intelligence about some of the things that are going on down there and devoted to that particular task and then supported by investigators and action plans out of Alice Springs to wrap up crooks. We see that as something that we should be doing in the future and we think we will use a bit of the information that we have got from the Australian Crime Commission and of course develop the stuff from our knowledge and take it forward.

Senator ADAMS—I would like to come back to the child protection issue. I hate the term ‘child abuse’ because I think it is really quite severe. I am from Western Australia so ‘child protection’ is probably the term that we use over there. I noticed yesterday when we were in Katherine that you have a number of female officers and they are obviously working out in the communities. Now there is a police presence in the communities are the women coming forward and trusting you enough now to come forward and talk about things that have been going on? Have you noticed that more recently?

Mr Kelly—We have had a lot more information being brought forward to us. Having policewomen in communities is a new thing for us. It is only in the mid-90s that we first started getting women interested in going out to the bush communities. It has been a bit of a push for us to encourage people to go. It is interesting though that we have probably got proportionally the highest number of women in our organisation and certainly the highest number of women in that senior rank in the territory compared to other jurisdictions, which we are pretty proud of, as you might have gathered.

It is fair to say that the women in communities really do like to have a woman in the communities that they can talk to. I have had people to say to me at meetings in communities that when this policewoman goes they want another policewoman to come back there. I have had delegations who have tried to impress upon me that it is most important that a woman is stationed out in the community, but at the moment we are just not able to do that. We need to come up with alternative strategies of having women who visit and start building a rapport with people in the community. That is just something that we are going to have to figure out how to

do in the future. But, yes, it is very evident that if there are women police around who spend the time with the communities the women in the communities are very willing to come forward on a whole range of issues.

Senator ADAMS—When we were visiting Balgo they had the two police plus a children protection officer working from the police station. Do you have anything like that here with your other agencies?

Mr Kelly—We do not have other agencies co-located in communities. We have other agencies co-located with our Child Abuse Task Force teams—that includes family and children—and we have a network of people who sit in a supervisory group from housing, education and so on so that they have got those connections. The CAT people and our police officers, both AFP and Northern Territory police officers in the team, work together with each other on cases. They go out to communities together and work together on cases as part of the procedures that they have adopted. It is a very effective way of going about it.

We have also got the Peace at Home project in Katherine which deals with family violence, primarily the domestic violence type things between spouses, but it also includes the effects on the children. That is a multi-agency group. As part of their operating procedures they have also roped in all of the non-government agencies that provide services to those clients in different ways. They case manage the entire family to get them back on track, get the kids back in school, get them into rehab-type processes and make sure that their medical needs are looked after—just the whole shooting match. It is quite a successful process. I have to say we pinched a few of the ideas from the WA police.

Senator ADAMS—Just talking to people in the community and several of the others, it just seems that they really accept, once again, a female being in the community, but having the back-up of the two police officers.

Mr Kelly—Yes.

Senator ADAMS—Coming back to the intervention, the scare tactics that arose firstly and NORFORCE and the police coming in, could you comment on that and also how that has changed your presence when you go out? Are you still getting the same type of skulduggery to try to scare people?

Mr Kelly—No, we have not still got it going on. To a significant degree we did not have to worry about it so much because we are already reasonably well known. One of the interesting things that occurred in Mutitjulu, for example, was the people out there had a welcoming ceremony for everybody going out there for the first time. This was the first community that had the survey-type stuff done on it. They insisted that a Northern Territory police officer actually be the person to bring everybody in to introduce to the community as part of that welcoming ceremony.

I think that was a significant signal of trust that the community had with the NT police. I have to say that we were also told that had it not been for the local police officers they would not even have got into Kintore because of some of the skulduggery, as you have described it. To our way of thinking that was illustrative of the fact that there were a lot of people who had an interest in

their communities not coming under the microscope. This is something that I know has caused a lot of anxiety in communities and a lot of anger in some of the communities where community people felt as though they were all branded in the same way. That generated a fair bit of anger as well.

I think over time a lot of that has gone. There is still some of it around. And I think some of the anger and some of the hurt is legitimate. The reasons why people feel that way are legitimate. I think the community engagement approach that is being pushed across all of the government agencies at both tiers of government will go some way towards addressing those things. In fact it is one of the drivers for us to change our business in bush communities.

Senator ADAMS—We discussed with several witnesses this morning why community work orders are not used more. With people just having to go into jail for a minor offence, why is it that the territory does not seem to use a community work order?

Mr Kelly—There is no capacity in the communities to supervise them, and that has always been the case. I can relate a story of a police officer who took the bit between the teeth, contrary to all the rules, and undertook to do the supervision himself in the community. He provided boots, gloves and rakes and what-have-you and organised a work team with all the people. He ticked them off, picked them up in the morning, provided them with lunch and dropped them off at home in the afternoon but they did an eight-hour day's work and they got signed off by him in the community. There was no-one else in the community to do it.

Senator MOORE—And no-one absconded?

Mr Kelly—Never.

Senator MOORE—Did he keep his job?

Mr Kelly—You have to get to the stage where you turn around and recognise the good work that people do in communities and the things that they achieve with nothing.

Senator MOORE—Absolutely.

Senator SIEWERT—I just want to go back to this issue of the skulduggery and the community engagement issue. One of the key recommendations of the *Little children are sacred* report was in fact community engagement. When you have been living in a community for a significant period of time and you have been an upstanding citizen and have pension income support, wouldn't you get upset if the government came in and said—do not forget when the announcement was first made it was going to be compulsory that every child be checked—'We are now going to compulsorily quarantine your income and we are going to come and take your land.' Would you not also be upset when that was in fact quite contrary to the principles of good community engagement?

Mr Kelly—As I said, there were a lot of things that were done early in the piece that were quite contrary to a lot of the rules that you would see as good practice. That said, as a member of the police force here I happen to be a person who has seen a lot of things and felt that something drastic was really needed, and it was drastic.

Senator SIEWERT—You said at the beginning of this discussion—and I absolutely understand the reasons—that you have not made these spectacular arrests. There have not been a significant number of people apprehended yet for the reasons that you put forward. Going in with that very dramatic approach in the beginning did in fact—some people think—set back the process of the intervention in terms of community engagement because you had to overcome that distrust. There are issues around and I have heard the stories; in fact we heard this morning where people are concerned about small things, people being arrested for traffic offences and things like that. But on the whole there is very strong support for police going into communities. We have heard overwhelming support. It is not about the police going into communities, it was the approach that was taken that people are upset about.

You have also talked about and we have heard repeatedly about the need for more resources for rehab, community engagement and things. A lot of the concerns that people are raising are about the direction that was taken in that original approach and the way some of the money is being spent and thinking it could be better directed. It is not a case of skulduggery. I know that was not your term; it was Senator's Adam's term. I am not having a go at Senator Adams, either. But I think 'skulduggery' is a pretty strong word to say when people were genuinely concerned about the approach that was taken. If you had the army coming into your town you would feel a bit intimidated.

Mr Kelly—I think the issue there was communication and engagement. The Army were doing nothing more than providing logistical support for a team of people who were coming to provide some services. Yes, people were upset and I did make the point that they were legitimately upset about a range of things, and some people were entitled to feel that way, but something had to happen. The problem that existed here in the territory has been an ongoing and festering problem for a long time and it needed something to make the change, to put it on the national agenda, to get somebody to do something.

Senator SIEWERT—I think we may continue to disagree about the approach that was taken. I do not disagree that something was needed. I just disagree with the approach.

Mr Kelly—I am not making any comment about the approach that was taken.

Senator SIEWERT—As to the number of people who have now been charged, we were told this morning by the NT Legal Aid Commission that there has been an increase in the number of non-Aboriginal people charged with child abuse offences and there has been an increase in the number of non-Aboriginal children being taken into care. I do not think we have had an accurate picture of the number of Indigenous offenders because the commission said that they deal mainly with non-Indigenous offenders because NAAJA's clients are largely Indigenous. Could you give us an overall picture of how many people have been charged and break it down to Indigenous and non-Indigenous. Are you able to do that?

Mr Kelly—The CAT team in the northern half have made 43 arrests with three summons files, 22 Indigenous and 19 non-Indigenous accused persons.

Senator SIEWERT—Did you say that was the northern team?

Mr Kelly—That is the northern team.

Senator MOORE—Where does that cover?

Mr Kelly—Pretty much from about half-way between Katherine and Elliot.

Senator MOORE—It keeps Katherine in the northern team.

Mr Kelly—Yes. CAT southern has 17 arrests, five summons files and three youths diverted through the youth diversion process.

Senator SIEWERT—For the southern team, how many are Indigenous and how many are non-Indigenous?

Mr Kelly—I do not have the southern Indigenous to non-Indigenous break-up?

Senator SIEWERT—Are you able to take that on notice, please?

Mr Kelly—I can, yes.

Senator SIEWERT—The arrests are over what time period?

Mr Kelly—That is over the time since June 2006, when the CAT team started.

Senator SIEWERT—Maybe you could take this question on notice because I am aware that we are way over time? We were talking about programs of community engagement, counselling and support. Are you aware of programs in the NT that are working with perpetrators as victims? We did talk about this morning and it is an issue that I have been following up for a long time, that is that a very, very high percentage of perpetrators are victims.

Mr Kelly—That is correct.

Senator SIEWERT—I have a bit of a bone to pick with the WA government because the WA government has just cancelled a very important program that works with male perpetrators that are victims. Is there a program in the NT that addresses those issues?

Mr Kelly—It is a question probably better directed to health, family and children, but what I can tell you is that this is an issue that we have had to deal with and I know that the counsellors who were involved in the investigation were working with the offenders on the basis that they were also victims and they were taking steps in that regard.

Senator SIEWERT—If there is any information that you do have I would really appreciate it if you could take that on notice and I will keep following it up with families.

CHAIR—I suspect there will be a number of questions on notice that will be provided to you by the secretariat. I thank you both for coming this afternoon and providing evidence.

[3.50 pm]

ANDERSON, Mr Patrick John, Senior Adviser, Community Engagement, Batchelor Institute of Indigenous Tertiary Education

FASOLI, Dr Lyn, Associate Professor, Research Division, Batchelor Institute of Indigenous Tertiary Education

STEPHENSON, Professor Peter Mark, Pro Vice-Chancellor, Research, Batchelor Institute of Indigenous Tertiary Education

ACTING CHAIR (Senator Crossin)—I now welcome representatives from the Batchelor Institute of Indigenous Tertiary Education. The information on parliamentary privilege and protection of witnesses has been provided to you. We do not actually have a submission from you so we will invite you to make a short opening statement and then we will go to questions. Can I just say that I will be leaving at 4.30 pm. I do not think anybody else from the committee is, but I am heading off to go to the CDU's graduation tonight. I just wanted to let you know the reason why I am leaving. I am not working out because of my lack of interest in what you have got to say; I just have another commitment.

Prof. Stephenson—Apologies that we did not actually get our written paper in for this committee hearing but when we were alerted to the fact that you were coming we made approaches to attend. We have found some people to present some of the ideas that we have been raising at various times with various levels of government.

What I wanted to do initially is just introduce Batchelor Institute and the perspective that we might bring to this discussion and to hand on to Mr Anderson, whose role at Batchelor takes him out to the regions and the remote communities as part of our strategic community liaison and engagement processes. Patrick sees and hears a lot of information from out in the communities, at least from the top end. There is another Patrick in the centre who is not available. Then I will hand over Dr Fasoli, whose research work over the last 18 months has been an internally funded research grant that happens to have picked up on what early childhood workers have felt and seen from their perspective about the impact of the NTER. There are fairly recent findings based on visits and consultations with about 17 different communities and 30-odd childcare workers and their perspective. We would like to present some findings on those. If we are not following structure, I apologise but we will just bumble through.

By way of background, as many of you already know—I know the NT members do—Batchelor has been around for 30-plus years, closer to 40. It was established initially as a teacher aide and teacher training school. Across the late 1970s and 1980s it expanded its TAFE or VET suite of programs to specifically serve the needs of NT communities. Over the years it has developed education programs in art and craft, construction, language and linguistics and a whole range of community based training programs that give certificate level training to people in the community. Over those years we have largely focused on community based delivery plus NT students coming in to our campuses either at Batchelor, Tennant Creek, Katherine or Alice Springs to attend formal training blocks for the VET sector.

Over the years in the 1990s we became a Table A provider, a dual sector tertiary education institute, and were delivering then diplomas and degrees. At that time, I guess like other Table A dual sectors, we had NT funding for our VET programs and federal funding for our higher education programs. The last couple of years have seen us also push into research offerings and this year for the first time we have commenced enrolments in PhDs. Now our pool of students is floating around the 2,000 to 3,000 students with about one-third being higher education students, mainly from interstate, and the other two-thirds being NT VET students.

From that perspective we will talk about what are some of the changes that have occurred across the last couple of years and from our point of view the issues that have impacted on us as the provider of training to solely Indigenous students and how we see that impacting on some of the Aboriginal people from the NT. I will now hand over to Mr Anderson and we will pipe up as we remember bits and pieces.

Mr Anderson—My point is in reference to the Northern Territory Emergency Response program and how that program has impacted on the Batchelor institute. We do have students undertaking studies as carers. Those ladies, being mothers, throughout the implementation of this program were not prepared to leave their community to travel to either Batchelor or Alice Springs to engage in any form of study due to being fearful of losing their children. A lot of these things were quite evident in conversation with all of the ladies coming to Batchelor and to Tennant Creek and other study centres. This meant that the programs and a range of other courses were short of enrolled students, which in the long term meant that the institute was not able to meet its educational targets and now we are going to be required to hand back millions of dollars for a number of different issues out there in terms of the changes brought about with the NTER.

Another point is that students have ceased to engage in a lot of our programs from a range of remote communities due to also being income managed. By this I mean that 50 per cent of the student's funds are quarantined and other personal funds are left in the community with their families, which leaves no funds for those participants or people to travel to Batchelor, Alice Springs or whatever sites when leaving their communities to undertake studies. Previously, a lot of the students travelled with some money, to get a soft drink and so forth after hours, but none of that is possible now and has not been possible for quite a while. A lot of these are mature age adults who leave their communities and families for up to two weeks at a time from block release. This scenario is taking its toll, especially in these release workshops that are being undertaken.

A lot of these workshops are being cancelled right across-the-board due to the income management, particular health checks and so on, and have been for quite a while due to the NTER. Just to add to the dilemma and confusion amongst some of the people in the community and also registered training organisations such as Batchelor, we also had to come to grips with the massive amount of changes taking place across the Northern Territory, which included the revamp of CDEP; the shire developments which replaced the community government councils; the Commonwealth Department of Family, Housing, Community Service and Indigenous Affairs, FaHCSIA, which incorporated all the government business managers into the affairs of the communities; and also the establishment of DEEWR, Commonwealth Employment, Education and Workplace Relations, community employment brokers to coordinate all the matters in the community. A lot of these things, other than RTOs and the communities I am

pretty sure had a lot of the people's heads spinning in terms of not being able to actually take on any further study and to leave their communities. They are some of the points I wanted to raise.

On a positive note, I just wanted to highlight that Batchelor has under a COAG 2008-2010 program targeted skilled needs in the regions, which is funded by DEEWR. We have successfully established a number of community education and training facilities used by the communities in that capacity. They have been built in Lake Nash, or Alpurrurulam. That was completed in August 2008 and was handed over to the Barkly Shire soon after completion. There was also a building being built in Barunga for the same educational purpose and at Milikapiti over on the Tiwi Island which will commence at the end of July this year and will become an asset of the Tiwi Island Training and Employment Board.

All of these building projects have been community based under the Batchelor construction program and once those facilities are completed the community has an option to formalise a partnership arrangement with Batchelor Institute or standalone and go to many other registered training organisations. I wanted to highlight some negatives and positives.

Dr Fasoli—I will speak as clearly as I can, but I do have a cold. This research was undertaken because students were arriving for the children's services courses that were run at Batchelor Institute at the beginning of the intervention especially without any interest in doing any study. They were there and lecturers that worked with them were saying, 'We can't get them to focus on anything' so it was decided that we needed to debrief and talk to people about how the intervention was affecting them, because that was the priority of the day. We did a very quick ethics clearance through the institute research ethics committee so that the next time we saw them we could work in a formal way through a participatory action research project. That had five cycles. If you are familiar with action research, it is revisiting the same ideas again and again, looking at problems that come up and thinking about solutions.

There were basically 17 different communities involved, because we take students from all over the territory, and they all work in children's services—34 communities, both top end and central. We worked with them in a workshop for the first time. Initially we were going to go to the communities and work with them. That was what they suggested at first, but when we approached some of the communities we were waved away. They said, 'We've got enough on our plate. We don't want some researchers running around asking questions about the issues that are going on.' We decided it would be better to do it from the workshop base. After hours after they had finished their study we spent time talking about basically three questions. What do you know about the intervention? What impact has it had on you, your childcare centre, JET crèche or whatever service that you are running? What impact is it having on your community? Those are the findings that I would like to very briefly summarise for you. I have brought a copy of the paper that is about to be published if you wish to read through that rather than have me continue on.

CHAIR—Yes, thank you very much.

Dr Fasoli—I will just give you a few snapshots. In 2007 when we started the research the intervention had just started and people were saying, in essence, that they did not understand why. They knew that CDEP was going to change, but not why. They had heard that it would improve school attendance so they were happy about that. This is out of the 17 communities.

There were varying proportions of people having these views. About a third of the people thought that it might stop child abuse and they were happy about that, and a third thought it would improve children's health.

In 2008 everyone understood more but still had a lot of questions. In the first rounds of workshops a lot of people did not know what was going on because the actual action started from the centre and moved its way up and a lot of our students had heard about it creeping up the Territory, but had not had any first-hand experiences. Most people saw some changes in CDEP, but in a lot of the communities it was still the same a long time after the commencement. Some believed that it was trying to stop child abuse, but people were still not reporting child abuse because they were too frightened to report and they did not know how to report child abuse. 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.

Some people thought it was about removing land permits in 2007 and they were very worried about that, but in the second year that we talked to them they were not worried about that anymore. Not many people knew what the word 'pornography' meant and they did not have that explained to them. In fact, a colleague of mine was telling me that in one of the communities Austar is universally available and it is possible to get pornography on the Austar channels because the supplier does not want to have to block for different communities and different postcodes. It was being discussed. Even last week people did not know what the word 'pornography' meant and needed to have that explained to them. I think there was an awful lot of misunderstanding and perhaps lost opportunities to collaborate and work more consultatively because of the lack of employment of interpreters. There was some interpretation, but I was in communities when some of that broadcasting of information was happening and there could be 150 people, a lot of kids making noise and somebody translating, and it was hard to hear anything. I believe that a lot of people simply did not get the message about what was happening, so interpretation would have helped. At the end of the day some of the concerns are that people are still worried about money because of the income management. People are still on CDEP and still worried about what is going to happen if it changes again. The constant change issue is continuing to concern them. A lot of people say there is still not enough money for food for large families. Some direct quotes from the childcare workers are:

Haven't seen any non-Indigenous children being checked by army.

Non-Indigenous children get abused too.

Aged pensioners feel targeted by quarantining when they don't have responsibility for children.

We don't need food vouchers, but our family has to use them.

It is that sort of feeling insulted and ashamed by what is happening to them and they do not understand why this has happened.

Some people are still scared and confused. In the second round of discussing how people felt about it they were still saying those sorts of things. Some have accepted it and there are some positives. There is better attendance at childcare, preschool and school. People agreed that that was the case. It was a good idea to employ more police. People have been feeling very fearful without having any form of law and order in their communities, especially the small ones. With removal of permits, the intervention mob came in and sacked the white people who were not doing their jobs. That was a positive outcome. Despite the fact that they did not appreciate the invasion they thought one of the good points was that some of those people that needed to go from communities were identified and have left, so that is not all bad. There were more people in work and less grog coming in.

I could go on, but those are the sorts of things that people were saying. It really is from the horse's mouth in terms of what people on the ground are experiencing. We do not get to hear that very often. We certainly do not get to hear childcare workers' viewpoints on very many issues. I hope that those ideas will be taken on board and treated seriously.

CHAIR—I am very interested that someone took the opportunity to have an evidence based study. It is terrific that you had that opportunity. You talked about the CDEP. Prior to the rollout of the intervention there was an understanding that the Commonwealth had provided a great deal of funding to the Territory to ensure that anybody who was on CDEP, who should have been either a local government employee, a Territory government employee or in fact a Commonwealth government employee, should have been paid a proper wage. From the people you spoke to was there any understanding that that was the case?

Dr Fasoli—No. In fact, people were cynical about the real job idea. What it meant in some communities was that we had eight people working in childcare learning to look after little kids and being trained up, but suddenly when it became a real job they lost workers because they could only afford to pay a certain number of workers compared with having more on CDEP. That was a consequence.

CHAIR—So, there were winners and losers rather than everybody being at this level?

Dr Fasoli—Yes. Most people had no idea. They were just confused about CDEP and what was going to happen to it.

CHAIR—I am interested in some of the methodology. Was there a group meeting from each area or from each course? What was the demographic that you were questioning? Did you question them as individuals by themselves or did you do it as a group?

Dr Fasoli—We were all in the same room but we had separate tutors that sat with small groups of people and language groups, because some of the people did not speak sufficient English to do a questionnaire.

CHAIR—Were the clan groups all together when they answered it?

Dr Fasoli—The language groups were together with interpreters. We also had a written survey for people who wanted to go off by themselves and write their stuff up. There was quite a wide

range of literacy capabilities amongst that group of people. It was variable—small groups, individuals and surveys.

CHAIR—Is it your intention to continue in that same way? Obviously, the methodology will remain the same. Do you have an intention to do it annually?

Dr Fasoli—We did not, but it sounds like a good idea. There is absolutely no reason why we could not do that.

CHAIR—Certainly those views from a similar sort of demographics over time would be very valuable. Thank you. Mr Anderson, with the challenges about the income management and people travelling to Batchelor, you mentioned both the travel and also some ancillary costs. I just wanted to clarify this. For the people who travelled to Batchelor is there no capacity as part of the course for travel? Do they have to travel on their own cognisance at all times to Batchelor?

Mr Anderson—No. There is an allocation for students to travel to and from their community to Batchelor for programs. It is just a matter of having personal money on them. I am not sure if you know, but most of the shops in Batchelor, apart from a couple of the small cafes, are not open after 6 pm. You are there for a two-week period and there is no real recreation so you probably want to go down and buy a soft drink, a chocolate or whatever. With a lot of the money left in the community with the family and half of the salary already quarantined a lot of people are left in a situation where—

CHAIR—They are leaving the cash component in the community and they obviously only have the basics card when they are at Batchelor.

Mr Anderson—Yes.

CHAIR—I just wanted to clarify that. When the changes came, in terms of demographic—obviously you are not only a business but somebody who knows the community changes very well—when you had some trend changes obviously people were not coming in and you have gone out and talked to them about why that is. Is there any capacity to become a bit more mobile, particularly in terms of the block workshops? Did you go back to the communities or move into the communities to try to deliver them outside of Batchelor and back into the communities? I know that is not necessarily mischievous, but some of the communities are obviously large enough to have that capacity and some are not. What changes have you made to try to deal with that?

Mr Anderson—There is the capacity to run workshops in the community, but not if there are only two or three people in a specific professional area. We need at least 10 to 12 people to make it viable for a staff member to be out there for a set time. There is also an opportunity for a cluster of different homelands and groups to come to that one centre.

Prof. Stephenson—We have a funding model for our NT VET delivery that is very much based on the number of people who attend. You would not find many registered training organisations sticking their hand up to go to far off remote communities on a promise that there are going to be people there and then turn around, come back and say, ‘That just cost us \$7,000 and there’s no training done. We haven’t met our targets once again.’ We have had to operate in

that environment for a long time, and at a point when it required us to negotiate in another way with a whole bunch of new people and new players in community. There is still settling down around that. We now have to talk with shires. Shires have a set idea on who they will support to go into training and who they will not. Often they are after the small freelance RTOs who just go out there and give training on how to drive a car or how to drive a grader. They will demand fairly specific, very focused jobs, but not necessarily qualification-level training.

We have had to amend our approach in some respects to deliver just skills set training. We just batch up some units that focus on a job rather than a qualification. That is a risk to us because suddenly our NT funding agency says, 'You're completion rates seem to have fallen out of the floor. You don't seem to be able to keep students in courses.' We will say, 'No. We can't afford to keep students in courses because the demand at the moment is purely about getting people with this set of skills through a limited set of units in order to make them effective.'

There is a fair bit going on in terms of the changes in demand and also the changes in ability to get training out to places. A lot of private providers are out there. Jobs Network agencies are dealing directly with them because all they need is one day's training, it is ticked off and that person is now employable perhaps in a very narrow field. We are fairly concerned about what that means to a group of people who already have had failings in their primary education and secondary education. We are now looking at a fairly narrow base for tertiary, particularly in the VET sector.

CHAIR—If this circumstance continues, if there were a change in policy—and I am assuming the policy still remains that ash hours are still the currency, notwithstanding the remote sort of little thing that never pays the bills and away it goes.

Prof. Stephenson—Yes, that is right.

CHAIR—If you can demonstrate that these circumstances are happening—and I have no reason to doubt it—if there were a package that said for profitability and what we would normally have here would be this many students, which would equal this many hours, the government could simply say, 'Here's the package. You deliver that package.' If there is perhaps a fall down in hours, if there were a contractual arrangement to deliver those packages, if required, it could still be profitable whether those people firstly complete and then attend. I know that people will frown about those things, but in the circumstances you have described that could be a potential policy in terms of the currency and the way we approach the currency of the training delivery that may provide some respite.

Prof. Stephenson—Yes. That is something that we have put forward for many years. NT government policy is not that; it is based on hours of delivery and therefore hours of attendance. At this stage there is no change in sight around that. However, there are smaller funding pools available to do relief delivery in very focused areas, but that is not for whole qualifications. There are two models of funding available. The dominant one is the one that is costing us a fortune, and the other one is the smaller pool where we can go in, deliver and come out and, whether there were five or 50 people there, our costs are covered.

CHAIR—The costs are covered, but it is a loss in effect?

Prof. Stephenson—It is still a loss, yes.

Mr Anderson—It also comes to the point whether that community is resourced well enough or in terms of matching that professional area, say, the building and construction area. A lot of those points also come into play if we are going to deliver in that community as well. It is whether we have the resources in that community, infrastructure and so forth.

CHAIR—Senator Moore.

Senator MOORE—I think Senator Siewert should go first.

CHAIR—Senator Siewert.

Senator SIEWERT—It is Senator Adams's area.

CHAIR—Senator Adams.

Senator ADAMS—As we have travelled around adult education has probably been one of our main concerns and the concern of the communities, with the younger men leaving school very early and then later on coming back and wanting to be educated so that they can get a real job. There seems to be no facility for that. Primary school up to year 10 are catered for, but after that there is this group of youth who really want to learn but do not want to be involved with the kids at school. They are men and the little kids, in a way, because they have been going to school, might be able to answer questions a lot better than them. They do not want to be embarrassed. But they have realised that they really are missing out and they have to learn, but there is no facility or no way to actually teach them. This is mainly the basics and not perhaps at the level that you are looking at. Obviously, you would have found that as you move around the communities, but what can be done in that respect? Is there any way that you can tailor a program that can get them up so that they can do these certificates?

Prof. Stephenson—One of the things that we are coming across more and more is a request to do VET in schools. You would be familiar with that phrase.

Senator ADAMS—Yes.

Prof. Stephenson—Unfortunately, our experience with that is that it is not always seen as the answer for us. In theory, it is providing an opportunity for people who are failing in school to go off and do some work-style study and then go into jobs from there. Sometimes when we deliver it we find that it is not just 15- or 16-year-old kids who come to it, it is actually 26-year-old kids who come to it. Their level of education is grade seven or eight and they have been out bush for a fair while in between so it has been a long time since they were studying. In some ways it has been framed up as something that will provide a pathway to better things, but often it is just holding them for a bit longer. A lot of students who enter that do not complete those programs either. It does not seem that those types of skill based training programs, that are seen as safety net, are particularly helpful because, once again, what is not part of them is the English language and literacy component. It is just about getting them into a workshop and teaching them how to drill holes, cut metal, weld or whatever it might be. It does not necessarily come packaged up with literacy and numeracy-type training hand in hand.

Senator ADAMS—Your university is saying that you have all of the extra money left over because you are not able to attract students to the different components that you are teaching.

Prof. Stephenson—We did not say we had leftover money.

Senator ADAMS—I thought you were saying that you have got money that has to go back.

Prof. Stephenson—No. It has to go back, but it has already been spent. We have travelled out. We have exhausted the bank account and we have not actually delivered on our funded hours.

Senator ADAMS—As I said, this is something that has arisen practically everywhere we have gone. Is there any way that you could package something up that would help these communities to get the people out, whether they are the young youth, the 26- to 30-year-olds or even adults? It really is an issue.

Prof. Stephenson—I will make a quick response and then hand over to Dr Fasoli with another part. One of the issues for us is that there has not only been a particular funding model; it is based on our utilising national training packages. They are training packages that are delivered, these days, in Victoria for education and training in Melbourne and other big cities. Five years ago, and even last year, there was still the last of the NT training qualifications floating around in the VET sector, and any Indigenous community training we did was largely an NT qualification designed for the Aboriginal community context. NT government stopped funding those, and the federal system has meant a national training package that has overridden all of those qualifications. We have to do a lot of work to make that sort of qualification fit into any of the world context of the people we work with, and so there are some big gaps in assumed knowledge that we need to overcome. A large part of it is for us to say, ‘How can we get that skill base established through our training and how else can we include in that the stuff that is necessary to be able to read the book, numeracy and literacy?’ There does not seem to be enough funding associated with numeracy and literacy training alongside skill development training.

Senator ADAMS—You are saying that there is no flexibility in the system?

Prof. Stephenson—We are talking about the VET sector. There is close to zero flexibility in the VET sector nationally.

Senator SIEWERT—We were told that in Victoria Crossing when we went to see some of the training delivery groups up there. We were told that they were having terrible trouble.

Prof. Stephenson—And our responsiveness as an organisation to new requests in the community is worse because of the requirements of setting up against a national training package to be funded for delivery into those places. One of the things if at all possible in this particular territory/jurisdiction would be an increase in the funding of non-accredited training that dealt with this context as opposed to Melbourne.

Senator ADAMS—That is obviously a huge need. I do not know whether the committee agrees it is a recommendation, but we have certainly had a lot of evidence along that line wherever we go.

Senator SIEWERT—And not just in the NT, either. In WA it is the same.

Mr Anderson—A lot of communities we have travelled to have virtually asked for all of the different trade areas to actually incorporate literacy with their programs so that they can understand the language of that profession as well. That does not seem to be happening. You have a lot of RTOs that are always keeping them separate in terms of the literacy programs running solely compared with the other programs, and never incorporating both.

Dr Fasoli—There are lots of good ideas blowing in the wind, but they have not necessarily registered on the practical level. One of the projects I have been working with CDU on, with Michael Christie and the University of Canberra, is called *Read English on the web*, which is an online literacy learning program for adults. It is very effective for helping people learn. It works as a bit of software and now it needs the content of courses put into it to enable people to learn, like you were saying, Mr Anderson, the language of your discipline. You are learning English, you are learning to read and you are learning what you need to know about your discipline.

The whole online business is ripe for use in remote communities. We have been trying for a number of years to get going, but it is no good to try to communicate when there is no receptor out there. Until there is better infrastructure around the internet and access to computers in remote communities, you can have all the wonderful online interactive units here that you want, but there is not going to be any way for people to use them.

One of the communities that I have been working with at Atitjere has been waiting for their internet café, which is a wonderful initiative, for nearly two years. All is needed is a technician to come out and screw some wires together. That has been happening all over the place. Internet connectivity would clearly ramp up what could happen in remote communities. In my experience, the minute Indigenous people get on the internet and computers they learn very quickly. It is not hard.

The other thing is the relevance of training packages. In terms of the human services industry, if I have to call it that, there is a lot of competence that is not recognised in a national training package that is required to work in a remote Indigenous community. Obviously the area I know most about is children's services, but also education. The best people to work with kids are the local people. They are the people we want trained so that they will stay there and be the educators of the future. But a percentage of their competence is not registered in a national training package. It is just not there, because it is not seen as relevant. I am thinking about knowing about relationships, understanding how to behave with children in a way that is culturally appropriate, understanding child rearing values and child rearing approaches from both a Western and Indigenous perspective so that children grow up not only to be educated but also to be strong Indigenous people; that they are not just assimilated. That is one of the problems with a lot of early childhood courses where basically the thrust is so much on literacy, numeracy and learning how to look after children properly from a Western perspective. Indigenous people know how to look after children properly from an Indigenous perspective. There is a lot we could learn if those competencies were included.

That whole business needs to be looked at again and I think probably the only way it could happen is to go back to NT qualifications rather than the national training package. Some 35 per cent to 40 per cent of our kids that are Indigenous, so 35 per cent to 40 per cent of what we are

doing should have an Indigenous flavour to it. It should have Indigenous values and views underpinning it, and not just the mainstream. There is not a single Indigenous parent or childcare worker that I know who does not want their child to learn to read and write. I am sure you have heard that over and over again. They want their kids to get an education, but not at the expenses of their identities, and I think that is fair enough.

CHAIR—Just a point of clarification, are you saying that it is of benefit to expand the competencies to include the Indigenous child rearing elements; that it is to the benefit of our wider community in understanding those sorts of things?

Dr Fasoli—In particular non-Indigenous people who come to work in those communities need to have those competencies.

CHAIR—That is more targeted at people who intend to work in the communities rather than to advance any of the circumstances in the community itself?

Dr Fasoli—I would say it would enrich our community.

CHAIR—Yes, indeed. Thank you.

Dr Fasoli—And the wider community as well.

Mr Anderson—In your discussions at the different places that you have been to have any of the groups linked to Aboriginal or Indigenous education and training talked about the importance of succession planning and their concerns in those areas?

Senator MOORE—Not to a great extent. Probably the real jobs coming online has made people really start to think, ‘I want to get a real job, but I can’t because I don’t know this and don’t know that.’ All of a sudden there has been this great interest. You commented on computers. I think that young men find it is an interaction with a computer. It is not sitting in a class where someone might be smarter than them and make them look foolish because they do not understand. The computer is talking to them, they feel really at ease with it because it is not a threat and they are not going to be embarrassed. This seemed to be coming up when we spoke to some of the young men. They really enjoyed the computer, but there were not enough computers and there was no-one there to teach them, so they had to teach themselves. This seemed to be accentuated wherever we went. We are also getting the young mums wanting to get themselves up so they can get a job in the store or something like that. As these job opportunities come up there is going to be more and more demand for some basic numeracy and literacy so that they can actually compete.

We have found at Hermannsburg that the ranger program goes through CDEP and then there are real jobs available, but they have to compete with everyone else outside. They are trained in how to apply for the job, do all this sort of thing, and then when they actually get a job it is a terrific role model to the others coming along. This is what is really accentuating the need to learn and wanting to learn. Once you get someone wanting to learn there is a huge difference from someone being dragged along when they do not want to learn. There is a big opening there, but once again the flexibility of the program is your problem.

Senator SIEWERT—It has also been raised that some of the older people are concerned that there are no younger people coming through to take over. They have not been trained. It has been said to me a number of times that there is not a lot of training in leadership, and some of the leaders are concerned that there is not the next generation of leaders coming through. We have had that said to us a number of times.

CHAIR—Thank you for providing your evidence today. As you can see, we have gone over time. That is probably a function of our interest in this matter. This is a select standing committee; it does not have an end until the end of parliament, so you may receive some questions on notice through the secretariat.

Prof. Stephenson—Thank you for your time.

[4.39 pm]

ELDRIDGE, Ms Ilana, Chief Executive Officer, Larrakia National Aboriginal Corporation

HOLMES, Dr Catherine Ann, Principal Researcher, Larrakia Nation Aboriginal Corporation

CHAIR—Welcome and thank you for your attendance this afternoon. Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you. I now invite you to make a short opening statement or statements and then I will put it to questions from the committee.

Ms Eldridge—The Larrakia Nation has been in operation for 10 years this year. It was originally formed to represent the Larrakia community, the descendents of the original inhabitants of the Darwin region. It is the peak representative body of the majority of the Larrakia community. It has represented people on matters pertaining to land rights and continues to operate effectively as the cultural authority on country. We currently have 89 staff, 80 of whom are Indigenous. Of those 80 Indigenous staff, half are Larrakia people.

The organisation effectively runs 13 specific programs. Four of those programs focus on service delivery to the Larrakia people and the rest of them, nine or so, are mainstream. They are programs that provide critical care services to Indigenous people throughout the Northern Territory and largely those who are experiencing homelessness, the majority of whom are from the remote regions and live rough on the streets of Darwin and Palmerston.

Specifically the programs we provide include an outreach model of service delivery, with the additional focus from the Northern Territory government's perspective who fund the majority of those programs, of addressing antisocial behaviour. That is not how we see it, but that is a policy area which attracts the funding to run the programs that we provide. Of those programs and services we have the intervention and transport service, which has seven staff and all day drives around assisting people who are living rough in Darwin. It links them up to the various services available to them in the Darwin area, including some of our own services, such as a Return to Country program, which provides user pays one-way travel from Darwin back to the remote communities. We also have a proof of ID service, which provides high integrity photographic identification for Indigenous people and this is what enables them access to all Centrelink services, financial services and any other sort of service, commercial travel, for example, that you need ID for. This was a significant gap for a long time contributing to disadvantage. We would estimate that roughly 60 per cent of the adult population of the Northern Territory are in receipt of the Larrakia Nation's ID card.

We also have a night patrol service which effectively picks up people around the Darwin and Palmerston area who are intoxicated and at risk of hurting either themselves or others. We take these people to either a place to stay or the sobering up shelter, or as a last resort, and not very often, the watch-house if there is a violence issue. More than 90 per cent of the clients that we are dealing with on any given night are taken to public housing tenancies, and the vast majority

of those tenancies are not their own tenancies but the tenancies of family who are living in Darwin.

We also have a program called HEAL, Healthy Engagement and Assistance in the Long-grass. This addresses the adverse impacts of stigma on health and wellbeing. It does it with a two-pronged approach, by raising awareness of the issue of homelessness amongst the broader community and also providing practical assistance to link people to medical services. On any given night in Darwin there would be 2,000 people classified as primary homeless, living rough in Darwin, and you could estimate up to another 3,000 who would be classified secondary or tertiary homeless.

In around August 2007, soon after the Northern Territory emergency response was announced, our staff noticed a dramatic increase in the number of people in Darwin. This prompted us to seek some funds to do a research project. Oxfam funded a small preliminary research to look into unintended consequences of the Northern Territory's emergency response. That research found that primary Aboriginal homelessness in Darwin increased definitely as a consequence of the emergency response by a minimum of 20 per cent. That is a 20 per cent increase in people who determined that they were here to live in Darwin and never to go back to their community of origin. This research was provided in full, along with orally delivered evidence to the review into the NTER, and I think it was quoted in their findings.

This research also led us to the establishment of a research division, which has dramatically enhanced the intellectual capacity across the program areas of the Larrakia Nation and also enabled us to take on a much larger study. The present research, which has just finished, was handed to the funding agencies three days ago. Because of contractual obligations with the funders, we are not able to give you the results today. However, I would like to request that this inquiry write to NDLERF, the National Drug Law Enforcement Research Fund, a major funder of the research, to access a confidential copy, because the findings are quite stark and shocking. I think it would be useful for you to read them.

Senator SIEWERT—Will that be publicly released at some stage?

Ms Eldridge—Yes.

Dr Holmes—They want to publish it. They do not want that document released before they launch and publish it.

Senator SIEWERT—When is that likely to be?

Dr Holmes—They are in a review process at the moment. Once they finish doing that they will then publish it. They have indicated that, if they were to receive a letter from this inquiry, that might make that review process go a little quicker.

CHAIR—We are always reluctant to accept confidential information, because effectively we cannot use it. It will inform ourselves, but it will not allow us to make a recommendation based on that or to really utilise it to its fullest extent. We will obviously ask in the letter if that is possible. We will certainly send a letter and do our best.

Ms Eldridge—Today we are only able to comment on the Larrakia Nation service delivery. Effectively, all of our services had steady growth in usage. We had quite a steep growth since July 2007. For example, with our proof of ID service, from July to September 2006, 400 proof of ID cards were issued, over that six-month period, compared with January to March 2009, when over 1,000 proof of ID cards were issued. With our night patrol service, in July 2008, 650 clients were assisted, yet in February, March and April this year between 1,500 and 1,900 clients were being assisted each month.

I just want to reiterate the point that I made earlier about the impact that has on public housing tenancies, which are Indigenous tenancies. The majority of the clients of the night patrol service are Indigenous. It is something like 98 per cent. A family member who is an Indigenous person may have been living in a public housing tenancy for some years and their tenancy is most definitely put at risk with the rising levels of visitation from bush relatives.

Our HEAL program cannot keep up with demand for existing activities, so we are not able to expand on existing services or fulfil the planned services that we intended to incorporate, and our Return to Country program has seen a sharp upward trend, which equals increased Aboriginal mobility. The Return to Country has at least doubled, if not trebled, in output over the past three years.

We recognise that there is a range of possible explanations for this growth in usage patterns across our service areas. As such, we cannot be definitive about the conclusions that we draw from this data alone. However, the increased service usage definitely suggests a sustained growth in the number of internally displaced people from the Northern Territory here in Darwin. Our outreach and field staff observed an increased number of internally displaced individuals and people staying in the long grass, and consistently so. There is really nowhere for this population to go. Private rental is not an option at all. The public housing waiting list is roughly three years. Mostly these clients are unlikely to meet the requirements of public housing or have the capacity, currently, to sustain a tenancy. All of the hostels are consistently full. We have our staff ring every Aboriginal hostel every day to see if there are places available and they are consistently full. Even marginal housing in caravan parks is not able to be accessed by individuals who are receiving Centrelink payments as their primary source of income, which excludes Indigenous people and is now excluding white homeless people also. We are more and more starting to service non-Indigenous clients, by the way, who also live in the long grass.

The issue of housing and lack of accommodation is the critical and overriding gap in service delivery that we consistently face, coupled with increased mobility leading to long-term homelessness and the commensurate breakdown in health and wellbeing for large numbers of the Indigenous population. That is what is occurring and it is a chronic situation.

The other issue is that the current housing policy prohibits Indigenous employment in many ways. For example, it would be fair to say that the majority of Territory housing clients would be single mothers with children. When the children are at an age, even if they can secure a childcare place, for the mother to go back to work the amount of money that they are able to earn dramatically impacts the rent that they pay and also their ability to get any subsidised childcare. We have staff at the Larrakia Nation requesting a cut in pay so that they can continue to access childcare and also so that the rent does not become too high in their public housing tenancy. Effectively you do not have a flow through of public housing tenancies moving into a private

rental situation, thereby freeing up public housing stock for the rising numbers of public housing tenants coming into Darwin. I think that is probably a policy area that deserves some attention.

To sum up before you ask me questions, the Northern Territory emergency response is not the only structural driver of Aboriginal homelessness in Darwin. However, it appears to have had a very significant impact on Aboriginal homelessness and is contrary to the stated goals of the national homeless strategy, the Road Home, and the Closing the Gap strategies on Aboriginal disadvantage.

CHAIR—I understand from our previous conversation that you are not able to divulge any particular details of the survey, but if you are able to generally then you will soon tell me. You have made the connection between the intervention and homelessness. I am assuming it is simply because people are escaping the new rules that exist where they previously resided. Is that why there is now an increase in homelessness in Darwin or is it simply people in Darwin who have shifted for whatever the aspect of the intervention or the consequences of that from homes into homelessness?

Ms Eldridge—I do not think that it is fair to say that the key reason is people escaping the rules of the intervention. That may be the case for some. Some would be here definitely to access alcohol, because they no longer can in some of the communities. The impact of the emergency response has created a whole new level of stress, fear and worry in people's lives and that is one factor leading to increased mobility.

CHAIR—So, because of these feelings of stress they leave their communities to go to somewhere where they have no support? Perhaps you could explain to us why that would be the motive to leave a community and go somewhere there is no support and you do not even have a home? I am sorry, I am trying to make that connection. You might be able to help me with that.

Ms Eldridge—I can give you a broad picture of some of the results of the research. Increasing numbers of new arrivals into homelessness in Darwin are people who would be classified as aged Indigenous people. They are over the age of 45, and a key contributor to leaving is to escape violence in their home communities. When they come to Darwin it might initially be to come for a short period of respite—a short time—but research shows that after a certain period, around three months, the possibility of getting out of a system of entrenched homelessness diminishes very quickly, so people quickly fall into a cycle of permanent homelessness where their life quality and opportunity for health and wellbeing is dramatically reduced. Given that Indigenous life expectancy, particularly Indigenous men, currently sits at 47, many of these people will not reach aged pension age. I have to say that in the situation for large numbers of Indigenous Territorians that is an issue of a great lack of equality. These people, effectively, should be offered or eligible for service delivery for the rest of their lives. Because of the state of their health, if they were housed and assessed, they would qualify for aged care, CACP or HACC based services.

CHAIR—Thank you for that. I think you have filled a lot of gaps. As to the connection between violence in the community and escaping violence in the community and the intervention simultaneously, can you just join the dots?

Ms Eldridge—Without breaking contractual obligations, I would like to reiterate the increased stress levels that people have. Potentially the income management, while it may work for some Indigenous people—

Senator SIEWERT—Is that a stress?

Ms Eldridge—A stress.

Senator SIEWERT—People that are coming into town now, after 23 June 2006, are income quarantined anyway. They are not escaping income quarantine by coming into town, are they?

Ms Eldridge—No.

Senator SIEWERT—Are they stressed because of that?

CHAIR—When I talked about stress it was the violence that I was concerned about. I can understand many of the reasons for the mobility, and I think you have articulated those very well. I am quite happy to accept that you were simply reflecting on information you have received in the research, and no doubt we will have a look at that when it arrives. I appreciate the difficulty of prescriptively answering my question.

Ms Eldridge—I could probably add to that. There are a number of people in Aboriginal communities who are older who are under increased pressure to provide the little cash that they have to other people. That is very stressful and contributing to an increased amount of family problems, which often includes violence. People are escaping that and coming here into Darwin as a sanctuary. I think that raises as many questions about where they have come from as to where they are going.

CHAIR—Interestingly, others have told us that for the first time they can have 50 per cent of it for food to eat, because the humbug used to take 100 per cent. We have had lots of different evidence on those things. Senator Siewert, would you like to continue?

Senator SIEWERT—Yes. I would like to follow up on the demographics—I presume that is the right word—of the people moving into long grass. I understand from what you have said that it is predominantly aged people or are you noticing more aged people and there are still some younger people in there as well?

Ms Eldridge—It is predominantly aged people.

Senator SIEWERT—Just picking up on what you said, they should be able to access aged care services?

Ms Eldridge—Yes. An Indigenous person who is 45, generally.

Senator SIEWERT—If you take the 17-year age gap into account.

Dr Holmes—And add the homes to it as well. Many of these people need lifelong support. Previous research has shown, quite clearly, particularly through qualitative studies, that the

exposure that individuals have in the long grass—people who are staying in the long grass now—have had a very high level of exposure to trauma prior to their homelessness and that continues on during homelessness. It is certainly an inhospitable urban environment that people are living in and the reality is that you do get raped, you do get assaulted and it is a place that you really need to be on guard. It is very difficult.

Ms Eldridge—Effectively, to be homeless in Darwin is to be fairly constantly breaching the law, council bylaws and Territory legislation about where you can or cannot sleep. There are new services that have been set up entirely devoted to moving people on. People are more and more finding out of the way places, like in the middle of mangroves, where they cannot be easily found, which further increases their vulnerability to ill health, just to get the daily needs of food and water, when you are avoiding being moved on by police or other services. Their quality of life is awful.

Senator SIEWERT—Do the increases in the call on your services directly relate to when the intervention started?

Ms Eldridge—When the intervention started there was such a stark and obvious increase in the number of people. That led us to develop a research division, which is doing careful and sound research on a population that has not been researched much before. However, it is not fair to say that it is all due to the NTER and that is why they did it. There are other impacting issues, such as the increase in the Indigenous population, in general, as well as the cumulative effects of colonisation and poverty. Every Territorian has the right to visit their capital city—and they do—but the problem is that most of them cannot afford anywhere to stay while they are here and are forced into lawlessness as a result.

Senator SIEWERT—The Return to Country sounds like it is a successful program.

Ms Eldridge—Yes. It is a very useful and very practical program. As I said, it is a program that is user pays. We are fitted into the Indigenous economy. It is a program whereby a person accesses service, we pay up front for that service and then they repay that through Centrepay deductions from their Centrelink payments. They can take as long as they need to repay it, so there is not a fixed amount of repayment. Women with children, in particular, will fit it into their budget. For example, ‘Every three months I’ve paid off my last one. I can afford now to come back to Darwin and I know that I can get home.’

Senator SIEWERT—You have people who are using that service on a regular basis to come into town and then go?

Ms Eldridge—Yes. There are others that would use it once in a five-year period.

Dr Holmes—The Return to Country really captures mobility. The clients that are accessing that service are clients from the long grass but also other people who are here in town staying with family and friends. It does not necessary reflect, on its own, high numbers of people that are moving in and out of the long grass.

Senator SIEWERT—Thank you.

Senator MOORE—Do the ACAT teams become involved with the older people?

Ms Eldridge—No, not yet, although I think there may be need for them to do that in the very near future, given policy change that hospitals cannot discharge people into homelessness anymore. Our Healthy Engagement and Assistance in the Long-grass program, our HEAL program, works with discharge planners at the hospital and we will provide some sort of backup/follow-up assistance for people who have been recently discharged—some wound dressing or transport to appointments and that kind of thing.

We have started discussions with both Territory and federal Department of Ageing staff to explore the possibility of providing outreach aged care services for this population. We currently have an aged care program that runs 12 HACC services and a number of CACP places, but we have 50 clients effectively. We do meals on wheels, in-home support and the whole aged care service delivery.

Senator ADAMS—What type of residential aged care for Indigenous people is available in Darwin?

Ms Eldridge—There is very limited opportunity. That, again, is one of the things that ties up public housing for a long time. There is one specialist aged care place. We try very hard to keep our clients out of there for as long as possible, because it is locally known as where you go to die. Our objective is to keep our clients in their homes for as long as possible. There are a couple of private retirement places. A new one is being built. None of them is Indigenous specific. An Indigenous aged care residential place does not exist that has the necessary cultural appropriateness as yet. There is not one.

Senator ADAMS—We are talking about people in the long grass, so they do not have homes.

Ms Eldridge—It is not just people in the long grass. Many of our existing clients in our aged care service are people from remote communities originally who have been living in Darwin for quite some time. They face a whole heap of problems with visitation from family members, and on several occasions have faced eviction because of that visitation. Culturally they cannot deny someone from their family access to their place. These people should not be in the housing that they are in. They should be in somewhere more appropriate for their needs.

Senator ADAMS—Is there any future planning other than Darwin? Have you talked to the town council about putting more public housing in for the aged to actually access?

Ms Eldridge—There is a significant amount of new funds through the recent homelessness reports. I guess the Northern Territory, like everywhere else, is eligible for one new aged care place per state and territory for the next five years. We would certainly like to see an Indigenous centre being at the top of the list, because the number of housing tenancies that would become available would be quite significant.

CHAIR—What significant differences would you see or identify? There are the cultural differences up to and including that. We have always got a challenge in aged care, but what sorts of differences? There are places like Old Timers in Alice Springs. I am not saying that is a

similar demographic, but they seem to operate with both white and black people who use it and are obviously quite happy with the facility.

Ms Eldridge—From the feedback that we get from our aged care clients, an overriding issue is loneliness and access to social activities. It needs to be a place where family members and the broader community are welcome to come and visit and there is a flow through of interaction and social interaction, as well as a level of medical care on site. It is not hugely different except that people probably prefer to have an indoor-outdoor lifestyle and access to communal areas where family are welcome to come and socialise.

CHAIR—It does not sound like a great differential from how you have described it.

Ms Eldridge—Not a huge difference, no. The feedback, particularly from Larrakia elders who are saltwater people, is that they would like to have access to salt water.

CHAIR—It sounds to me like a management rather than an infrastructure. Apart from the placement and perhaps the level of amenity there it would be really not much different, but how you manage access and those sorts of things would perhaps be the critical difference?

Ms Eldridge—Yes. The aspiration should be for Indigenous to self-manage their infrastructure into the future. They have their own way of doing things. We should be facilitating that as best we can.

CHAIR—Thank you for providing your evidence today. We will be chasing up that research. Thank you for the opportunity to provide it to the committee.

Senator SIEWERT—Once we have seen the research we may want to put questions on notice to you about the research.

CHAIR—Indeed. Again, if it is provided to us in a confidential sense the responses in terms of the questions on notice would have to remain so. We acknowledge all of that and there are lots of wonderful provisions that will be provided to us and to the secretariat to maintain the confidentiality. As you have said, that will be up to those people who own the intellectual property.

Senator SIEWERT—Are we talking months before it is publicly release?

Ms Eldridge—No, a couple of weeks I think.

Dr Holmes—They will do their review and then they want to get it printed, bound and launched here in Darwin.

Senator SIEWERT—It will be a month or two?

Dr Holmes—Before it is released.

Senator SIEWERT—It is not six months down the track?

Ms Eldridge—No.

Dr Holmes—We hope not.

CHAIR—There may be other questions that will be provided to you on notice through the secretariat. Thank you, again, for the provision of your evidence today.

[5.14 pm]

FERGUSON, Mr Martin, Acacia Larrakia Community

JEFFREY, Mr Joseph, Community Member, Acacia Larrakia Community

JEFFREY, Ms Kathleen, Community Member, Acacia Larrakia Community

CHAIR—I now welcome representatives from the Acacia Larrakia Community.

Mr Jeffrey—My name is Joe Jeffrey. I am living out on Acacia Larakia community. My wife, Kathleen, is a traditional owner. My family group is Woolwonga mob from Pine Creek. We have been together for over 30 years and we have come to express some stuff about intervention problems that we face.

CHAIR—Thank you. Information on parliamentary privilege and the protection of witnesses and evidence has been previously provided to you. I now invite you to make some opening remarks or statements about the issues that you want to bring before the committee today. When you have finished those remarks we will ask some questions.

Mr Jeffrey—I would like to thank you for giving us the opportunity to come and talk to you. There is a lot of stuff that we fail to see in the intervention. We have a lot of internal problems in our community with family groups arguing over what is happening and where we are going. Since the intervention came on board we went back 10 years. We are not going forward, we are going backwards. Our families are losing jobs, so most of our mob are moving round. We are not really based back at our community. We love our community and respect it. We do a lot of things. There is a lot of stuff that is not in place that should be in place. We have a government business manager that works on the community. His name is Don. He has done a lot of stuff for us. We had a previous GBM who did a lot of things that helped us get some stuff and funds from the ICC. We are concerned about the job aspect of our community. Our functioning body, which is our administrative arm, is non-existent since it came on board. It is just not running at all. We have problems in relaying messages and getting to these sorts of forums so that we can express our concerns.

Looking at the problems that we face with the intervention, it is really hard with the income management with half of our families. Some of our mob has got jobs. There are arguments between each other because one has a job and the other has not got a job. There are a lot of bad feelings between the family groups. We need to work around that and bring that back to being strong as a team. I think they have taken our powers off us as the leaders of our communities and that needs to be put back in place. We talk strong for our people. Our community is pretty proactive. We have a lot of things that are happening in the community, like building fences and the night patrol. We have got five ranger mobs working for the Caring for Country unit, which is really good. That has been coming for the last seven years and only in the last 12 months has actually hit the ground where we have full-time employment.

The problem is that some of the families missed out on the vote for the jobs side of it because the government only had so many positions for each group that was in the ranger groups—Caring for Country. This is causing a lot of headaches in our community. We do not have an administrative arm at all—before the intervention we did—to receive calls and send out messages. It is not there. Our funding body is non-existent. We are losing a hell of a lot of stuff that we can get.

We are trying to get an economic basis in the community and we cannot do that if our hands are tied all the time. We need to move forward. We need real jobs in the community. We have a lot of young people and what is happening in this present time is that they are starting to feel like they are not wanted and they are moving into the town, which is putting more pressure on to the town. To get them back we have to try to create some sort of job. We are sick of training. I have been training since I was 17. Let us get real job placements and train as you do your job. Not, 'You do the training and then we may have a job for you in the future.' It has got to be turned around. The government has got to come halfway with us and start putting jobs back on the ground. These are our concerns.

We have a nutrition program that is really non-existent because the families are supposed to put in so much money per child, and that is not happening. We have got to put those things back in place. We are talking about children being sacred. Where are we going? Where not protecting the kids. There is the outstation movement. There are other places around us that are cousins to us. They are going to be chunked off the board. They are not even going to have a homeland to go to. On behalf of them, we are putting in our point of view; if you are going to close down these outstations, where are all the people going to be? They are going to be in the town, living on the beaches. We need to create jobs back on our community. Don't keep doing training. We have that much training. We are sick of that training work. Get real job placements and put us through the system so we can think.

The night patrol is another big issue. Our community has been running for 30 years. We have never had one domestic problem. We have never had a rape. There has never been a murder. We are still under the intervention. We do not own the night patrol. It is run by another company. Why is that not ours? Why are we not creating jobs for our mob on our community? Why do we not have the administrative arm working for us? There are these questions. We are paying a bit more money. One part in this book says they spent \$400 and something million in the last financial year. Who did they spend it on? They never spent it on us. If you were to use that \$400 and something million there would be more houses. There would be jobs created on communities. You've got a town full of people that are coming from outstations. You know why? They are not wanted out there. Do you know what I mean? It is because there is nothing to look forward to, just CDEP training. Please, give us an opportunity to get real jobs on our community and push forward. If you want us to be strong then give us back our responsibility. Give us back our powers as leaders.

The intervention with this money management is the biggest hiccup. Our kids go to school every day. We get a bus there. Our mob make sure that the kids get on the school bus, get to school and get home. Some communities need that support where their kids are not attending school, but what has happened is that we have all been chunked in the same bucket and tarred with the same stuff. There are some communities that are trying to go forward, but because of the intervention we are knocked back 10 years. We have all this training. We have young kids

that can use computers. We have got everything, but then we come to a brick wall again—restart. When are we going to get a fair go and when are they going to put some money into the community to help them function and move ahead? You have still got to have your GBM to help guide you in the directions, but please give us a chance to prove that we can go forward.

CHAIR—Thank you. I have a few questions of clarification behind some of the reasons why you are in this circumstance. I will slip through some of those and then go to my colleagues. Just briefly, you talked about the intervention, the administrative arm not working and a tie there between the two. What do you think the reasons are that your administrative arm is now non-existent? What things took over?

Mr Jeffrey—There is no capital budget. There is no administrative budget. We are relying on the GBM to do all our follow-ups. Before the GBM was there we were doing all of that stuff ourselves.

CHAIR—It collapsed because a GBM was supposed to be doing it, or he was supposed to be taking over it?

Mr Jeffrey—Yes. What he should be doing is working with the community to help build our capacity up to say, ‘We don’t need you mob anymore. We want to move forward.’

CHAIR—You are pretty good at putting your view forward. When you talk to the GBM, and I hope you have, about this you are saying, ‘Look, mate, what are we going to do about having our own group back again because obviously this is not going right?’, has he been able to put meetings together to try to help to resolve that or rebuild that? Have you asked him to?

Mr Jeffrey—It is because there is conflict in our community. That is something that happens with Aboriginal people all their life. This has been travelling with us, but as part of that you still have to move forward. Don is trying to balance the two sides and it is really hard to try to balance two sides of family groups that have a conflict between each other.

CHAIR—I am not putting words in your mouth. I am trying to understand completely. When the intervention came in only some of the people had jobs so they did not get quarantined. The people who did not have a job did and that has added to it; is that right?

Mr Jeffrey—We all got quarantined when they cut all our jobs off and put us on income management and put us all back on Centrelink.

Senator SIEWERT—You were kicked off CDEP?

Mr Jeffrey—Yes.

CHAIR—You were CDEP workers. You went off CDEP and back on to Centrelink?

Mr Jeffrey—We got kicked off.

CHAIR—Now I understand. It is really important to have a look at the motives and the things behind that and try to explore those. What sorts of jobs did you use to do in the community that

are still important now, and from the training that you have done what stuff happens in the community that you guys think you should be doing?

Mr Jeffrey—There is a range of stuff. There is the ranger group. There is the repairs and maintenance group, which fixes houses. If we send a bloke from town to the bush, he gets \$800 to come and put a door on. Why is the community not taking the cost of that down to \$200 and we are doing our own works? It is those sorts of things. You are trying to save buckets of money. How can you do that when you are weighing yourself down here and these mob are not getting anything?

CHAIR—I appreciate that. You talked about the outstations being possibly removed from the board and not getting a say anymore. That is your cousins from the outstations. Can you tell me what was the event that makes them feel that they have been moved off the board or they have left the board? What do you think made that happen?

Mr Jeffrey—It is just the announcement that happened the other day that they are not going to fund outstations.

CHAIR—Are they now worried?

Mr Jeffrey—They are worried that they have to move into the town system. We have the biggest problem in Darwin with that.

CHAIR—I appreciate that. This is just a statement of fact. I think that when the media release went out they said that they would maintain the \$36 million to outstations, but they were not going to build on it. Sometimes we are very poor communicators. It is not my position to defend that or otherwise, but I just thought that I would qualify it.

Mr Jeffrey—As we move forward we want our families to be all there. They are in different areas and they have moved back to country to get out of the problem with drugs and grog in town. They have moved back to their homeland to get away from that stuff, but as they are making it it is pulling us back in. Your social and your economical side are back in the gutter again.

CHAIR—You said that some other mob does night patrol. There are two reasons. You say one is that you probably do not need it in your good community, or whatever, but they are jobs. How did the other mob get the job? Did it go to tender?

Mr Jeffrey—No. You might have to ask your state manager who is in power. I was talking with Ron and Stacy, because I had a lot of communication with him. I have had a few discussions when the meetings came up. Part of that is when they come into the community on our problem we face it, and not them. A lot of these things are not happening. I go to work and I work hard. I like to come home, and every now and again—not every day—I would like to sit back on my veranda and have a beer, but I can't because we're lobbed with this problem. It is a problem. There are problems in our area. I know that. I am not trying to defend that. But please start packaging the thing to say, 'This community can manage themselves.' Have a review into that so that we know that we get a better idea of who is out of the picture. I am not trying to say that my cousin's mob is bad. I am just saying to build them back to the capacity of getting back

on track. Bringing the mob from town back into the bush creates jobs back there. Not training. We must be the most trained people in the world, mate. I have about 30 tickets there and I can't even use one of them. Do you know what I mean? Do you know what I mean?

CHAIR—I do.

Mr Jeffrey—All of us have been through the same training.

CHAIR—You have made it very clear. Thank you.

Senator MOORE—You said from the start of your contribution that you wanted jobs. What sorts of jobs?

Mr Jeffrey—There are all sorts of things. There is municipal services, which is like the city councils does—cleaning, mowing around yards and planting trees. Then you have got your repairs and maintenance crews that go around and fix houses. You have a maintenance officer that tells you to go and do this and that. You then have your administrative arm, which runs your affairs with your coordinator. If we do not have those things in place they are blown out of the water. As to the capacity of our community, we have to pay for our town water. No-one pays for that. It is actually supplied to us, but we have to find the money to pay for it.

Senator MOORE—I do apologise. I do not know where your community is.

Mr Jeffrey—Acacia Larrakia community.

Senator MOORE—Is that close to Darwin?

Mr Jeffrey—One hundred kilometres out.

Senator MOORE—Do they operate under a shire? Do they have a shire arrangement?

Mr Jeffrey—Litchfield Shire has taken the hands of one and then the other one.

Senator MOORE—The new shire is Litchfield, which takes in your area. All of the things that you have talked about, the municipal areas, landscaping and the jobs that you talk about, my understanding is they would all be shire jobs now. Is that how you would see it?

Mr Jeffrey—Yes, but the community has taken a big role of managing these things. If you do not go to work then you do not get paid. Put those policies back on the lines. We have only got CDEP workers, which is working for the dole. We are still hard on them, docking them and that. Really, they are only getting CDEP wages—\$480 a fortnight—and then you quarantine half of that. How do we try to make ends meet? All our families are suffering the same problem.

They are now talking about rent, which is another issue that I would really like to put forward to you. The community houses were given to us as special purpose grants. Today the government is saying that those houses belong to the federal and Commonwealth government and they want to put the housing board back on the planet and start charging \$240 a fortnight. How does that compensate the people who are only getting \$480 a fortnight? What are they eating? We are

talking about the kids that have no food. Social security takes that quarantined money; it goes to your rent. And then there is your power. What money have you got left? We need more wage components in the community to build the capacity of us mob trying to do something. I cannot keep telling my families to keep working for free, because we have been doing it for the last 18 years. Eighteen hours or 16 hours doing this and doing that, just to keep our community alive. We need the support of the government to come and say, 'All right. Let's have a fair go.' We are willing to have a fair go. Give us a chance and give us real jobs. Get our young mob interested, because they are the next step to the future. Us mob, we stand to keep them together, but they need to be strong to go further.

I just wanted to touch on housing. As far as I am concerned, the houses belong to us. We have been in those houses over 30 years now. How long does it take to buy a house in the urban areas? Is it 20 years?

CHAIR—Yes.

Mr Jeffrey—Why are we still paying rent after 30 years of rent? Who is getting that money? Why don't we own our houses by now? I have asked Jenny Macklin. I have asked Warren Snowdon. They have not come back with an answer. This is over one year. I am on the Indigenous reference board, too. I get around to see a lot of things happening in other communities and their problems. They have similar problems that we face. Peter Yu was supposed to do a report which in here says, 'We can't get it out to your mob until October.' That expresses exactly what we are talking about and the problems that we are facing in our community. Until we get them right we are not going to move forward. We are going to be just like cattle being led around.

CHAIR—Just another point of clarification. You have paid rent in the past over a 30-year period?

Mr Jeffrey—Yes.

CHAIR—Is that under your original housing association?

Mr Jeffrey—Yes, under our community association when IHANT was on board.

CHAIR—Thank you. Senator Siewert.

Senator SIEWERT—Through the intervention have there been any new houses or any maintenance done on housing?

Mr Jeffrey—No. We have got the fast response maintenance, which just comes in and makes sure the electrical is up. They then said, 'We're going to paint your houses.' We said, 'Yes!' What did they do? They gave us paint to paint the outside so it would look good when you were driving past. It made it look all nice, but when you walk inside the houses, they are 30 years old. Come on! If they want to be fair. This is a training component, but they get money to make us do the work. For however many participants they get on they get a tick and bonuses. How is that helping us?

Senator SIEWERT—Has anybody come and spoken to you around the rent issue?

Mr Jeffrey—Yes.

Senator SIEWERT—This morning we heard about the rent framework, which is what is being developed about how much you are going to pay.

Mr Jeffrey—We have done that with Yilli housing. I am sorry about calling their name out. We had a meeting with the whole lot and the government business manager. The federal and Commonwealth government sent two representatives and I really sat them down and told them, ‘Listen, hang on. You talk about us mob owing you money and all this stuff. That’s crazy!’

Senator SIEWERT—Did they tell you how much you have to pay?

Mr Jeffrey—Yes. They say so much per room. My wife and I moved downstairs because it is hard for us to get up and down the stairs, so I have built all underneath out of my own money. They want us to pay, because it is a five-bedroom, \$60 per room. Now work that out.

Senator SIEWERT—Per week?

Mr Jeffrey—Per fortnight. They are trying to push renovations on us now. There is \$1 million over a five-year period, but they can spend it all in one go and then you get additional funds maybe to keep them up and running. We are in a sad situation, us mob. I think that all of us in the whole region have similar problems. I go and see my family. We go over and sit down and they tell us their thing. I am here to open your eyes and give you some information. This book don’t mean nothing because Peter Yu has not put any of our stuff that we put to him at 15 Mile Creek Camp.

CHAIR—You are speaking about the consultancies that came around under Peter Yu’s chairmanship, and that what the report says does not reflect what was actually said and what the concerns were?

Mr Jeffrey—It is not in it. It is there and it says, ‘Because of the lateness of the information coming back we’re not going to have it ready until October.’ The train is going to go again in June/July and then the new funding body comes along, and they forget about what has happened behind. This is why I am coming to talk to you mob. There are a lot of problems in all areas.

CHAIR—Other questions?

Senator SIEWERT—You have asked most of my questions and I have just asked that one about rent, so I am fine now.

CHAIR—Senator Adams.

Senator ADAMS—I am the same. I am trying to work through how we can help you.

Mr Jeffrey—It would be really appreciated. It is not only us. There are other communities that are in similar problems. It is only through some thing that I got to get to here. It was only on

Monday that I got told this thing was happening. I wanted to come and express this to the committee and the chair so you know exactly where we are coming from and all of our family. That is why there is so much bickering and our mob is in town. Bring them back to the base. Put them back on their homeland and create something for them to look at. Don't just create it and say, 'No, that's all right.' Make sure they are doing it. Monitor them.

Senator ADAMS—Have you met with the shire since it has changed?

Mr Jeffrey—The shire will not even talk to us. They are trying to say that Acacia sits on two borders. It is crazy. One belongs to the shire and one belongs to the Coomalie region. We are right in the middle. They do not do any of our firebreaks. We have a major problem with firebreaks. Last year we had flames higher than this roof coming towards our houses. I taught my sons and nephews how to back burn. It is lucky they were there. We would have lost everything. These issues are real. We were talking about the boundary and they said, 'Oh, yeah', and then throw it off the page. They are talking about making communities safe. They need to start having a real good look. We took Peter Yu there and we took him down to what we have got down the back. We said, 'This can all happen, Peter, but we need step one first.' It is called money, for the operational stuff, capital items and moving ahead. We have a future plan. It cost us \$55,000 two or three years ago. It has never been used because no-one wants to adopt the plan.

CHAIR—Would it be possible—just on notice; you will not be able to answer me now—to provide us with a copy of that plan? We can get that copied, if it is available.

Mr Jeffrey—It is in big pieces. I said, 'Look at that. \$55,000 hanging on the wall.' No-one has looked at it, because as you said you have to have an administrative arm and you have to have the capacity to do the stuff. There are a lot of good ideas in it. We have to refresh them, go through it again and take out the stuff. Like the CDEP went out of it, so that whole plan was gone. Now that CDEP has come back it is back on. We should review our community plan for the future. We have done the 10-year plan and what we hope to do in the future. We have a lot of smart young kids. I do not want to see them leave and get lost in Darwin. We are trying to care for our families. Get them out of the city, get them out of the problems with the police and bring them back home, and create jobs so they stay there and they know they have an economic base. They can go and buy their car. They can go and do this. Give them some respect back for themselves.

CHAIR—I do not think there are any more questions at the moment, but I suspect there may be later. Can you ensure that the secretariat has some contact numbers and addresses if we need to be able to ask you those questions?

Mr Jeffrey—Yes.

CHAIR—Thank you very much for coming here today. I know it is not easy sometimes to drop everything and scoot in. I am sorry you had such short notice. We really appreciate your giving us the evidence here today and I wish you a swift journey home.

Mr Jeffrey—Thank you for listening to us and inviting us in here. Have a very nice afternoon.

CHAIR—Thank you.

Committee adjourned at 5.43 pm