



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

## SENATE

COMMUNITY AFFAIRS LEGISLATION COMMITTEE

**Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011, Stronger Futures in the Northern Territory Bill 2012**

FRIDAY, 24 FEBRUARY 2012

DARWIN

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**SENATE**  
**COMMUNITY AFFAIRS LEGISLATION COMMITTEE**  
**Friday, 24 February 2012**

**Senators in attendance:** Senators Boyce, Crossin, Moore, Scullion and Siewert

**Terms of reference for the inquiry:**

To inquire into and report on:

Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011, Stronger Futures in the Northern Territory Bill 2012

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**CUBILLO, Mr Eddie, Commissioner, Northern Territory Anti-Discrimination Commission****Committee met at 08:31**

**CHAIR (Senator Moore):** Our hearing today is the fifth public hearing we have had on this inquiry. I welcome everyone. As always, we begin our hearing by acknowledging the traditional owners and acknowledging that we are walking and working on Aboriginal land. Our Senate Community Affairs Legislation Committee is inquiring into the Stronger Futures in the Northern Territory Bill 2011 and two related bills. These are public proceedings and we are really pleased that over the last couple of days people have come and listened and wanted to be involved. If anyone does want to have their evidence heard in camera, they can request that of the committee and we can make arrangements for that. We have parliamentary privilege laws which I think most of the witnesses today know all about, because I think we have got quite a heavy representation of Northern Territory government and associated bodies. But if there is anything you need to know please ask the secretariat. I remind people that anyone who is a public servant cannot be asked their opinion of legislation; they are only able to talk about the implementation and the process in which they have been involved. I remind you that this is something that senators forget. I think most people can stand up, but I will step in if a question is not appropriate for a public servant. If a witness does not want to answer a question, it is a matter of discussing that with us and we will see what will happen.

I want to introduce anyone who was not here yesterday to Venessa Curnow from the National Congress of Australia's First Peoples. Venessa from congress has been with us at all our hearings. Our expectation is that we will have another hearing in Canberra looking at the major agencies and the department, and we are expecting someone from congress to be there. I am not sure whether it is going to be Venessa, but there will be someone from congress at that meeting.

The most important thing is to know that this is a process of learning and so people must feel secure and safe and that what they are saying will be protected and that the senators are here to listen. Mr Cubillo, you have been with us for a couple of days. I invite you to make an opening statement and then we will go to questions.

**Mr Cubillo:** Firstly, I want to thank the committee for providing me an opportunity to speak to the Stronger Futures in the Northern Territory Bill 2011. It is an issue that, as the Anti-Discrimination Commissioner of the Northern Territory and as an Aboriginal Territorian, I feel very passionate about. Addressing disadvantage experienced by Aboriginal Territorians must be a top priority for both the federal and Northern Territory governments. In my statement this morning, I wish to address what I believe are the key issues that will determine the success or failure of Stronger Futures. I have formed these views from my many discussions with Aboriginal Territorians since my employment as the Anti-Discrimination Commissioner.

**CHAIR:** Mr Cubillo, could you add there how long you have been in the job?

**Mr Cubillo:** Approximately 16 months.

**CHAIR:** Okay, just to give us an idea.

**Mr Cubillo:** So the issues include having appropriate consultation and addressing discrimination, self-determination and constitutional reform. Each of these issues individually and collectively needs addressing to ensure confidence and faith in the federal government's Stronger Futures policy. I will briefly discuss these.

In regard to consultation, as the commissioner in the Northern Territory, I have been told by many Aboriginal Territorians impacted by the Commonwealth intervention of their disappointment at federal consultations. In particular there were concerns that only a few were spoken to, that the duration of visits was too short and that some Aboriginal Territorians could not participate because of language, dialect or hearing impairments. I note and welcome that many of the measures proposed in the stronger futures bill contemplate ongoing consultation with Aboriginal communities, so I urge the federal government to consider carefully for each community who they speak with, the location in which they speak and how they broadcast their intentions to visit and access issues. This consultation must be inclusive, respectful, and arranged and delivered in line with local community cultural expectations. A failure to do this will result in a loss of trust in the integrity of the process. As the commissioner I would happily be involved in that process.

With regard to addressing discrimination, I believe that fundamental to the success of the Stronger Futures policy is addressing real and perceived discrimination in remote Northern Territory for Aboriginal Territorians. To motivate a parent to send their child to school and for a child to want to go to school, remote Aboriginal Territorians have to believe that a good education brings with it future possibilities that will improve their world. Where views exist, real or perceived, that equality of opportunity in relation to education or work does not exist, I fear it is hard to motivate a parent to see benefit in sending their child to school. I use this as one example.

While I appreciate the Commonwealth intervention in the Territory was intended as a beneficial policy for Aboriginal Territorians, my conversations with people affected by the policy have painted a very different picture. In particular, the initial suspension of the Racial Discrimination Act and the Anti-Discrimination Act has left some Aboriginal Territorians viewing the intervention as a discriminatory measure. Much work needs to be done to shift these views. Aboriginal Territorians need clear, robust and accessible avenues to complain when they feel they have been discriminated against. Communities need education and training around these issues so that they can understand their rights and make practical changes at the local level to address individual and systematic discrimination. I believe that without addressing this issue other endeavours risk failure. All people, whatever their race or background, want to be respected, valued and given a fair go.

With regard to self-determination, I again note and welcome that inherent in some of the measures proposed is a notion that the end outcome should be local management of issues. I have addressed this issue in some detail in my letter to the Hon. Jenny Macklin dated 25 August 2011, which is attached to my submission. However, I wish to reiterate the importance in this concept as it relates to these reforms. Key to reforming disadvantage in the Territory is giving responsibility and ownership to individual communities to take carriage of these issues. It is important that focus is not lost on this end goal and that Aboriginal participation and consultation informs decision making along the way to ensure this ultimate goal is achieved.

Lastly, with regard to constitutional reform, it is important to have appropriate and respectful recognition of Aboriginal Australians in the Australian Constitution. This is an important step in building trust with Aboriginal Australians. I believe this reform would assist in building confidence in the Northern Territory so that they and future generations can fully and equally participate in Australian life. I will pass this document up, with the attached letter to Jenny Macklin.

**CHAIR:** Thank you very much.

**Senator SIEWERT:** You raised the issue of consultation during the days that we have been here. We have had some pretty strong feedback also that the consultation was not adequate. Did you attend some of the consultation meetings?

**Mr Cubillo:** With regard to the bill?

**Senator SIEWERT:** The discussion paper.

**Mr Cubillo:** I attended a few in the Darwin region. My paper to the minister basically stipulates my feelings on those and goes into depth about some of the issues that I saw.

**Senator SIEWERT:** We will obviously have access to that shortly. In terms of the issues that we discussed, the original consultation was about the discussion paper not the bill.

**Mr Cubillo:** Yes.

**Senator SIEWERT:** I am asking for an opinion, so I might be crossing the line here. How do people—

**CHAIR:** Do not say 'in your opinion'.

**Senator SIEWERT:** No. How do people view the bill that has now come out as a response to the discussions that were held during the consultation process?

**CHAIR:** Mr Cubillo, that is on the basis of what people have told you in your job.

**Mr Cubillo:** Yes. There is a whole heap of confusion with regard to where it is at. With the consultation, at times there was very limited attendance, and that raises what I heard—that people were tired of consultation in a sense where no-one listened. Also, they felt that they were not being heard and none of their views were really cared for.

**Senator SIEWERT:** Was that subsequent to the release of the bill? Did they generally say that following the consultation process before the release of the bill or have they seen what has come in, the measures, and said, 'Obviously they didn't listen'? Do you see the distinction I am making?

**Mr Cubillo:** Yes. The discussion out at Hermannsburg I think would support what people are saying, that no-one knew where it was at. As the antidiscrimination commissioner, when visiting remote locations people have a very limited understanding of exactly what the initial intervention meant to them. Most people think that they have had no rights at all since the suspension of the Racial Discrimination Act, and then you have others who have a limited understanding but still very convoluted and not clear. Programs get funded, but what seems to always be amiss is the attachment to outreach work and to those organisations, like the Aboriginal Legal Service, who will end up assisting people with appeals who need to complain. We are at a time with federal funding when Aboriginal organisations now need to say they will not pick up extra work, which they usually do, to basically make a stand on how they are funded.

**Senator SIEWERT:** We have also heard a lot during the last couple of days about how resources under the intervention for health and the justice organisations are uncertain now because it is finishing in June. Is that what you mean?

**Mr Cubillo:** No. When we set up new legislation, such as the quarantining of welfare for education, and there was an appeals mechanism in place, what usually happens is that people do not complain or they run to the Aboriginal Legal Service or shop around until they get someone who may assist them. But what is happening is that those NGOs are saying, 'We're not funded to do that and we need to make a stand so that that is looked at as an issue.'

**Senator SIEWERT:** In your role have you had a lot of official complaints related to the intervention?

**Mr Cubillo:** Yes and no. To qualify that: we are very small commission and it is very expensive to get to remote locations, as you would understand.

**Mr Cubillo:** Yes and no. I qualify that by saying we are a very small commission and it is very expensive to get to remote locations., as you would understand. We need to devise how we reach those individuals out in the bush. We have had complaints from the urban centres with regard to how they are treated with their cards at shops in various places. We have had to pull a big shopping centre and provide training for them on how they treat Indigenous people with those welfare quarantine cards.

**CHAIR:** That is not detailed in your submission. We would really like to get something from you about that. I did not want to interrupt, but we have not had that specific information. We have had the anecdotal information but not that specific information before. The committee would really like to get something from you about that whole process.

**Senator SIEWERT:** That is fantastic. If it is appropriate, you could tell us a little bit about what that particular complaint was about.

**Mr Cubillo:** It was in a major centre in the Territory. The big shopping centre was making people line up in a separate queue even though they lined up previously. They were saying it was a process for them, but people were—

**Senator SCULLION:** Where was it?

**Mr Cubillo:** This was in Alice Springs.

**Senator SCULLION:** You could perhaps take it on notice, but we would really appreciate where it is.

**Mr Cubillo:** Maybe I could just provide that in the information that I am going to provide.

**Senator SCULLION:** That would be very useful.

**Mr Cubillo:** Once we provided that training and had discussions with them, things changed. They no longer had a separate queue. That is the sort of stuff that we get fed back to our office. A lot of it is not fed back because people, again, cannot complain because they have had enough. They are basically used to this sort of treatment. We are trying to encourage that. As a small, independent office, it is hard to meet where this policy is targeted, which is 35 per cent of the Territory's population, which resides mostly in remote locations.

**Senator SCULLION:** I would like to ask you a couple of things about consultation. I think we are all pretty well agreed, and I certainly have this view, that over governments and over time we have not been able to communicate messages particularly well with Indigenous Australia. In fact, I suspect it has been a monumental failure. There are a number of Indigenous organisations—your office, the Northern Land Council and the Central land Council—that seem to be able to connect, educate and communicate much better with the mob than government can. What role do you think those organisations can play in the future, in terms of consultation? It might be a fee-for-service arrangement. FaHCSIA have just gone out with the lead-in time that we have for Stronger Futures. We know they have gone to communities. We as a committee have gone to the community and, effectively, they are just blank faces. Obviously the message does not get through, so how do you think we should change that?

**Mr Cubillo:** I have basically put it in my letter to Minister Macklin. I have pointed to other jurisdictions in the world. For example, in the US, President Clinton issued an executive order on how to deal with their indigenous people. It is about respect. It goes on in my paper that that is what it is about. Again, I point it back to needing to get that respect back from Aboriginal people. At the moment they do not trust people, particularly governments. There needs to be a change of view . Aboriginal people want to be involved. I hear a lot about making changes, but no-one has actually listened to how Aboriginal people want to do that. What I have heard is fairly similar. It is along the lines of alcohol and violence, but these communities are very complex and the best people to give you advice on it are the people living there themselves. They do not want to have stuff bestowed on them from afar,

basically. What I see, and I may be wrong, is that a lot of government agencies have wound up and there is no longer that connection, which we seem to have lost with our remote locations.

**Senator SCULLION:** There is a fundamental thread through most of the feedback we get when we talk about consultation. When we get to most communities any observer would say that Aboriginal people more generally hate the intervention. They do not like it, it invades their rights and they feel discriminated against. We are looking forward to the first independent report about the intervention. There is other anecdotal stuff that I get. We have had submissions, particularly from MPY women, who say that they welcome it because there are real issues.

When Dr Bath gave evidence yesterday he said that feeling safe was probably the most important part of some of the developmental challenges in children. He also accepted that eight per cent of children across Australia have some of those issue. But they he said that 46 per cent of Aboriginal kids in the Northern Territory suffer from that. Levels of violence in the communities are extreme. We got information that there are only 29,000 adults in the Northern Territory subject to night patrol. In first point intervention in family violence they attended 100,000 with 29,000 adults. Across the board in the Northern Territory Aboriginal people are hospitalised at twice the rate. Women and children in the Northern Territory are subject to violence 69 times more than anywhere else in Australia. Hospital rates are 82 per cent higher in some of those demographics.

There was a bit of a stark reminder yesterday about saying that these were the circumstances. There are spokespeople in the communities quite rightly saying that they are feeling discriminated against. Organisations and people get used to something; that is the norm. They might not see that as stark. They have been affected by poverty and disconnection for so long that that might be the norm. I understand why Australians and governments of different sorts and colours are saying that they really need to do something more about that, hence the special measures. Why do you think it is, Mr Cubillo, that the reality and the differences in the lives and opportunities of people, particularly living in remote communities in the Northern Territory are so starkly different? What do you think we should do? We definitely need ownership from the people in the communities to make these programs work and to make any sort of an intervention from anyone work.

**CHAIR:** You may answer that from what you as an individual think or from the evidence you have in your work.

**Mr Cubillo:** Where do we start? Do we start from the planting of the flag? Aboriginal are herded to communities where it is not their lands and they are pushed together. We have places in urban centres where there is social upheaval. I think that is part of it. For a long time government policies have not been really inclusive of Aboriginal people and their development. There should not be a time frame on how we develop those outcomes if we really want to make some progress. It is all about the budgetary cycle in regard to how some of these policies are made.

As a kid growing up in the Territory who then became a project officer you become cynical because you see recycled policy. Aboriginal people say, 'Yeh, I've seen it before,' and that is their attitude. As I said previously, that Aboriginal people know there are issues and they want to be involved. Lately I do not think that has been real and I think the mindset from both sides need to shift, particularly from government. They need some good leadership in regard to how we aim to improve conditions for our Aboriginal people. I do not pretend to know the answer. But in here I thought I would talk about that mind-shift to respecting Aboriginal views on what might be best for them, and how we could work together to come to some good outcomes. At the present time the consultations, in my opinion and from everyone I spoke to, have been pretty rushed.

**Senator BOYCE:** Have you considered or asked anyone to consider whether the Stronger Futures legislation is discriminatory?

**Mr Cubillo:** Have I asked?

**Senator BOYCE:** Have you considered that question in your role in the Anti-Discrimination Commission?

**Mr Cubillo:** Yes, but the reality is our core business is inundating us. We discussed this with the Human Rights Commission. We are having a race roundtable in Alice Springs in April. A lot of this stuff will be discussed at that. Present at that forum will be commissioners from every state and the federal commissioners, as well as commissioners from New Zealand. Every day people are questioning whether it is discriminatory, but we do not have a formal complaint which is outside our jurisdiction.

**Senator BOYCE:** Are those people saying this to you on income management or are they in organisations? I am trying to get a sense of who complains to the commission.

**Mr Cubillo:** I am Indigenous myself. I am from Darwin, and my father is from Alice Springs. I hear it from family members. They come from all walks of life—welfare recipients as well as people who work. I have uncles who went to war and were not allowed to drink on the town camps. It is a very large issue. It is constant. What is



lacking in this whole rollout is information flowing back to people who are affected about what their rights are and what it means for them. I mean real information, not glossy documents or having a meeting and expecting town-campers to go to the Crowne Plaza. They rarely venture near the Crowne.

**Senator BOYCE:** Can you explain the education role that the commission has? You said earlier people feel as if they do not have rights. Do you undertake education projects in that area?

**Mr Cubillo:** I am invited to a lot of Indigenous places and organisations to talk about our role and people's rights. I answer any questions that they may have. We also provide training in regard to the act and people's and employee's rights. That is utilised by big business like mining companies, as well as government and individuals. We also do community education forums. We do a rights roadshow with various other NGOs throughout the Territory. The majority of that is in urban centres. It is cheaper to fly south than it is to get to some of our remote locations. We do our best with what we have.

**Senator BOYCE:** Given the level of need for education and awareness, what level do you think you are providing? How close do you think you are getting to 100 per cent?

**Mr Cubillo:** Minimal, particularly for remote—not just Indigenous—locations. We have an office of nine. The majority are admin staff. There are a few complaints people, one education officer and me. What has helped is that I am Indigenous; the Indigenous network somehow find your mobile number, and you respond. Going back to some of Senator Scullion's question; that sort of trust is formulated from someone else telling them to ring you and that opens the door.

**Senator BOYCE:** Thanks, Mr Cubillo.

**CHAIR:** Thank you, and if we could get that extra information from you, we would appreciate that. Thank you also for attending some of our other hearings and for being involved with the community. We really appreciated that.

**Mr Cubillo:** No problem. Thank you.

**BARNES, Mr Gary, Chief Executive, Northern Territory Department of Education**

**BRODIE, Mr Micheile, Executive Director, Licensing, Regulation and Alcohol Strategy, Northern Territory Department of Justice**

**DAVIES, Mr Ken, Chief Executive, Northern Territory Department of Housing Local Government and Regional Services**

**HENDERSON, The Hon. Mr Paul, MLA, Chief Minister, Northern Territory**

**McCARTHY, The Hon. Ms Malarndirri, MLA, Minister for Indigenous Development, Northern Territory Government**

**McROBERTS, Mr John, Police Commissioner, Northern Territory Police**

**MOFFET, Mr Jeffrey, Chief Executive, Northern Territory Department of Health**

[9:02]

**CHAIR:** We now have what looks like half of the Northern Territory government, according to my witness list. Welcome, and thank you for coming to talk with us. We particularly welcome Chief Minister Paul Henderson and Malarndirri McCarthy. We deeply appreciate the cooperation of your government. We do not always get it from state governments when we travel around in a Senate committee, but we have always had support from the NT government. I should also say that Senator Trish Crossin is opening a school at the moment and will probably come in in the middle of proceedings.

I am sure the two ministers are fully aware of how this works. For all the public servants: I will stop any person asking you for an opinion of policy. It is only the implementation processes and the work that you do that we are allowed to ask about. It is up to you who you wish to bring up with you. We are in your hands. We will ask questions as we go. Mr Henderson, do you have an opening statement?

**Mr Henderson:** Yes. I want to thank the committee for holding hearings in the Northern Territory with regard to this legislation. Obviously this legislation is Northern Territory specific, and the opportunity for people to make submissions and appear in person is very welcome. So I thank you all for coming here today.

I would like to start off by saying that, for the Northern Territory government, closing the gap on Indigenous disadvantage is more than just core business for us. It is everything, every day, for every minister and for all agencies. Everything that we do in the Northern Territory, every piece of public policy, is developed in part through a prism of how it moves Indigenous people forward in the Northern Territory in terms of closing the gap on health, education, housing and employment outcomes. So today is a very important opportunity to discuss those issues.

Also, this legislation cannot be seen as a silver bullet to deal with those issues that confront Indigenous people who live in remote parts of the Northern Territory. There is a whole raft of Commonwealth policies, Commonwealth programs, and Territory government policies and programs that all weave in and out of, and are complementary to, this legislation. Legislation alone is not going to close the gap on Indigenous disadvantage. Significant, ongoing commitment by the Commonwealth government, in partnership with the Territory government and with Indigenous people, is what is required. Given that we are here with senators from across the political spectrum, my main aspiration in all of this is bipartisan commitment. Closing the gap on Indigenous disadvantage should be above politics. It should be an absolute commitment from all levels of government over a long period. One of the good things about this package we are talking about today is the 10-year commitment. That is obviously going to span different governments and different ministers over time. This is important to us, and it is fundamental going forward.

We also cannot look at this legislation without looking at the climate in which this debate has been developing in the Northern Territory over the last four or five years or so. I know the committee has been travelling the Territory and hearing a lot about consultation, and how good that consultation has been, but I have to say—and this is not meant to be a political comment; it is historical fact—that one of the challenges we all face in closing the gap on Indigenous disadvantage is that it just cannot be a top-down approach. We have to get Indigenous people on board and committed to the same policies and programs that governments are working to implement. Everybody has to own, as much as possible, the closing the gap agenda. A top-down approach, as I am sure you have heard, is not going to work in giving sustained, improved outcomes.

If we look at where we are today compared with 21 June 2007, when we had an intervention from the Commonwealth into the Northern Territory that was top down, there was no consultation then. It was designed

without any input from Indigenous people in the Northern Territory, or from the Northern Territory government. That is not a political statement; that is a statement of fact. In terms of ownership of the way forward on closing the gap on Indigenous disadvantage, we cannot make that mistake again. We are just throwing good money after bad if we do that.

What we have to do, and where we are heading with this legislation, is to have a much more consultative, bipartisan commitment with Indigenous people over 10 years. That is a big step forward from where we were back in 2007. We also need to address many more issues as we move forward. We need to address infrastructure gaps in the bush. We need to continue to build on community safety measures. If you remember, the prism for the intervention was all about the safety and wellbeing of children, and so we have to continue to build community safety at a family level, at a community level and at a Territory level. We have heard a lot about the scourge of alcohol abuse, and it is not just alcohol; in remote communities it is drugs as well. Obviously, that needs ongoing commitment. Building strong families: we all know in any society that the nucleus of safe, happy, contented children growing up achieving at school is strong families, and we have to continue to work to do that. Obviously, vital in everything that we do if we want to see sustained outcomes for the future of the Northern Territory is improving school attendance and education outcomes—it is absolutely critical.

In terms of education outcomes having a very real and lasting outcome in the bush, we have to work hard to develop regional economies and create jobs. When there are no jobs in communities, when there is no economy in the community, a lot of the conversation about why you need to go to school, why you need to study, cannot be had with kids in a realistic way. These are also long-term issues that we have to keep focusing on.

Legislation on its own is not going to deliver all the outcomes that we want. Obviously, any legislation and a 10-year commitment has to be supported by ongoing, significant amounts of funding from the Commonwealth. The Territory's tax base is so small and the gap is so big that we need sustained ongoing financial commitments from the Commonwealth government.

In terms of some of the outcomes that our government has pursued over the last five years or so, we committed \$286 million to our Closing the Gap of Indigenous Disadvantage, which has woven into the national partnership agreements with the Commonwealth. We have delivered a new system of local governments in the bush replacing a system of over 60 community government councils of which, from all the evidence, the vast majority were dysfunctional. We have got a long way to go in terms of local government in the Territory and a sustained system of local government, but this has always been a journey. Again, the legislative change was never going to deliver that on its own, but local government is critical to service delivery in the bush. We are just coming to the end of our first four-year term of our new shires.

We have developed in the Territory, which the Commonwealth has merged their policies into, our Working Future policy: a long-term place based strategic framework to grow 20 new towns across the Northern Territory. The significance of this is, if I may be so bold, is a cultural change within the Territory, within the Territory government's public service. For so long, the language of the Northern Territory was about remote, isolated communities and with that language of remote, isolated communities through no bad intent was seen through a prism that these places are far away. They are remote. They are difficult to provide services to. It is all very hard. We will do the best we can with what we have got.

What we now have with our Working Future policy within the Territory government is a very strong strategic and focused plan about building 20 new towns across the Northern Territory that will provide services as a hub community to the smaller communities around them. The policy encapsulates around 80 per cent of people who live in remote parts of Northern Territory, and there are specific plans for each of those communities. There are local implementation plans that have been negotiated with those communities and the Commonwealth. In terms of the mechanics of government, we now have a very clear strategic framework for improving service delivery, measuring outcomes in terms of improvements across the Territory, and the Commonwealth has picked this up in a large mannerism

Job creation, as I said, is critical. We have our own Indigenous Employment and Career Development Strategy. We, as a government, have a jobs guarantee for people in the bush: if they have the qualifications for a particular Northern Territory government job, then it is local Indigenous people first, and that is a very significant change.

In terms of where the original intervention started, which was the safety and wellbeing of children, we have invested over \$130 million over the next five years to address the recommendations of our own inquiry into the child protection system. We are seeing significant gains in terms of child protection, and there is obviously a long way to go. Getting kids to school, as I have said, is absolutely critical. We have our own 'every child every day' strategy, which was underpinned by changes to legislation last year. We are seeing already approximately 480 more students attending school on any given day compared to the same time in 2010. That needs to be a much

bigger number, but we have already seen a system of compulsory conferences rolled out across the Territory, and certainly that is a key commitment to work towards. But can I also say that with all the goodwill of government, and governments, getting kids to school is an absolutely core responsibility of parents, communities and governments. The conversation about the importance of school and getting kids to school should not be underrated.

I will turn quickly to the main aspects of the bill. We support the way improving school attendance and enrolment measures is dovetailing into our policy. But this particular program alone cannot deliver the educational outcomes being sought. As I have said, a whole of family and whole of community partnership is needed.

Can I say to the Senate—and we are happy to provide all the policy detail—we have the strongest commitment as a Northern Territory government to tackle alcohol abuse and the ravages of that. Our alcohol reforms are the toughest in the nation by a country mile. They are targeted at tackling problem drinkers—people who drink to absolute excess to the devastation of families, commit acts of family violence and drink drive. They are targeted at the tragedy we see in our streets in the Northern Territory of people being picked up night after night and taken into sobering-up shelters or protective custody. We are investing \$67 million over five years into these reforms. The reforms are already having a significant impact. One of our acting assistant commissioners said yesterday that these reforms that we are putting in place will save lives in the Northern Territory. So we welcome the Commonwealth coming on board, particularly with the legislative change to enable referrals to income management from our Alcohol and Other Drugs Tribunal. We think that is a good move in the legislation.

I have talked about our commitment to community safety and child protection. Obviously we will continue to invest in child and community safety, but the Commonwealth also needs to continue to invest under the various programs that it has in place.

Community store licensing has been a big success, and we certainly support those measures ongoing. Prior to the intervention, community stores were a world away in terms of their governance, in terms of fresh fruit and in terms of appropriate pricing given freight costs and what have you. Food security is very important and has been a big gain.

Obviously one of the key issues that Indigenous people were greatly affronted by in the intervention was the compulsory leasing of Aboriginal land. Senators would be aware that the Northern Territory is unique across all states in terms of the Aboriginal Land Rights (Northern Territory) Act, which is Commonwealth legislation that only applies in the Northern Territory. It essentially sees Aboriginal people having enduring title, essentially Indigenous freehold title, to just over 50 per cent of the landmass of the Northern Territory through the very long and bitter battles fought many years ago over land rights in the Northern Territory.

Aboriginal people are very proud owners of land. With all the good intent in terms of securing long-term government investment in housing and infrastructure, and the requirement for leases to ensure that those assets are maintained, the lack of consultation around compulsory acquisition of Aboriginal land that had been fought for so long was very divisive and offensive. Those provisions have been removed from this bill. We are now moving towards negotiated leasing provisions between the Territory government, the Commonwealth government and Aboriginal people through the land councils. That is a big step forward and is welcomed by the Territory. The committee has heard debate around community living areas and excisions on pastoral land in the Territory. The Territory government is committed to working with land councils, with housing organisations and with the Northern Territory Cattlemen's Association of the Northern Territory to resolve those issues. It is complex and it is complicated but I think there is good will amongst the land councils and the cattlemen of the Northern Territory to work to resolve those issues. We are on track to do that.

I turn now to the sunset and review provisions in the bill. We believe that our work has to be intergenerational. There has to be long-term commitments. We welcome the 10-year commitment but, as I have said, the commitment is worth nothing without the additional financial support and commitment.

I know that the budget position of the Commonwealth is very difficult at the moment. Have a look at our budget position; I know how difficult ours is at the moment, as well. But having said that, the scale of disadvantage means that all levels of government have to be consistent and committed to that funding.

So, in conclusion, we welcome the opportunity to work with the Commonwealth—with the parliament in the Commonwealth—to continue progress towards closing the gap on disadvantage in the Northern Territory. I think we have taken some big steps forward over the last few years. I will throw you a couple of facts and figures to you in terms of the changes we have seen. There has been a lot of commentary around the SIHIP program but the fact is that we have seen, over the last 18 months or so, 475 new houses built and 1,926 rebuilds—I think that

number has increased since these numbers were provided—or refurbishments in more than 59 communities, 25 town camps. Nearly 2,500 Aboriginal families are now living in a better housing situation in the bush than they were prior to this program, in spite of all of the issues in terms of rolling it out. That is very significant. When you think about the Northern Territory and you think about our communities, you see that that is a very significant change. And that work will continue.

Another great outcome from that program is that there was a target of 20 per cent Indigenous employment. It is currently just over 30 per cent. So it has been a very good employment program in the bush, as well.

I would like to finish on a couple of health achievements. Obviously, improving health outcomes is critical. We have seen a 4½-year improvement in life expectancy for Aboriginal women, on the latest statistics. Indigenous infant mortality has fallen by 37 per cent. Anaemia rates for Aboriginal children have fallen by 20 per cent. Cervical cancer rates for Aboriginal women have fallen by 61 per cent. Since coming to government we have had a significant program of rolling out renal dialysis to remote communities across the Territory. Ten years ago, renal dialysis was only available in Alice Springs and Darwin. Given the problems with renal failure amongst Aboriginal people, the amazing statistic now is that the survival rates for people on dialysis are equal to the national rates. So if an Aboriginal person is on dialysis in the Northern Territory they are living as long as anybody on dialysis anywhere in Australia. There has been an improvement of seven years in Indigenous life expectancy for people on dialysis.

We still have a long way to go. This legislation is a small but important part of that ongoing commitment to closing the gap on disadvantage. I am here today and Malarndirri and the chief executives of every single major government agency are here because this is core business for us every single day. The most important thing we do as a government every day is work towards closing that gap on disadvantage. We welcome the Senate committee here. And we welcome your questions.

**CHAIR:** Thank you very much. Ms McCarthy have you got anything to add at this stage.

**Ms McCarthy:** Thank you for asking. I would just like to reiterate the Chief Minister's comments in welcoming each and every one of you. It is absolutely important to the people of the Northern Territory that this process is a process that all parliamentarians need to work together on improving the disadvantage for Indigenous people in the Northern Territory. I would just like to say a personal welcome to you all.

**CHAIR:** Senator Siewert, where do you want to go first?

**Senator SIEWERT:** I was going to just touch on the consultation process, because that has been raised consistently, across the board; wherever we have been, there have been pretty negative comments about the consultation process that has been held. I appreciate that this time it was not just a straight-up, flat out announcement, but there has been a lot of criticism about the consultation process. How involved was your government in that process and have you received similar negative feedback?

**Ms McCarthy:** I attended three meetings with Minister Jenny Macklin and Minister Warren Snowdon. One was at Maningrida. One was at Groote Eylandt. The other one was at Ngukurr. I certainly was able to witness first-hand the consultation process that took place. In Maningrida, there was certainly a view given to people there that certain people would come back to the community. I understand that did not take place and, as a result, there have been some people in the community who were disappointed, if not angry, that that did not take place.

On Groote Eylandt, witnessing the consultation that took place there, we found a very positive response. Groote Eylandt is different again in the sense that the Anindilyakwa people have begun a lot earlier than the intervention in terms of their relationship with the Commonwealth and the Northern Territory governments, through the regional partnership agreement on Groote. So that, I thought, was quite good.

In Ngukurr, the people of Ngukurr raised very clear concerns in terms of the intervention itself. So I can speak personally for those three places that I went to. I think that what the Senate needs to remember is that you cannot forget the history of what happened here, and to have any Australian's life imposed on so dramatically, and intervened on so effectively, without that person having an opportunity to speak for themselves and their families, was always going to have a long-lasting impact on any future consultation with any government. So I do commend Jenny Macklin on her efforts to try to do this very differently, but I also recognise that, given the history of the intervention, it will always be a consultation with many, many, deep hurts felt by people across the Northern Territory.

**Senator SIEWERT:** I accept what you are saying on the feedback about the intervention; however, the feedback we have had is, yes, there is a deep anger about the intervention but also: the government is still not listening; the short time frame; the lack of follow-up; culturally inappropriate in some circumstances—I am sure you have heard it before. The time frame, particularly, was of concern to people, who said they got relatively little

notice but also that the consultation process itself was carried out over a fairly short period of time. So there is a whole range of issues that are incorporated into that process of feedback that we have had around the consultation process.

**Ms McCarthy:** It is critical that Indigenous people have an opportunity to understand what this legislation is all about. We have over 100 Aboriginal languages here in the Northern Territory. We have an Aboriginal interpreter service that tries, for every agency, to be there to translate, whether it is to do with the courts or patients in hospital. I would urge the Commonwealth to always use our Aboriginal Interpreter Service, in particular for this piece of legislation.

**CHAIR:** Did they?

**Ms McCarthy:** Certainly in the three places I went to they did.

**CHAIR:** Okay, because it is a principle; I just wanted to get on record whether they did use it or not.

**Ms McCarthy:** But in terms of follow-up—sorry, Senator Moore.

**CHAIR:** Any more consultation questions?

**Senator BOYCE:** On the same issue, we had evidence yesterday that suggested that one of the reasons that the information in consultations may not have stuck may have been that people did not understand the underpinnings of government and how it works. Is that something that the Northern Territory government agrees with, and is there anything being done to inform people about who does what? I find it complicated, and I am supposed to understand it.

**Ms McCarthy:** I have two answers. The first is that overall, as a government, we recognise that there has to be greater training out there on understanding governance. It is something that I am very conscious of as local government minister, being responsible for the reform of local government across the Northern Territory. Breaking it down for people so they understand what the consultation on Stronger Futures was about and, now, what the legislation is and what it means is critical, and, yes, there must always be follow-ups.

**Senator SCULLION:** Certainly during this round, and other times I visit communities, a lot of people are saying: 'Why have you abandoned the homelands?' That is their interpretation of what has happened with Stronger Futures, and you can understand it from their perspective. They are also putting it to us that this is another example of a process with no consultation. We have had the Commonwealth, the Territory and then the Commonwealth again attempt to not so much consult but, I think educate, and then consult. We have been, as I said earlier, monumentally bad at that across governments.

What role do you think the Territory can play in the future? I am a believer that the closer the government is to where you are trying to achieve the more likely you are to have a better outcome. The Territory did not have a great deal of involvement in this consultation. I know you were there, but fundamentally, as a Commonwealth department, FaHCSIA said, 'Off you go and we'll do this Stronger Futures consultation.' What role do you think the Northern Territory government can play in the future, given the stronger relationships, in my view, between the Northern Territory government and the communities? What role do you think they could play in providing much better consultation, education and communication services in the future?

**Mr Henderson:** Before we get to that—and it is a very good question—I want to pick up on the outstations and homelands issue, because this is unfinished business. I put on the public record here that I acknowledge and accept that, in terms of the outstations and homelands, the Territory government has strong support for the aspirations and ability of people to live on their lands. The Stronger Futures bill and legislation and our Working Future policy need to better engage with homelands and outstations, and there needs to be a better policy framework for delivering.

Around 10,000 Territorians live on outstations and homelands. I would say that they were established and had support of long-term Commonwealth government policy—it was Commonwealth governments, through ATSIC, that dared to commit to establishing and funding the homelands and outstations. We are in a discussion at the moment. My position as the Chief Minister and that of our government is that the Commonwealth has ongoing obligations in this area. We are having good discussions with Minister Macklin, but the Commonwealth cannot walk away from the support for outstations and homelands. We have to find a better way of supporting people and meeting their aspirations but also facing the reality that we cannot have people living any way and everywhere in the Northern Territory at the taxpayer's support without significant and sustained policy in this area. So there is a lot of work to do, but I do say that the Commonwealth cannot walk away from this. In relation to consultation and the other part of Senator Scullion's question I will ask Malarndirri to answer.

**Ms McCarthy:** Senator Scullion, and for all the senators, there are a few elements to that. One would be that we, the Northern Territory government, have made a very solid commitment with our agencies in working with Indigenous people. Part of that has also been the relationship with the Commonwealth, because here in the Northern Territory we have 15 of the 30 remote service delivery sites across the country. Part of our growth towns strategy with the working policy strategy is that there are to be 20 growth towns—there are the 15 remote service delivery sites, and we have added an extra five to those, which is how we come to the 20 growth towns across the Northern Territory—and it is also based on population and the regions they will service, for smaller communities and homelands.

Through that, we recognise that it has to be about working in partnership with Indigenous people. We have been able to do that through what we call local implementation plans. I have a copy of one here. We have signed off on plans for 13 of the 15 remote service delivery sites. The intent behind that is really respect, firstly; when I have gone to these places I have said to Aboriginal people in each of them: 'It is really up to you to determine how you want Ngukurr to grow, how you want Umbakumba to grow, how you want Wadeye to grow. Governments can only do so much. There are credible amounts of money coming in, but we also need people to talk strongly for their communities.' There are absolutely strong people out there who have always felt they have not been heard.

The local implementation plans are a commitment by governments at the federal and territory levels, as well as the shires and as well as the traditional owners about what they want to happen for their particular place. We have established a Service Delivery Coordination Unit, which is a unit set up especially to humbug, if you like, each of the agencies and say, 'Education: have you done what you said you'd do for the Ngukurr mob in this plan? Health: have you done what you said you'd do? Police: have you done what you said you'd do?' At the same time, we turn around to Ngukurr and say, 'Have you mob done what you said you would do?'

We have a long way to go. We are recovering, if you like, from earthquakes and tremors from the intervention. We have recognised that. If I can refer to your question in terms of the local government reforms, I would like senators to know that the local government reforms began at the end of 2005 and in early 2006. It took 12 months of planning before those reforms were rolled out; the intervention took one day, and it happened on a day in June, 2007. The roll out of the local government reforms happened a few months later. Naturally, Indigenous people across the Northern Territory felt completely disempowered because they had already had the intervention come in on top of them and then our local government reform, which we thought we done correctly in terms of the build-up and lead-up time and the consultation. We have now, all agencies and all public service personnel across the Northern Territory, united behind the fact that we are all committed to the idea that working with the Indigenous people of the Northern Territory is our core business.

**Senator SCULLION:** Thank you, Ms McCarthy. I agree, and most people on the Commonwealth and the Territory sides agree, about your invoicing base. I think it is really important that the Commonwealth maintain that investment—

**Mr Henderson:** I missed a bit then, Nigel.

**Senator SCULLION:** We have a very small invoicing base in the Territory—I accept all of those things. It is important to maintain that we as Territorians, if you like, have to maintain credibility, particularly with regard to efficiencies and effectiveness of rolling out the programs we are asked to. You mentioned SIHIP, and I agree it has done tremendous things really new housing. As you would be aware, I have been involved in some of the commentary referred to, just to ensure that we continue to have that credibility of delivery. FaHCSIA said they would write to the department to seek a scope of works done on each house, in terms of the rebuilds and refurbishments. As Chief Minister, would you know if that is arriving? I would have to say that there was some cynicism from FaHCSIA about whether they had received from you or not. I have some cynicism about that response, but I thought I would let you know that that is a very important part of our deliberations. If you could turn your mind to that, that would be fantastic.

**CHAIR:** I take it that we have moved on to housing.

**Senator SCULLION:** It was just a segue.

**CHAIR:** I have another question about the outstations before we move to housing. Minister McCarthy, the two communities we went to were Ntaria and Maningrida. Do they have plans in the way that you have just described the plans?

**Ms McCarthy:** Yes.

**CHAIR:** Have they been agreed?

**Ms McCarthy:** Yes. Maningrida has yet to officially sign off. Hermannsburg certainly has. I am happy to provide to the Senate committee the local implementation plans that have officially been signed off.

**CHAIR:** That would be really useful. You will get the transcript of our hearings and we have people there on Monday. A lot of the discussion we had with them was about outstations and their servicing. In Maningrida that issue is very live.

**Senator SIEWERT:** The LIPs deal with the outstations as well?

**Ms McCarthy:** It is really each of the communities determining what is important to them. Most of them put in the outstations and homelands. I would be surprised if they do not. We obviously want them to put on the table what the priorities are for them.

**CHAIR:** That concludes the discussion on outstations and homelands.

**Senator SCULLION:** There are great challenges with consultation. We have had evidence throughout this inquiry—and Mr Cubillo just gave evidence—where people say, 'They just don't listen to us.' So, when we go to consult, we often have an expectation and ask, 'What would you like?' and they say, 'I would like a new house. It would be really good if we had a dam or a boat,' and whatever else people want. There are such few periods of time when a level of government visits them. It seems that this is an opportunity for us to download. It is very difficult, unless you have a specific task, to be able to deliver something. The continual disappointment, in my view, is that the notion of consultation is poorly understood in many of the communities we visit. There is no specific outcome. Perhaps you could take this on notice. I am not sure whether you have some specific processes such as: 'This is exactly how we are going to consult across departments at a Northern Territory level.' Is there something prescriptive as to: 'This is how we're now going to consult in the future.' The Chief Minister has made some pretty strong statements today, saying that is fundamentally an important part of that. Across the department, could you provide some of those processes that you use and I will undertake to ensure that I ask the Commonwealth government the same thing.

**Ms McCarthy:** Once you receive the local implementation plans, in terms of the Northern Territory government and our agencies, that is the way to connect with whichever community a public servant is going to. Keep in mind that it is not just about governance; this was also alerting the business community. We recognise that there cannot be government funding to these places in isolation in order for there to be private enterprise. We are looking at jobs into the future. There needs to be a plan. There may be a particular organisation that wants to go into Maningrida. For example, if the Maningrida people wanted to establish a resort, which resort companies would know about Maningrida and will they pick this up? They would know who to consult with within Maningrida and of course with the Northern Land Council.

**Senator SCULLION:** Minister, I know you were referring to the growth towns. I was just referring to the homelands. In terms of the process, could you just take that on notice?

**Ms McCarthy:** Absolutely.

**CHAIR:** There is also the question on the SIHIP on notice. You have to come back on that. Senator Siewert has just suggested that we move on to the issues around leasing and land, which came up particularly for the two land councils' evidence in Alice Springs and here yesterday.

**Senator SIEWERT:** I want to explore the particular issues around the CLAs. I am sure you know what both the NLC and the CLC have said, and that is: why would they support the intent of the legislation? They have some issues with it. My understanding of it is that those sections of the bill need to be resolved here by the NT government before the feds basically step in and do it.

**Mr Henderson:** We agree, and we have had these discussions with Minister Macklin. Picking up on what Nigel said, getting resolution of the issues around community living areas and excisions on pastoral leases has to be done very locally on the ground with those associations—the land council, the pastoralists which are affected and the communities around them—and that is going to take some time. I do not have a prescriptive time element, but for the Commonwealth to believe that they can do that from Canberra would be for them to make the mistakes of the past. I said to Minister Macklin that in good faith those discussions have started with the land councils.

One thing that is just a reality for the Northern Territory is that we are talking about just over 50 per cent of the land mass of the Northern Territory and the Aboriginal Land Rights Act. We have had to have a whole debate, not only with the land councils but also through the land councils with miners, about the whole concept of leasing in the growth towns—leasing to secure new housing and leasing to secure planning for townships. The Territory government has only recently made a policy commitment that it will pay a rent on a lease of Aboriginal land at an appropriate value, just as a rent would be paid on a lease on land anywhere else in Australia.



The whole debate around leasing with Aboriginal people is a very new concept. We have made great progress. Our focus has initially been around the housing leases to get the housing program rolled out. We also have a significant number of new Commonwealth and territory capital assets—new health clinics, upgraded schools and airstrips—where leases have to be negotiated. There is a very real capacity issue here in terms of the Territory government and the land councils prioritising all of the priorities that need to be worked through about leasing. Housing is a priority, the new health clinics are a priority, the airstrip is a priority, the barge landing is a priority and the shires will have their priorities. So leases have to be negotiated. This is not going to happen overnight; it has to be considered within all the other priorities. The land councils have to negotiate with the traditional owners.

So that is the complexity of the issue. We have started it, and we are committed to it. Ken, maybe you could talk a bit more about the practicalities of where we are at specifically.

**Mr Davies:** In the context of the housing precinct leases we are very committed, with the Australian government, to making sure that all of the investments which are going in from the Australian government taxpayer to improve housing in the \$1.7 billion National Partnership Agreement on Remote Indigenous Housing, which ends in 2008, are secured through housing precinct leases.

There are 80,000 CLAs across the Northern Territory. They are governed by associations under the Associations Act. The land councils—NLC and CLC—are keen to see those organisations involved in the way those are administered. It is going to be important, going forward, that the leasing arrangements which are put in place do allow things like home ownership, do allow the stores to be secured in a long-term lease arrangement and do allow economic development.

It is a big consultative process with each of those associations. We have to work with the land councils, as the minister was saying, and we are looking at the amendments which are required to strengthen the act going forward and allow the sort of development which is needed on these CLAs. We will need to make sure that the Cattlemen's Association and the land councils are brought into the loop on that.

**Senator SIEWERT:** I do understand that. Are we talking a year, two years, three years?

**Mr Davies:** The discussions which are going on at the moment are that we think we can move relatively quickly to start those negotiations and work through a process. The short-term issue is making sure that we can secure those leases for stores, and the Australian government prism around that is making sure that the assets that are invested on those CLAs can be secured in longer term leases.

**Senator SIEWERT:** Is it possible to split it into two issues: making sure the legislative amendments are made, because I understand that there are legislative amendments required, and then doing the negotiations?

**Mr Davies:** The legislative amendments space is one thing we can move the Northern Territory government to do very quickly to allow that leasing arrangement, but then there is another set of much longer term negotiations around the future of the CLAs.

**Senator SIEWERT:** I understand that, and no matter who does it—whether the feds do it or you do it—those negotiations are going to take time. I understand and accept that. The issue is whether the Northern Territory government does the amendments or whether the feds step in and do it.

**Mr Henderson:** We will do the amendments. Of course, when we are amending legislation that impacts on Aboriginal people, we need to consult. The consultation process has started with the NLC and, in particular, the CLC, about those amendments. We go to an election in August, and parliament will obviously be prorogued after the budget sittings, so it is a bit touch and go, but we have started those discussions. I do not want to ram legislation into the house that would affect community living areas without the support of the land councils to say that the legislation is appropriate.

**Senator SIEWERT:** I apologise, but I really want to understand this bit: do you support the position of the CLC and the NLC that that should come out of the Stronger Futures legislation and be dealt with by the NT? I hope I am not verballing them, but that is my take on their position.

**Mr Henderson:** I would agree. I think those provisions are redundant, given the Territory's commitment to actually doing that. That is a commitment we have made. The legislation is not in the house yet because we are still trying to get agreement, in the same way that, if the Commonwealth were going to legislate, I would hope that the Commonwealth minister would consult with the land councils about appropriate amendments before, once again, legislating for the Northern Territory and affecting Aboriginal people.

**Senator SIEWERT:** Those are the provisions that are in these bills?

**Mr Henderson:** That is right. I do not know whether those consultations have taken place. If the land councils have said to the Senate that they would rather deal with us than the Commonwealth then that is good, because that is the right way forward.

**Senator CROSSIN:** I was going to ask whether or not you believe division 3 of the main Stronger Futures bill should be removed. My understanding is that there are five pieces of Territory legislation that would need to be amended in relation to the CLAs: the Associations Act, the Crown Lands Act, the Lands Acquisition Act, the Planning Act and the Pastoral Land Act. Is there work being done on what amendments to each of those acts would be required?

**Mr Henderson:** Absolutely. Given that all those pieces of legislation need to be amended, it would be a bit of an omnibus bill that the Attorney-General would have carriage of. Those discussions are taking place with the land councils about appropriate amendments to all those pieces of legislation within an omnibus bill that the Attorney-General would have carriage of through the Territory parliament.

**Senator CROSSIN:** Division 3 allows the Commonwealth regulation-making power. It allows regulations to be modified to the extent that the laws apply to community living areas. Both land councils, particularly the Central Land Council, have expressed the very strong view that they would be extremely worried about what regulations might be produced in Canberra, particularly without consultation or local knowledge input. Would you share that view?

**Mr Henderson:** Very much so. I have had a discussion about this with Minister Macklin. I understand there is a level of frustration. I accept that from Minister Macklin; we have a very good working relationship. However, it is our Territory, and to get this right and to get support from people it is important not only that the Territory government does this but also that there is full and thorough consultation. If the Commonwealth were to come in over the top and say, 'The Territory government and the land councils are taking too long; we're going to come in over the top and legislate for you,' they will get the same reaction from Indigenous people on the ground and in the land councils as when the intervention occurred. Canberra, with all due respect to the wonderful public servants there, is a world away from a lot of these tiny little places in the Northern Territory. We are much better able to consult; we know the people—the land councils know the people and we have local members of parliament who know the people out there.

It is a bit of a semantic point. We are all wanting the same outcome. We are saying that we are doing it; the Commonwealth are basically saying in this legislation. 'If you don't do it, we will'. We are saying we are doing it, the land councils are saying they are happy with the consultations with the territory government and they want the territory government to do it, so I think the provisions in the bill are redundant.

**Senator SCULLION:** It would seem by your remarks that the patriation of the Aboriginal land rights act to the Northern Territory government would fulfil all those needs. Would you support the patriation of the act to the Northern Territory government, in view of the fact that it only deals with Northern Territory government issues?

**Mr Henderson:** We are moving now into a debate about statehood—

**Senator SCULLION:** Every step forward is a good one.

**Mr Henderson:** Every step forward is a good one, and of course we would be open to consultation with the Australian government and the traditional people of the Northern Territory. Let us not forget that the Aboriginal land rights act basically provides for land ownership of 53 per cent of the territory for Aboriginal people, so you would have to consult with them as well. I am absolutely open to that consultation and I absolutely champion the cause of statehood for the Northern Territory. But that would have to be done in consultation with Aboriginal people.

**Senator SIEWERT:** I think it would be fair to say there has been general support for continuing some form of alcohol measures; the concern is over some of the detail. One of those is the provision enabling the minister to request a review, and specifically using the term relating to Aboriginal people. There have been strong suggestions that we should remove the words in relation to Aboriginal people and make it general. Does your government have an opinion on that, and have you had any feedback on it?

**Mr Henderson:** In regard to alcohol and the devastating impact on so many thousands of Indigenous families across the Northern Territory, we are at one with the Commonwealth government in that this does need to have a very specific and targeted policy approach, without being discriminatory. What we have said to the Commonwealth in regard to this approach is that we have introduced the toughest alcohol measures by a country mile anywhere in Australia that really are aimed at targeting, for want of a better word, whether it is Aboriginal or non-Aboriginal people, people who have significant problems with alcohol, who commit offences associated with alcohol across the Northern Territory or tragically have such problems with alcohol that they are being picked up

out of the streets of Alice Springs, Katherine, Tennant Creek or Darwin night after night and taken into the sobering up shelters or to the watch-house.

The laws in the Northern Territory around these issues are non-discriminatory but obviously, given the proportionate impact of alcohol abuse on Aboriginal families is far greater, proportionally more Aboriginal people are picked up in these reforms. What we are saying is that we are not even 12 months into these reforms yet. These reforms have been embraced by the health sector, by the Aboriginal health sector, by the legal community, by the Indigenous legal communities here in the Northern Territory. Essentially there is not a dissenting voice across the health sector or the legal sector of the Northern Territory about these reforms being a big step forward, although there is a long way to go. We have also got measures in place for ongoing evaluation of the impacts of those reforms, so we are six months in.

With regard to the legislation here, our strong position in the formal submission by the Territory government is that our reforms need to be given a chance to work. There are some amendments in the legislation that are good. In terms of being able to get people through our alcohol court and what have you onto income management who are having problems with alcohol, that is good.

With regard to the request powers that the Commonwealth ministers have in terms of requesting our minister to do this or that and to have a joint review of the Liquor Act of Northern Territory—I also say with regard to that act that has only just recently been amended as well; that was only a couple of years ago—we have made very significant legislative changes in terms of reducing alcohol related harm, very significant policy changes. Those have only just commenced, and we are saying very strongly we welcome the Northern Territory government partnering with us in our reforms and the request provisions in there that may or may not be used. In terms of the issues about Aboriginal people, then this is a bill looking into stronger futures in the Northern Territory for Aboriginal people. With the amount of harm that alcohol causes, I personally do not have a problem with the words in the bill. What we are saying very strongly is: we have done the heavy lifting legislatively. We have committed \$67 million over five years in terms of rolling these reforms out. There is overwhelming support from a health basis and a legal platform in the Northern Territory. Let us jointly evaluate how that is going before we look at other Commonwealth measures.

**Senator SIEWERT:** You said in your opening state and you just made some comment then around you are already noticing significant impacts in terms of the changes that you have made. Could you very quickly just articulate a few of those—and I am presuming it is for the better in terms of impacts—what they have been?

**Mr Henderson:** The licensing minister just released records a couple of days ago of alcohol related violence and assaults, and reductions of those. We can provide those to the committee.

**Senator SIEWERT:** That would be good if you could.

**Mr Henderson:** Essentially, across Alice Springs, Tennant Creek, Katherine and Darwin there has been between a 10 and a 15 per cent reduction in alcohol related assaults in the Northern Territory and, obviously, that is a very good start. Maybe I will flip to John, our police commissioner, for a policing point of view. It is our police officers around the Northern Territory who have to pick up the pieces of alcohol related harm, whether it is trauma through road accidents, responding to domestic violence, assaults, picking people up out of the gutter and transporting them to the watch-house, who are in the front line. Maybe, John, you might like to talk about the impacts that you are seeing as the commissioner.

**Mr McRoberts:** Thank you Chief Minister and senators. There is no doubt at all that the capacity to restrict people's access to takeaway alcohol as a result of this initiative has had a profound impact on the business of policing. As we report to you today, there are in excess of 2,100 people who are prohibited from accessing takeaway alcohol and that has significant impacts in a variety of areas, particularly for front-line police officers. It reduces the consequences of alcohol and its harm. It reduces the potential for problem drinkers to commit offences against women and children. It prevents those individuals from drinking and driving and causing serious harm or, in many cases, fatal crashes. It reduces the level of offending by those individuals who often commit offences against innocent parties who themselves become victims. So we know that we are already seeing some very powerful messages coming out of this legislation. This is without doubt one of the most successful initiatives from a policy perspective that we have had for front-line policing in a number of years.

**Senator SIEWERT:** If we could get those figures, I might put some questions on notice in relation to those, if that is okay.

**Mr Henderson:** Yes, we have copies here. We have got a lot of detailed stats, but Greg might be able to give a quick overview of the figures.

**Mr Shanahan:** The legislation works so that someone who gets on the banned drinker register is banned from purchasing, possessing and consuming alcohol. At the moment we target takeaway alcohol. Seventy per cent of alcohol sold in the Territory is sold through takeaway outlets. So every takeaway outlet in the Territory has a point of sale device, where someone will go in and show their identification to check whether they are on the register or not. So the takeaway can be refused. It can also be put in place on premises. In Alice Springs some of the problem bars do have them on their front bars, so people going in who are banned will be prevented from entering. In terms of numbers, as John said, over 2,000 people are on the register as we speak. In terms of assaults, as the Chief Minister said, in the main centres—because that is where the system was first rolled out—we are down to double digit reductions in alcohol related assaults. We are seeing some drop-off in court numbers in the Magistrates Court, although it is still very early days.

Whilst there are 2,000 people on the register about 6,000 people have actually had notices in that period. The first notice is for three months then you come off, then it is six months if you breach again, then it is 12 months, and then you get referred to the tribunal. At the moment about 300-odd people have been referred to the tribunal, so they are on their third notice. They are now in the process of having to be put into the treatment system. There is a short track to treatment if someone volunteers, but generally the tribunal system is designed to pick up the people who are exhibiting ongoing signs of alcohol abuse and misuse. One of the things in the Stronger Futures legislation which the Chief Minister alluded to is the capacity for that tribunal to allow those people to be referred to income management. That will make an enormous difference to the effectiveness of that tribunal as we go forward.

It is early days and the numbers are significant. In terms of people coming in and presenting for point-of-sale devices, there have been 7,000 refusals, 3,000 of which were those on alcohol prohibition orders who had gone in to attempt to buy takeaway alcohol. Those are the sorts of numbers we are talking about. I think we also acknowledge that because we are taking a health based approach to alcohol abuse we are trying to avoid criminal sanctions. It is really making sure that we stay ahead of the game, because the system itself does not have a criminal sanction attached to it, so we really do need to make sure we keep ahead of it.

**CHAIR:** Mr Shanahan, what is the break-up in the figures between Aboriginal and non-Aboriginal people?

**Mr Shanahan:** We are working on getting the actual figures, but we understand that it is very strongly balanced towards Aboriginal people.

**Senator SIEWERT:** I suppose a follow-up question to that, because you raised the issue of referral for income management, is: how many of those people are on income management?

**Mr Shanahan:** We do not have that information because we do not get that information from the Commonwealth.

**Senator SIEWERT:** Sorry, I should say income support.

**Mr Shanahan:** We do not get that information.

**Senator SIEWERT:** You are going to need to seek that information once you have these powers.

**Mr Shanahan:** Yes.

**Senator SIEWERT:** But you are not collecting it yet?

**Mr Shanahan:** No. We do not have the capacity yet.

**Senator SIEWERT:** Thank you for that. I look forward to having a look at the document. A lot of people have raised the issue of the below 1,350 millilitre level of alcohol and the fines that are imposed and the potential jail sentences of six months under the new powers in Stronger Futures. I think I have now got my head around how that is bringing it into line with the NT legislation. But people have raised the concern that that means a lot of people are potentially going to be fined or imprisoned for having less than that amount of alcohol. In their submission NAAJA and CAALAS say that they are concerned about that. And further:

Even though the power currently exists for police to issue infringement Notices for low-level liquor offences, NAAJA and CAALAS often represent clients who are before a court for possessing, consuming or supplying small quantities of alcohol.

I wonder whether, under the new laws, that is still happening and have you looked at that particular area of the legislation?

**Mr Henderson:** Can I flick to Greg in terms of technicality and how the legislation works. As I understand it, essentially alcohol is prohibited in remote Indigenous communities, unless there is a licence approved for a club on the Tiwi Islands, out at Gunbalanya or wherever. We have historically had sanctions within our legislation, which police enforce. The Commonwealth, obviously under the intervention where we had prescribed communities, also had sanctions in their legislation. As I understand it, this is about bringing harmony. We have

just amended our Liquor Act and increased the penalties under our act for trafficking alcohol into remote communities. As I understand it, this is to bring the Commonwealth provisions into line. I will flick to Greg but also then to John and they can talk about policing and how police police alcohol and drug running in remote communities and the damage that it does out there.

**Senator SIEWERT:** The concern that people are raising is about small quantities of alcohol. People are saying, 'We will get caught with a couple of cans and then potentially end up in the prison system.'

**CHAIR:** And the concern about the resultant pressure on the prison system.

**Mr Shanahan:** I am not aware of there being a mandatory minimum. So the discretion is with the courts. The quantum will be taken into account by the court when they sentence. The Chief Minister is correct. This legislation brings the penalties closer to what ours are. We do have a very strong penalty regime in our criminal laws. Again, because it is not a mandatory minimum sentence it really is at the discretion of the court.

**Senator SIEWERT:** I understand that what NAAJA and CAALAS are saying is that they are concerned that it will mean more people will end up in the prison system.

**Mr Shanahan:** Currently, we have similar laws. I am not sure how bringing this up to speed, up level with ours would have that effect, except perhaps if you are charged under this legislation and then they look at the maximum penalty of the courts and take that into account. But, as I said, we do have very strong penalties under our legislation.

**Senator SIEWERT:** Outside the prescribed areas?

**Senator CROSSIN:** Maybe I could just help here. Clause 8, Division 2, actually inserts a new provision into the Northern Territory Liquor Act, which says there will be stronger penalties for transporting less than 1,350 millilitres of alcohol and stronger penalties again for transporting more than 1,300 millilitres. For 1.3 litres you could get up to 100 penalty points or six months imprisonment. But, for more than that, you could get 680 penalty points or 18 months imprisonment. I read the explanatory memorandum as being a new provision in the NT act.

**Senator SCULLION:** If it assists, Madam Chair: my understanding, following discussions with the minister, is that they had been requested by the Northern Territory government to make this legislation consistent with the existing Northern Territory regulation outside the prescribed areas.

**Mr Brodie:** I am responsible for the licensing regulation scheme in the Northern Territory. The provisions that are being mooted in the Stronger Futures bill essentially deactivate the penalty provisions in the existing Northern Territory Liquor Act and replace new sets of penalty provisions in respect of offences in what is now called a 'prescribed area' but under the new act will be called an 'alcohol protection zone'. Essentially, you get only one set of penalty provisions that are in force in those alcohol protection zones at any one point in time. Obviously, where there is a general restricted area under the Northern Territory legislation that is not concurrent with an alcohol protection zone in the normal provisions in the Northern Territory Liquor Act would take effect at that point in time.

If I understand correctly, the attempt by the draft was to try to make sure that the principle set of offences and penalties that exist between the two bits of legislation looked the same. Obviously, there is an extra provision that comes through in the Stronger Futures bill that carries what you might call a trafficking offence as well as just a general possession offence.

**Mr Henderson:** We have always had strong trafficking provisions in our legislation.

**CHAIR:** But the penalty units and the potential imprisonment are the same as in the NT legislation?

**Mr Brodie:** For someone who is simply in possession or carrying liquor in one of the controlled areas, the 100 penalty units or six months jail applies. Of course, in the Northern Territory legislation if that activity is an illegal supply—unlicensed supply—the penalties are much higher than that: up to 250 penalty units or 12 months in jail. It depends, at least, on the activity that is being undertaken. If people are just carrying it then, obviously, that will be impacted by those questions. But in a lot of circumstances police find people who are engaged in more than just straightforward possession of alcohol for the purposes of drinking it themselves.

**Senator SIEWERT:** Sorry, it does hurt my brain a bit trying to get across this I have to say! I think I will put some questions on notice around how you determine whether it is illegal supply if it is under 1,350—those sorts of things. I will put it on notice because I think I am going to consume a lot of time trying to understand it.

**CHAIR:** Your discussions have been with Attorney-General's?

**Mr Brodie:** No.

**CHAIR:** With whom has the NT licensing area been in discussion at the federal level to come up with what is in Stronger Futures?

**Mr Brodie:** We have had some conversations with the department of families and community services. That has been the principal conduit of communication. That communication has been more us providing them with information about what is in the Northern Territory Liquor Act and those sorts of things. We were not deliberately consulted about whether or not the penalty units and the structures that were being proposed were appropriate, or correct for those purposes.

**Senator SIEWERT:** When you say you were not—

**Mr Brodie:** We were asked what the Northern Territory law looked like, but we found out what the proposal was without necessarily being consulted about what an appropriate structure would look like.

**Mr Henderson:** But in terms of the principles: I am not sure what happened at the departmental level, but in my discussions with Minister Macklin it was about having consistency of legislation and penalties across both pieces of legislation. In many remote parts and on communities there are alcohol management plans that have been negotiated with communities through our licensing commissioner, but because they are in the controlled areas the Commonwealth minister has to sign off on them.

It is our police who are in the front line who have to arrest and charge and what have you, and there was inconsistency with the original NTER legislation. As we have said, we have amended our legislation quite significantly over the last couple of years. The policy intent was to try to get alignment and consistency around penalties. What discussions took place and the technicalities of drafting I cannot comment on.

**Senator SCULLION:** Chief Minister, there is one thing that you would be aware of—it is not controversial, but there has been a bit of discussion—the assessment of licensed premises. I guess that as a Territorian I take some umbrage with the way it is worded, and I want you to clear something up for me. Basically, it says, 'Well, if we asked the Northern Territory government to use their own legislation,' because an assessor is still part of the Northern Territory Liquor Act, 'then they are going to go and do these things. But if they don't, we're going to shame them and make them put a little message in parliament about why you wouldn't do that.' I just want to clarify if the Commonwealth government has ever asked the Northern Territory government or the Northern Territory Liquor Licensing Commission to provide an assessment on some premises? You may want to take that on notice, but I just think it would be useful. And have you refused to cooperate?

**Mr Henderson:** My advice is that we have never had a request.

**Senator SCULLION:** There appears to be an inconsistency of approach between what we now call the alcohol protection areas, the old prescribed areas, and all the areas outside of them. For example, in this legislation the minister—that is, the current Minister Macklin, not any other minister—will be able to direct the cancellation of a licence or an amendment of the conditions of a licence simply by letter to a licensee within the prescribed area, somewhere like Gunbalanya or the Tiwi Islands, without reference to the liquor licensing commissioner, apart from informing him. I have a strongly held view that we are not a mendicant state and the Commonwealth should, if it is believed that this is in the interests of the management plan, ask the liquor licensing commission or the Northern Territory government to act. That would make it completely consistent. They would quite possibly say in the case where the Northern Territory government or the liquor licensing commission, which you said has never happened before, suddenly does not act then the minister would retain that power. I will be putting forward an amendment to the bill to reflect that. From my discussions with the minister thus far, I think that is seen as quite reasonable. Could you support that position, even on notice?

**Mr Henderson:** On face value, I think that sounds a principled approach. Without seeing the drafting of the legislation, that would be consistent with everything else we are doing in the bill. At the end of the day, we all share the same policy objective to minimise the harm caused by alcohol and the irresponsible sale of alcohol, as well as alcohol related harm at an individual level. To provide consistency, that seems to be an appropriate amendment.

**Senator SCULLION:** Thank you.

**CHAIR:** I have a couple of questions and they can be taken on notice. Can we get some data on imprisonment rates under the Northern Territory legislation? A major issue raised with us was a concern about people being sent to prison, particularly for smaller amounts of liquor.

**Mr Shanahan:** Do you want only NT or NT and Commonwealth data?

**CHAIR:** Both. Another issue that has been raised is that we are concentrating on alcohol to the exclusion of drugs. In the evidence we received in Maningrida, no-one was debating the fact that there needs to be an attempt

to help people off alcohol, but it was clearly put to us as a committee that we should be working much harder on the issue of drugs, not only looking at alcohol.

**Senator SCULLION:** A lot of comments were about why Stronger Futures legislation does not deal in the same way with illegal substances as it does with alcohol.

**CHAIR:** Clearly my question is linked back to the Stronger Futures legislation. I would like to get some information from the Northern Territory government about what the processes are, the penalties are and information about drugs across the Territory.

**Mr Henderson:** We can get you as much detail as you like, but I do have to flick to the Commissioner. I am the Minister for Police, Fire and Emergency Services as well as being the Chief Minister. This whole issue of drugs, particularly in remote communities, is of great concern to me. It is a standing item on the agenda of meetings that I have with the Commissioner. We talk about this all the time. Over the years we have significantly increased not only penalties in legislation for drugs in remote areas but also the focus within our police force. Just a couple of years ago we introduced aggravated penalties to our legislation. If people are selling marijuana in Darwin, selling it in Maningrida has a much greater value and therefore people tend to target those remote communities as the profit is greater. We have aggravated penalties in our legislation for sale of drugs in remote communities.

**Mr McRoberts:** I have to tell you that nothing gives me more pride in the work of the men and women of the Northern Territory Police than seeing almost daily some of the seizures that they make of alcohol and drugs that are heading towards remote communities in particular and that are going to inflict enormous pain and enormous damage on the residents. If you will indulge me for a moment, I will talk you through some photographs. This photograph is of one seizure alone of kava that took place in the last two weeks. At a recent standing council of police and emergency management, the Chief Minister representing the Northern Territory asked that the issue of kava and its trafficking in Australia become a matter for the national agenda.

Here is a photograph of our drug dog working diligently examining packages in the mail. We have got a few of them. Here is a photograph of another seizure of kava that occurred in the last fortnight. This photo shows a well-concealed consignment of cannabis going into a remote community. It is an example of the ingenuity of people who seek to traffic drugs by concealing it, in this case, inside a child's toy bus. Here is another example of people's ingenuity: the drugs are concealed inside a child's toy microwave oven. This photo shows cannabis that was seized, again in the last two weeks, that was going into a remote community. This photo shows the effort that people go to to conceal kava in four-wheel drives. It is not only kava that is seized. This photo shows alcohol going into a prescribed area, where it is prohibited. A photo that I am sure the Treasurer would be delighted with is this one of the seizure of a significant amount of cash—the profits of trading in illegal substances in communities. And here is another photo showing the seizure of cannabis. Finally, here is another photo of a seizure of kava on the road to Bulman last week.

If we can appreciate the volume of illicit drugs and alcohol that our officers are seizing and turn our minds to the harm that we have probably prevented, then I have to pay tribute to the national partnership agreement funding as it has significantly enhanced our capability in this area. I think that is where we will achieve enormous success from a harm minimisation perspective in the future.

**CHAIR:** Thank you, Commissioner. And thank you for the photographs. We might take copies of them, because I know you brought them here especially for the committee. Could we get some record of the penalties so that we can make a comparison of the penalty regimes.

**Mr Shanahan:** At officer level, we exchanged that information with the FaHCSIA people. They did go down the path of looking at the drug stuff, so it is pretty simple.

**CHAIR:** Thank you very much. We will now move to education.

**Senator SIEWERT:** With the Every Child, Every Day program, you said that there had been 480 extra kids going school. Does that mean that it is dealing with the enrolment side of things?

**Mr Henderson:** Can I introduce Gary Barnes, who is our Chief Executive of the department of education. I will ask Gary to answer any statistical types of questions as well as policy.

**Mr Barnes:** The figure that the Chief Minister referred to is a direct result of the legislation that came into effect in July last year but has been really happening in schools for just two terms. There are a whole lot more kids who are going to school as a result of other aspects of the Every Child, Every Day strategy, which is not just about punitive measures but about developing community partnerships. It is about providing a reality, which is a job for kids so that they have got choice and jobs as their goal. It is about over 1,300 kids now going to boys and girls academies. It is about the communities feeling that they own schools. It is about them turning up at those

schools from 3 to 9 and taking control of those school assets and having community learning. From our perspective, it is about targeting parents early on through our Families as First Teachers program and making sure that through that experience and then through universal access to pre-schools that we build a culture of attendance as being the norm rather than being different. So the 500 is just the result of the punitive aspect of a strategy that encompasses a whole range of holistic strategies that are trying to turn around education, particularly in our very remote schools.

**Senator SIEWERT:** Thank you for that. But I am still not clear: are the 500 new kids in school or kids that are turning up regularly to school now that did not before?

**Mr Barnes:** These are students that were enrolled in a school and had very low attendance or in some cases no attendance. These kids are now engaged in schooling in a very meaningful way.

**Senator SIEWERT:** So it is the regular attendance?

**Mr Barnes:** Yes.

**Senator SIEWERT:** Okay, thank you. What is your ratio of teachers and students now?

**Mr Barnes:** The ratio of teachers to students within the Territory depends on the age of the kids. We have a staffing ratio which delivers one teacher for every 14 students in senior secondary; one teacher for every approximately 18 students in middle school; and about one to 22 in our primary schools. So the ratios in terms of our staffing allocations—and you can see this through things like the ROGS—

**Senator SIEWERT:** Sorry, 'the ROGS'?

**Mr Barnes:** *Report on government services*—will show you that we probably spend more on education per student than any other jurisdiction and our ratios are favourable in terms of the number of people that are on the ground versus the number of kids that they have to deal with.

**Senator SIEWERT:** Thank you. We have heard mention of attendance officers while we have been out and about. What is the policy on attendance officers? Is each school funded to have at least one?

**Mr Barnes:** There are two types of attendance officers. Schools, particularly in our remote areas, have home liaison officers and some of those play a role in attendance. The schools in the city areas have what we call Aboriginal and Islander education workers, and they also have a role to play in terms of school attendance. What we have created as part of the Every Child, Every Day are regional attendance teams. Those regional attendance teams are separate from the school. This was a very deliberate thing that we did, because those regional attendance people are called in after the school has exhausted every avenue to try to get kids from some families back into the schooling system. So rather than have someone within the school and within the community that they have to live in to have a pretty hard conversation about the fact that he has got to the point where things need to change, someone from outside of the community is coming into that community to have a compulsory conference.

We have had approximately 188 compulsory conferences. So it has got to the point where the schools have referred families to these regional attendance teams. Remember, this is only since the middle of last year—188. After those 188 conferences the outcome usually is an agreement between the family, between the school and any other agencies that need to be involved, because sometimes the solution to getting kids back to school will involve the Department of Children and Families, it may involve the Department of Lands and Planning around transport. We get those agreements in place. I am pleased to say that of the 188 compulsory conferences that it happened with our regional teams we have had over 150 re-engagements in school. So from our perspective that seems to be working.

**Senator SIEWERT:** And each school has at least one home liaison officer?

**Mr Barnes:** If they are in very remote communities. We have 86 of those—and HLO are found in our bigger schools. Some of those home liaison roles are played by our assistant teachers in some of our smaller remote schools.

**Senator SIEWERT:** Thank you. Do city schools have liaison officers?

**Mr Barnes:** Most schools now have what we call Aboriginal and Islander education workers. They were something that came initially through a federal government grant and they were so effective that the Northern Territory government made them part of its core allocation to schools. They are now NTG workers, whereas they started off, I guess, as a federal government initiative.

**Senator SIEWERT:** And they are responsible for—?



**Mr Barnes:** Liaising with families and making sure that the interests of Indigenous kids in our schools in large urban population schools are taken account of.

**Senator CROSSIN:** Of the 188 who had compulsory conferences, at what stage would they then be linked into Centrelink? Do they have an opportunity to re-engage before any notification to Centrelink?

**Mr Barnes:** The conferences to which I am referring had occurred outside of the federal government's SEAM measure.

**Senator CROSSIN:** Okay.

**Senator SIEWERT:** They happened in SEAM schools—is that what you mean?

**Mr Barnes:** No.

**CHAIR:** Why?

**Mr Barnes:** There was a separate process in a selected number of locations that have occurred across the Northern Territory, and those communities are for kids that are within scope—that means that parents had been receiving benefits. There has been this SEAM trial happening, mark I and mark II, over the last three years. What we have done in every child, every day because we needed something as a department and the government needed something as a government, is for all of our schools and not just those that were covered in the SEAM trial. So that is why government enacted legislation in the middle of last year.

**Senator CROSSIN:** Just on that, then, I am assuming that, as opposed to the SEAM trial, the proposal that is in this legislation picks up the process you have just outlined—adopts the Northern Territory government model and will pick that up?

**Mr Barnes:** Yes.

**Senator CROSSIN:** So at what point would people be linked into Centrelink and the work Centrelink offers?

**Mr Barnes:** We are very encouraged that FaHCSIA and DEEWR, who consulted with us in the development of that part of the legislation, have moved away from their existing SEAM measure and have almost mirrored in the new legislation the approaches that we are using. Our approach means that you exhaust all avenues first and then you sit down and have a meaningful discussion to see whether the problem can be resolved without moving to a punitive measure, because that is, from our perspective, a measure of last resort. We have had to resort to that in 39 cases, but it is something we would prefer never to get to.

The legislation that is being proposed has the capacity to call compulsory conferences, which we really welcome because sitting down with people and trying to thrash out what the real issues are is a very important first step to determining what the solution is going to be for those families. At the point at which parents either refuse to attend a conference, or refuse to engage in the outcomes of the conference, then the Commonwealth legislation has the capacity to go to Centrelink and suspend a percentage of family income payments.

**Senator CROSSIN:** What are the plans to inform people about this new measure? Clearly there is a perception out there that this legislation says, 'If I don't send my child to school I'm going to have my Centrelink payment stopped.' I do not think people have an appreciation of the weeks, days or even months and the team of people who will be involved in getting a child to go back to school.

**Mr Barnes:** Certainly we have spent a fair bit of time talking to our remote communities, through groups like the NLC and CLC, and we are about to outpost a person into the Northern Land Council—to have them based there so that they can explain these things up front.

Certainly I think people are starting to get an appreciation that you do not arrive at the big stick without a lot of work going on up front. Most community people who have seen the measures that we have implemented roll out—whether they are in Darwin or Palmerston, because our measure is for all communities, or out at Angurugu or Umbakumba, or, recently, at some of our other remote locations—understand that if it gets to the point where a person is issued with an infringement notice that no-one could ever say that they were not given every opportunity and every support.

The equivalent message will need to be there for the revised SEAM measure, because I think people still associate what is being proposed—I do not think they have really looked at it—with the old version of SEAM.

**Senator CROSSIN:** So the education department are going to fund someone to sit inside the NLC. As well, the CLC—

**Mr Barnes:** We have a close working relationship, now, with David and the CLC through the executive director down there, but if this works with the NLC—certainly other government departments already have people embedded in the NLC and education is a major priority for both land councils as well as Anindilyakwa

and the Tiwi mob—then that certainly would be a very meaningful way of delivering a message. We would look at that.

**Senator SIEWERT:** I just want to clarify. Does every school in the city have an Aboriginal or Islander education worker?

**Mr Barnes:** I would have to take that on notice. Our city schools also have a very large population of Indigenous young people but I would need to clarify that for you and get that information back to you.

**Senator SIEWERT:** Thank you. Of the 39 cases that you said you had to take a punitive approach with—if I understood that correctly—what was the nature of the punitive approach and has it resulted in the child going to school?

**Mr Barnes:** It was an infringement notice. When the legislation was passed that infringement notice was, I think, \$266. That will have risen, I believe—but not by much—because it is tied to penalty units. Of the 39, the Fines Recovery Unit have indicated that 13 people have paid or are paying and that there is a whole number of those that are still within the period where people can arrange to pay them or have them paid. From my perspective the important thing is that 26 out of the 39 have got improved attendance as a result of that punitive measure. We do not want to ever get there but when we do get there we want to see that it starts to make a difference in getting kids back to school.

**Senator SIEWERT:** Of the 188 that are going back, is that with consistent attendance?

**Mr Barnes:** There were 151.

**Senator SIEWERT:** Yes, sorry. There are 188 who have gone through the process. Are the 151 having continuous attendance?

**Mr Barnes:** I have asked that same question of my people. I would like all of them to be at school 90 per cent of the time, or more, which is on average what kids around the country need to attend to get the outcomes. We have many kids who are in that category after they had been through the process, but we have some that still fall below that and we are going to have to work on that.

Some people still have the idea that turning up three days a week is a good outcome and they are turning up three days every week. But if you turn up three days every week by the time you get to year five you have had only three years worth of full attendance. So, we need to get the message through. The important thing is that a lot of these kids were not turning up at all or they were turning up less than 10 per cent of the time and they have started on the journey of school attendance.

It is often reported—and I have mentioned this to Minister Macklin—that attendance in the Northern Territory is a flat-earth using approach in our remote schools; it is around 65 per cent. When I heard that after coming into the job I was flabbergasted to think that, if you are going to have that percentage, what is wrong with the schools. But when you actually go out into the schools and have a look at our 84 remote schools most of the kids who are in the community on any given day go to our schools. In fact, far over 90 per cent of the kids that are in the community, and are from that community, are in many of our remote schools. We have a few schools that need to lift their game, and some of them are starting to do that. In fact, Maningrida, which you went to yesterday, is on the up.

But the big issue we in Every Child, Every Day are dealing with is the kids who are out of community—those who are visiting another community and cannot get back, those on sorry business—and miss big chunks of time. Schools in communities are shut over the period of the wet season. When the dry season comes they all go.

So, this is a complex issue and one that I am pleased to say Indigenous nations within the Territory are saying to me they are up to trying to solve, because a lot of this stuff is learnt behaviour. They are saying that themselves.

The Gunbalanya example is a classic. It is a community you cannot get out of over the Christmas period because the river is up and you cannot travel by road. And if you are the average person in the community you do not have enough money to fly in and fly out. Yet that is the time when we shut our school for six weeks. So, this year, with the community's support and the support of the school and some innovative approaches, that community kept their school open for three of those six weeks. So they have had attendance consistently of over 200 at school in that three-week period. The period that the school will be shut now, which is in the dry, is when fewer than 30 kids were turning up to the school.

We need to be innovative around working with Indigenous people to make sure that we solve the issue of school attendance and fit around the things that are important to them from a cultural perspective, as well.

**Senator CROSSIN:** On the matter of Gunbalanya school, although this is not on-subject, I am going to give them a free plug here. If you get a chance to see the video of the Christmas concert last year you ought to. I am encouraging them to put it on YouTube. It is one of the best quality I have seen anywhere. It would be comparable to whatever you, Mr Davies, and I have seen in any capital city primary school in this country. I think it is a credit to them.

**Mr Barnes:** It is not rocket science turning around school communities.

**Senator SCULLION:** We have just taken evidence in Maningrida and the fact is that over the last year on only three occasions, where the measurements were over a week, were more than 50 per cent of people of primary school age in the school. I appreciate that it is useful to divide the issues that are affecting that, but it is difficult for those Australians who are concerned about all of these matters to understand why it is the case that we have such a large number of people. It might be for very appropriate reasons and it might be very complex. I have difficulty with—whether it is the SEAM program or the program you are involved in—the raw numbers of people who are not going to school. You talked to me about 188. I am not being mischievous about this. I am sure that was a sample. This is all part of a trial. The effect is that not even half the kids are going to school. The SEAM program managed to breach seven parents over the entire process. I know some of the schools they were doing it at. There were 200 kids missing in action. It is pure arithmetic.

Perhaps this is something for you to take on notice. There are obviously issues about the cultural engagement, the dry season and those sorts of things that are still a major part of this. Perhaps the other 50 per cent, if you talk about it over a school year, have to be dealt with. You know an awful lot about this sort of stuff. It would be very useful for the committee to have this notice. You are obviously working on some of this material. Perhaps you have some material that talks about how we might, in some of those practical senses, re-engage certainly those cultural matters. For example, how long cultural business takes. Does it really take nine weeks? Do the kids have to travel with you? There are all those sorts of issues that I know you are across. Perhaps there are some papers that you are aware of that deal with those sorts of things. It would be very appreciated if you could take that on notice.

**Mr Barnes:** We would be very happy to provide those.

**Senator BOYCE:** Going on from the example you gave us, Mr Barnes, in Maningrida earlier in the week we were told that the school was talking to the community about the potential for splitting the school year differently, into the wet season and the dry season. What is the department's attitude to flexibility of school terms? I am thinking about this from the perspective of a bureaucrat who might find it something of a nightmare to have 30 or 40 school years across the Territory.

**Mr Barnes:** Thank you for the question, Senator Boyce. Flexibility is the key, but as a bureaucrat I need to be mindful that there are certain dates that fall within any school year that are nationally driven.

**Senator BOYCE:** For NAPLAN, do you mean?

**Ms McCarthy:** NAPLAN is one of them, but certainly, for our kids in the bush who are moving through to year 12 and getting certificates of education and training, there are things that have to be met. Within the realms of the things that we must do to be consistent within the national approach, I am all for flexibility to improve attendance. If you go to Ngukurr, you will find the kids are doing VET in the middle. They are beginning vocational education and training with horse handling, another certificate I that will lead to certificate III level courses. We have over 200 kids across our remote schools that are doing vocational education and training and getting their literacy and numeracy as early as the middle years of schooling. That is a flexibility I have negotiated with ACARA and the federal government.

At other places we have become flexible around running something we will call Target 180. One hundred and eighty days is 90 per cent attendance. If you go to Angurugu now, under their partnership agreement, if kids miss out during the week they run school on Saturday mornings for the kids. Other communities, negotiated through the communities, are running longer sessions each day on Monday to Thursday because they know the community people need to drive into Katherine to get things happening. We are negotiating with people in the desert who every year go to the Mt Isa rodeo. They are not going to stop doing that. If they are going to do that every year—and it is very important for them to do it—then we can close the school at that time and reopen it at another time.

These things are difficult to do because they require industrial agreements. We are very lucky that under the last enterprise agreement the Australian Education Union agreed to those flexibilities. The trial at Gunbalanya is one; the mob from Maningrida, the Indigenous workers, of their own accord came down to have a look at what was happening at Gunbalanya and said they wanted that in their community next year. We are all for flexibility.

We want people to participate in the activities that are important to them. The people from Croker Island, for example, love to come into the show in Darwin and they find it difficult to get back up onto the island in a timely fashion. We will now accommodate that with some changes where kids do not miss out.

**Senator BOYCE:** On notice, would you be able to give us a list of schools that are using a different timetable, for want of a better word, and what the differences are?

**Mr Barnes:** Yes.

**Senator BOYCE:** A number of NGOs yesterday spoke of getting a big whack of money from the federal government coming into the Northern Territory but only a small amount of that going on the ground. There was the implication that a lot of that money was being spent on administration by the territory government. I would just like a response to that view.

**Mr Henderson:** If there are any examples I will certainly delve into them. It is not the policy intent. There have been debates around Indigenous expenditure in the territory for many years. I point to this report, released on Thursday 15 September last year, *Australian Government Expenditure by State and Territory: Indigenous Expenditure Report*. It shows very clearly that 53 per cent of all Northern Territory government budget outlays are directed to providing services to Indigenous people of the Northern Territory. Indigenous people are 33 per cent of the population, with 53 per cent of the budget outlays. This is a Commonwealth government report that has looked at Indigenous expenditure across all of the states. Per capita we are way higher than any of the other states.

Not only have we had this independent report; we also have our own Auditor-General who every two years—there have been two reports so far—looks at the same question and reports to the territory parliament on Indigenous expenditure. As I said at the very beginning, the fundamental thing about closing the gap for us as a government is that it is everything, every day. It is what we put so much of every day's focus on, across every government agency. There is no intent, whatever the allegations are, in terms of siphoning off money. If there are any specific examples of NGOs—

**Senator BOYCE:** I do not think the suggestion was that money was being siphoned off—it was that it was being spent on administration and other issues that meant that the money was not used on the ground as effectively as it might have been. That was the allegation.

**Mr Henderson:** Certainly I would be very open, as the Chief Minister, if those particular organisations wanted to come and speak to me about any evidence of that. We would have a totally open book on it. We want every dollar as much as possible to hit the ground. I would have to say there has been more scrutiny of the Northern Territory over the last five years on this issue than there has ever been before. The intent is to get every dollar hitting the ground, if at all possible, but of course things do have to be administered.

**Senator SCULLION:** Perhaps on notice, then, would you be able to provide us the amount of money that was allocated to administration on each one of those 53 that are in there? If that is available in there, that is fine, but if it is not specifically on each one of those—

**CHAIR:** I think that is in the book.

**Mr Henderson:** I think it is all in here. I can also provide to the secretariat the two reports by our own Auditor-General on this. I think our reports by our Auditor-General—they go over four years, and I think the other one is due next year—have shown around 51 or 52. So it is a consistent 50-plus per cent.

**Senator SCULLION:** It was more on the amount that the Northern Territory government use in administration. It is not so much on your spending; it is the funds the Commonwealth provides. How much does it actually cost to provide that on the ground? But you can take that on notice

**CHAIR:** That is all listed in that document. That is the way it is drafted.

**Mr Henderson:** But we will provide it, plus our own.

**CHAIR:** Thank you very much, Chief Minister, Minister McCarthy and various executive officers of the departments. Mr Moffet, it was not that we were not interested in your health department issues; it was just that the Stronger Futures legislation does not mention health in the changes. We are trying desperately to focus. I want to be clear that there were a day's questions on health we could have given you.

**Mr Moffet:** Understood.

**CHAIR:** Thank you very much.

**Proceedings suspended from 11:00 to 11:10**

**RYAN, Mr Maurie Japata, Private capacity**

[11:11]

**CHAIR:** We will reconvene. I apologise, and appreciate your patience, Mr Ryan. You understand that there were so many questions of the previous witnesses that we just went over time. Please state your name, and the capacity in which you come to see us.

**Mr Ryan:** My name is Maurie Japata Ryan. I come from Kalkarindji. My people are the Malngin, Gurindji, Warlpiri, Ngarinman, Bilinara and Irish. I am here as an individual and as a human rights campaigner for my people. I have written articles over here for you.

**CHAIR:** Thank you.

**Mr Ryan:** I do not agree with what was said by the group earlier. I live in the remote communities. I would firstly like to acknowledge the traditional owners of Darwin, the Larrakia nation of the past present and future, and the traditional owners of all of Australia, the Aboriginal people. I would also like to acknowledge those people who are affected by the intervention from 2007 to last year, 2011. There were 10,000; now there are 45,000, and increasing. I would also like to acknowledge all the TOs of Australia—the Aboriginal people.

Stronger futures in the Northern Territory: I do not believe there are—not for Aboriginals. To those who do not listen—those gifted with stupidity—the morons based in Canberra: the ALP and Liberal-National Party, the public servants, the bureaucrats and the experts on Indigenous Australians, I am here today as an individual. I am the founder of the First Nations political party, a member of the stolen generation and a descendant of the oldest civilisation and culture in the world. I stand in front of you accused of many accusations, as are many of my fellow Territorians with DNA in their bloodlines who live in the 73 prescribed areas in the Northern Territory.

I will not apologise to individuals, organisations or state and federal governments, who I accuse of blatant racism, of creating racism and of preaching racism from the highest level—from its creators to its advisers. I am not a British subject; I am a sovereign person of this country. My rights and the human rights of many of my fellow countrymen and countrywomen have been violated by the federal government, and will continue to be for the next 10 years. I turn now to history. One of the biggest contributions to the situation in the Northern Territory and Australia can be squarely blamed on the actions of the past that now affect the future. Two words have caused the beginning of the destruction of one of the oldest societies in the world, which has lasted 40,000 to 100,000 years. Those words are terra nullius: land belonging to no-one. The words terra nullius gave legitimacy to an illegitimate overseas nation, Great Britain, to seize a land mass of 2,966,200 square miles, or 7,962,030 square kilometres, and to impose laws on traditional owners who never acquiesced their sovereignty to anyone or any nation. These words have given legitimacy to the actions of Captain James Cook, by orders of the monarch of great Britain, the British admiralty, the British government, the House of Commons, the House of Lords, the head of the Church of England and the Pope of the Catholic Church.

Exposure of terra nullius as an illegal fiction was upheld in Mabo No. 2 by the High Court of Australia. From the miniature Prime Minister, little John Howard, and his Indigenous affairs minister, mad Mal Brough, the Marlborough man, to the Anglo-Saxon dominated House of Representatives—

*Committee members conferring—*

**Mr Ryan:** Excuse me, I thought I was speaking.

**CHAIR:** There was just a process about whether you could make disparaging remarks about somebody in your statement.

**Mr Ryan:** All right. As I said, I will not apologise.

**CHAIR:** I understood that, Mr Ryan, and my ruling is that you are protected by parliamentary privilege. That is what we were discussing.

**Mr Ryan:** Thank you. Let me start that sentence again. From the miniature Prime Minister, little John Howard, his Indigenous affairs minister, mad Mal 'the Marlborough man' Brough, to the Anglo-Saxons—

**CHAIR:** Mr Ryan, I have said that you have the right to say these things, but you should be careful.

**Mr Ryan:** Yes, I am, Madam Chair.

**CHAIR:** I know you are not apologising; just be careful with personal attacks.

**Mr Ryan:** But somebody has put this thing in.

**CHAIR:** I understand, but just be careful.

**Mr Ryan:** They, and the Anglo-Saxon dominated House of Representatives and Senate—except the Greens—passed this bill in 2007, removed the Racial Discrimination Act 1975 and put in the right to practise racism openly, and passed legislative policies that first affected those Indigenous bloodlines in the Northern Territory Emergency Response to the present day. Australia has breached and continued to breach its membership of the United Nations, and should be removed as a member of the UN, as it supports the practice of racism.

I also accuse current members of the federal government of enforcing racism with their further extension of the years of intervention without consultation of those in the prescribed areas, and without seeking their personal consent for the quarantining of social security payments and the BasicsCard. Madam Chair, if you have not seen it, this is a BasicsCard. All right? To you people who have never seen it, I have worn that.

**CHAIR:** We can assure you we have all seen it.

**Mr Ryan:** It is the most disgraceful thing I have ever seen in my life. Australia needs to look at its treatment of the nation's first people in all areas of politics, health, education, housing, employment, economics, cultural sustainability of identity and pride of language, culture, cultural beliefs, customary laws, religion and empowerment. The situation of Indigenous Australia is detrimental to all political parties and their leaders, and to those elected by the dominant society by ill-informed, misinformed Anglo-Saxons in southern states, from colonisation in 1788, to the creation of the preamble in the Constitution in 1901, to the present day. Australia breaches its own Constitution, and is illegal and fraudulent.

Since the forced introduction of the intervention in the 73 prescribed areas, the following statistics have occurred and are increasing. In 2007, 10,000 Indigenous men and women were quarantined, and Centrelink payments were put in place. By 2011, those numbers increased to 45,000, at a cost of \$30 million plus to administrate this increase in numbers. The Northern Territory Emergency Response has created the following: pain, hurt, humiliation, blackmail, stigma and traumatised. There has been no apology for this by any government. The price of betrayal towards those people in the 73 prescribed areas was \$80 million in blackmail by the Howard government. It took over our communities and replaced them with elected shires. And those communities are not dysfunctional; it is those people put in place, and they are all white. Ironically, all the prescribed areas are Indigenous electorates, with a large percentage of voters being Indigenous. The continued speculation of consultation is a lie. There has definitely been very little or no consultation. There has been no written or verbal consent of authorisation by those that have been quarantined. The governments have never brought soldiers into communities within Australian states or territories in peace time, except in natural disasters.

The removal of children appeared imminent in this action in Mutitjulu. The accusations of rivers of alcohol and drugs being rife in these communities and the accusations of paedophile rings operating in Mutitjulu were not to be found. How many men were taken to court and fined and consequently jailed? How much was spent by the Crime Commission? Many men, their fathers and grandfathers were afraid to show emotion by hugging their children and showing care and love.

Some of these points that were said today and inside Strong Futures are to do with education. I am a schoolteacher of some 38 years. I am also head of my school council. I repudiate some of the things that have been said in front of you a little while ago. Education is the key to all races, and it has been detrimental in both the Northern Territory and federal governments in their drip-feeding service delivery of curriculum resources and buildings. My building is full of asbestos.

The federal government's reply is to punish by fines and suspension of payment. It does not support the many that are doing the right thing in attending school. Those children should be rewarded. Adult education classes need to resume and resume immediately for adult men that have gone from schools because of the passage of manhood. Some leaders you heard here have gone from grade 5. Our communities are suffering in many places because of the lack of education and many of our leaders do not have that quality of education.

Leasing: I find it shocking that this has to happen. I demand leasing of the Australian people since 1788 for the moneys of living of our lands. I am a member of ABA. ABA committee members were told last year in September that the lease payments for five years to 99 years were coming out of ABA. I am on the committee. None of us knew this. As for the actions of the previous minister and the minister today, I accuse them of kleptomania, of stealing that has occurred by the use of ABA as a slush fund. Signing of leases of land for houses to be built in remote communities is nothing but blackmail.

Licensing of stores—big deal. The cost of living has gone up. There has been no increase in Centrelink payments for people. The pays have increased for politicians, public servants and bureaucrats. How do you think we survive when the cost of food and petrol are marked up 150 to 200 per cent? Moneys generated do not go to the community.

The solution: to start all over again with real consultation, not the blanket approach for everyone in the 73 prescribed areas. Treat it for what it was—a piece of legislation, a policy of racism by the Australian government towards 10,000 Aboriginals that allowed the federal government to implement it because of the Northern Territory not being a state. This is what I think of this. How much more do we have to put up with all this nonsense?

**CHAIR:** Thank you, Mr Ryan. Are there any questions?

**Senator SIEWERT:** I think Mr Ryan ripping it up is pretty clear.

**CHAIR:** Mr Ryan, you have made your statement very clearly. It will be in the *Hansard* and it will go to the parliament.

**Senator SCULLION:** Perhaps I could just respond.

**CHAIR:** Senator, I do not think there is time to respond.

**Senator SCULLION:** I will catch up with you later, Maurie.

**CHAIR:** I think that would be useful.

**Mr Ryan:** Thank you very much. Madam Chair, you gave this lot here two hours and you give me 20 minutes. I find it disgusting.

**JACK, Mr Tony, Council Director, Mungoorbada Aboriginal Corporation**

**KELLY, Ms Kirsty, Accountant, Mungoorbada Aboriginal Corporation**

**SOUTH, Mr Bill, Chief Executive Officer, Mungoorbada Aboriginal Corporation**

[11:25]

**CHAIR:** We welcome witnesses from the Mungoorbada Aboriginal Corporation on the Robinson River. Information on parliamentary privilege and the protection of witnesses is available. If you have any questions, that can be provided to you. We apologise for the fact that you have an overhead presentation about which we were unaware. Maybe we can talk through some of the issues and then see how it goes from there.

**Mr South:** That is fine; thank you very much. The Robinson River community is quite often regarded as a model community. A lot of the positive things that are happening in Robinson River are not happening elsewhere. A lot of the negative things that I heard talked about this morning are not happening in Robinson River.

We had a presentation of a series of still slides that show Robinson River and the extent of what is happening. Tony lives on one of the outstations. He is also the Mayor of the Roper Gulf Shire. He is a born politician and seems to spend a lot of his time out of the community. Tony will be the first one to tell you that if he is out of the community for one or two or three weeks when he comes back there is change. So to anybody who visits Robinson River on an irregular basis or who comes in every so often there is always something new to show and there is always something else happening out there.

The visiting officials who come to Robinson River have often been visitors who come in on a daily basis, fly-in fly-out, and on occasions more recently we have had more people stay overnight or stay for a number of days in the community. After doing that, their comments are: 'We had no idea how vibrant the community is.' At 6.30 at night it is not uncommon to have the kids in organised sport on the ovals—they have organised it themselves—or the boys are out playing football and the ringers are out working. There are things going on, and as a rule you just do not see that sort of thing in other Aboriginal communities.

Why is that? The community was actually an outstation. It still is an outstation—a very large outstation. We have our own powerhouse run by the power and water authority. We have a school. We have a clinic. We have all the facilities that one normally has in a reasonably large community with a population of some 250.

*Slides were then shown—*

**Mr South:** Can people see that or not?

**CHAIR:** We can see it. I apologise to the people at the back who cannot see the photographs.

**Senator SCULLION:** It is a beautiful river.

**Mr South:** It is a beautiful river. It is the Foelsche, but it is in flood—I do not think it is going to work.

**CHAIR:** I take it that is the Robinson River?

**Mr South:** No, it is the Foelsche. One of the realities of Robinson River is that we are the most remote community in the Territory. For two reasons: No. 1, we are the community that is furthest away from the service centre, which is Darwin—and we get a little bit of stuff from Katherine but very little; and also we are cut off for about five months of the year. Not only is it the rivers that are cut; it is the roads. We get kilometres and kilometres of roads that just remain under water. The next picture is the Robinson River women's welding team—I think you have probably all heard of them. They are still going.

**CHAIR:** They are very famous.

**Mr South:** But now they are adding a few things to their bows. They all did a horticultural course so now they go around spraying the community, growing vegetables.

Those are the fence panels that they use. A recent contract was the fence around the school. We had to negotiate with the education department because they wanted to put something six-foot high up. We said, 'No, we are going to put one of these up.' They allowed it. When the old preschool had to be removed to make way for the new Building the Education Revolution complex, we moved it. So the Mungoorbada Aboriginal Corporation with its crew moved it. Now it is in a new location being gutted and renovated. That will become the accommodation for a full-time adult educator that we have just interviewed—that is another story; we will talk about that one later.

Housing—that is a little house made out of two containers. We did it ourselves. It provides some accommodation. That picture is of concreting the floor of the Building the Education Revolution building. We do all of that ourselves. We have builders on site. If necessary, we employ professionals to come in on the electrical



or air conditioning side, or whatever it might be. We can do all of that. That is a photograph of the people concerned. There are 16 local people and three outside tradesmen that live permanently on the community. Again, that includes the girls' fencing team because they did some of the fencing and the welding there.

Demountables: we would have liked to build them ourselves but we were not allowed to. The federal government said: 'No, you have got to have demountables' because they want to be able to remove them. We said: Okay. We just bought the demountables and put them in and did everything else ourselves. We were able to not only supply the demountables but we could put roofs over them, put in split-system air conditioners and washing machines and equip them properly and all that sort of stuff.

This photograph is interesting. There are two demountables next to the old preschool building. We have got five teachers at Robinson River. We have two houses. The education department could not come up with housing, so Robinson River did. The Mungoorbada Aboriginal Corporation put in two demountables. We do not have security over the land but we thought: Who is going to take it off us? So we did it and now we are renting them to the Northern Territory government. They are happy because they have suddenly got houses for their teachers; and we are happy because we have got a rental income of \$450 per week from each of them. That is the sort of thing that can happen if the community is prepared to work with other government agencies to get things done.

Kids at school: we can talk about this separately. It was most interesting listening to Gary Barnes talk because all those people—what do they call them? Family liaison officers and whatever they will. We have not heard of any of that. We have never seen any of those people. Perhaps we do not see those people at Robinson River because all the kids in Robinson go to school. But we have a problem. Even at Robinson, our preschoolers and transitions have to go to school. They attend school. The Northern Territory government says, 'Preschool and transition is not compulsory.' Well, in Robinson River it is. They have to go. At the end of transition, all those kids know their alphabet and they can read their own little books. If they do not go to school in preschool and transition then, come year 1, they are behind the eight ball. So we have to get them there. This is a major problem, people.

There are 23 kids in that class—they are all high school kids. This has only happened this year. This next slide from three years ago shows all the aeroplanes lined up to take the kids to boarding school. There they are—all 26 of them. They were going to Yulara alone. This year we are going to put 12 on the aeroplane, all up. Those kids, instead of going to boarding school, have now been given the option of staying home. We do not have the facilities for that. We have a primary school. We are not equipped to have 23 secondary kids in one classroom being taught by one teacher with primary school facilities. But apparently the rule is—you guys can check this—that our school has to have those kids. Given the option, the kids say, 'I am going to stay at home.' That is a serious problem.

**Senator SCULLION:** Who made the decision? Was it the Northern Territory Department of Education and Training?

**Mr South:** I have seen an email on it and it was from the Northern Territory government.

**Senator SCULLION:** Would you be able to provide us with that email on notice?

**Mr South:** Yes, we can. The Stronger Futures legislation is all about school attendance. If I read this document, they are talking about attendance. Attendance is only one thing. Once you get the kids at school, they have to be taught. In Robinson River we discovered a few years ago that, when one of the year 6 kids took a library book home, he could not read it. The mother's other son, in first grade, read the book to the older kid. The mother was in my office the next day, saying: 'How come? Javen has been to school all his life—going to this school for five years. Sage has only been at school one year and Sage is reading to Javen.' We looked into that—I am not going to go through the details.

**CHAIR:** You are not going to go through the details, but what—

**Mr South:** I would rather do that in private.

**CHAIR:** Okay, we will get through the rest of the evidence, but since it has been put on the table, we would really like to know that.

**Mr South:** We can do that. We do not want to bring personalities into it. At the same time, let us go a little bit further than that. We have another girl in the community, a young mother working at the creche, who is unable to read the big books they have in the creche—you know how they sit down in front of the little kids on the carpet and read them books? She cannot read it.

**Senator SCULLION:** Did she go to school?

**Mr South:** I said to the mother, 'What is going on here?' I have been there for 10 years—I know that that kid went to school in Robinson River and I know that that kid went to boarding school. 'What is the problem?' I asked. And the mother said, 'She cannot read.'

**Mr Jack:** She is a mother now, doing her bit in the creche. It is one of the things our organisation picked up. It is worrying. Our community is so isolated there. The council is really strong in attendance and schooling—getting the kids to school, pushing them right through and trying to create jobs in the end so they have a future of some sort. We are trying to get them opportunities to work in an environment that they are really interested in. Then we found out that the manager was just saying, 'Can I leave these books with you and you continue reading while I go to other duties?' Apparently she could not read. That was reported to us. We are setting up our people to fail. When we went around and spoke to the mother, we found out a whole range of things. But she had been to school for six years school here and then another three years there. She came back and decided to be a mother. It is a big worry for remote communities.

**Mr South:** We can expand on that a bit. I will ask Kirsty to outline the problems we have had getting a full-time adult educator into Robinson River.

**Ms Kelly:** It seems that, despite all of our investigations finding that there is a need for literacy and numeracy, we are hitting brick walls in finding any funding to support a dedicated literacy and numeracy program for adults that runs for a period of two years—one that deals with the issues separately to any other issue outside that. We keep getting offers of small five-week programs that are linked to accredited training or four-week programs that are linked to helping new mums gain confidence and self-esteem. That all helps, but the really important thing is to direct a long-term adult literacy and numeracy program so that people can learn to read and write in the real world—pick up a newspaper or fill in a Centrelink form or a job application form. We have made submissions to FaHCSIA, to the NT Department of Education and Training and we are pulling together funding to piece together our own program and build our own accommodation for the trainer in that program. We have had support from the NT Department of Education and Training with some funding but we have had no direct funding support from FaHCSIA. We have just gone ahead knowing that we have one year's funding. We are hoping to find the second year's funding. We have advertised and we have 120 applicants for the position that are of a very high calibre.—

**Mr South:** As of yesterday morning.

**Ms Kelly:** The resources are out there to have a trainer come into the community. The need is there, but we are hitting brick walls because it does not fit into the accredited training outcomes or the short-term fix that seem to be the focus.

**Mr South:** One of those short-term fixes was 100 hours of adult literacy that cost \$63,000 to deliver. The other one was \$110,000 for four weeks. They are approved; that is approved funding. We are influencing those as well, but these are the sorts of issues we are running into on the ground.

We will just keep going on the subject of what can be achieved. We had a flight coming in. We knew it was coming six weeks in advance and so we ordered 300 day-old chicks. The chicks flew in and went to the chook yard that our women's welding team built. They snake-proofed the whole lot and those chooks are now a few weeks off laying. We use our goats to trim a lot of the grass around. What is the point of paying somebody with a lawnmower when you can put a mob of goats in to trim the grass?

**Senator SIEWERT:** Do you have portable yards for the goats?

**Mr South:** No, we just put them in house yards or wherever—fences, the orchard. They were in the free-range area for the chooks, but they trim the schoolyard over the school holidays. In fact, we had 27 bulls in the schoolyard over the school holidays as well. We make use of the grass that is available at any time.

This is the creche. The creche has a new playground. Again, local Indigenous people put that up, directed by our own tradesmen.

**CHAIR:** Have you heard from other communities regarding the range of programs, where the funders, whether that is the federal government or the territory government, flew people in to do this work rather than giving the local people the contracts to do it?

**Mr South:** Exactly.

**CHAIR:** You mentioned a couple of times that your organisation has done the work. Have you negotiated that or won a tender? How have you been able to ensure that your community is doing the work? We have heard from a couple of other communities that they have not able to do that.

**Mr South:** Senator Claire, I love you for asking that question.

**CHAIR:** That is in the *Hansard* now, Mr South!

**Mr South:** And my wife, Sandy, will be upset! We have a policy in our community: if we can do it ourselves, we are going to do it. Fortunately, they have somebody in me who is old enough and pigheaded enough, and I really do not care too much about my future, and I will take on the world if I have to. We implement that policy. We are prepared to go out on a limb and say to whomever it is that we are going to do the work. I did that with General David Charmers when those container complexes were coming in. He agreed. He said, 'Yes, you can do it.' More recently we did the Building the Education Revolution classroom, which we are really proud of. The funding was for one classroom and one flat. We put in a classroom and made it two metres bigger; we put an office on the classroom; we put a resource room in; we put a staffroom in; we put a library in; we put a flat in; and then we renovated the P&P area and put in pop-up irrigation throughout the whole school. We are about to put up three flagpoles to carry all three flags so that we are ready for Anzac Day. We did that all with the same amount of money. That is what can be achieved.

We are going to show you the shop. There is the concrete being laid for the shop. The shop is 45 metres long by 20 metres wide. I think we have six Aboriginal people working on that one. This is the framework going up. We had to buy one of those tractor-crane things. We got that out of Melbourne. It cost us \$20,000 and we use it on a weekly basis.

We are cut off for five months of the year, so we have to have five months worth of goods in the shop. We had a huge warehouse built on the back of it. A three-trailer road train comes in in November. We unloaded it. We have three huge freezers. All the freezer goods come in for five months. The warehouse is filled with the dry goods. During the wet season, we fly all the perishables into the community: fruit, vegetables, milk and juice.

We are going to talk about this for a second. The Stronger Futures policy on shops is about licensing. It talks about food security. That means nothing to the people. The problem is the cost. Mungoorbada owns the store at Robinson River. We pay ALPA to manage it but we are very strong with ALPA, so we dictate the terms with them. We said, 'We want to lower the price of fruit and vegetables.' We removed the freight element altogether and we put a 16 per cent mark-up rather than a 100 per cent mark-up on fruit and vegetables. We are not making any money out of fruit and vegetables. That was successful, so we then followed that with dairy products, including milk. We followed that with meat. Then we followed it with nuts and juice. For all those healthy lines we have no freight component and a very low mark-up.

We then also bypassed the regular channel for variety goods and went straight to Kmart. We were able to still put a good mark-up on Kmart stuff and present it to our people at a saving of about two-thirds. So a kettle that was \$46 we now have at \$12. What worried us at the time was that we might start losing money.

**CHAIR:** Because how do you stay in business?

**Mr South:** Wrong! What happened is that the gross sales went up. People were actually spending more money on fruit and vegetables and on the healthy items, and what they saved on the healthy items they then spent on other items such as kettles, wrangler gear or RM Williams. Those had a higher mark-up, so what happened was that our gross sales went up and our percentage of gross profit stayed the same and our net profit also stayed the same. So we were actually able to provide that healthier eating to the community and it cost us nothing in the long run. I have the figures here. You can have them. Of all the stores, Robinson River is on the top—12.7 per cent of all grocery sales at Robinson River are fresh fruit and vegetables. At one of the other communities on the bottom of this list it is 5.3 per cent. We will table that list.

Again, we said to the FaHCSIA licensing people on a number of occasions, 'This is pretty exciting stuff. Why can't you guys at least do a case study? We cannot quite understand it, although we think we have got it.' Kirsty is an accountant, so she knows what is going on, but I am a bit silly and I am not an accountant. If we find out what is happening we can get what is happening in Robinson River with fresh fruit and vegetables and the healthy food lines happening in other communities. What Maurie said about a 250 per cent mark-up is not wrong. We know in other communities the white staff use BushOrders. We know that in some communities the white staff managing the store use BushOrders. They do not buy from the store; they get it in from BushOrders. It is pretty sad stuff. That is something that I think you guys need to take up—not just the security of food but also the price of food. Unless people can buy healthy food they cannot eat healthily. If they are not eating healthily than they are not going to be healthy.

We have health results of Robinson River that will stagger you as well. We have very few intestinal problems. We have the lowest rate of intestinal problems. We have no scabies in Robinson River. Why do we have no scabies in Robinson River? Out of the rent that we collect—because we are still controlling our own houses—we issue soap, toilet paper and house-cleaning goods. We also provide householders with washing machines, refrigerators and freezers. That all comes for free. The only scabies we ever have in Robinson River is people who spend a significant amount of time in another community who come back and bring scabies back in. When

that happens we are onto it. We have scabies days with people washing their clothes and the clinic doing inspections and all that sort of stuff. We have eradicated it and it has cost the government nothing. We did not have to get grants or the Menzies School of Health Research in to investigate and run things or whatever; we just did it. That is simply by taking the rent money and spending it on that. We have been accused of being paternalistic from that. Tony, would you comment on that?

**Mr Jack:** You work in that community and everybody goes around and gets all their soaps and their cleaning-up stuff and everything. Everybody really appreciates that in our community. We pick up our supplies and for the whole community we have a system that works for us. When we have a big funeral, or a big gathering or meetings and all that, we get a lot of visitors come in, then we pick up these incidents there. There was scabies and that sort of thing. The swine flu came into the community. There were two cases. It was outsiders coming in. We do not mind people travelling to and from our community.

At the end of the day we are a little bit worried about what is going to happen in the future. We know we cannot keep doing that in the end. If Territory housing comes in now and starts taking over all the housing, we know that we are going to end up losing that little program that we deliver. We live and work from that angle too. At the moment we really appreciate, from council, that we made a decision that is really strong, and it works for us at the end of the day. We see the results in the end. When you up to the school you see the kids are healthy. It is a really good thing. That is how our community works. Everybody works together from council level, where they make the decisions, right through. It is a system that works and that is a big thing.

**Mr South:** Nobody regards it as paternalistic because they are paying for it anyway out of their rent and they are happy to do so. Cattle, economic development and our jobs, from the Robinson River point of view, is a joke. We are running in excess of 2,000 head of cattle. Tony has 300 or 400. That is in addition to what we have. We do not have a land use agreement. We are currently negotiating with the Northern Land Council to get an interim land use agreement. That negotiation has been going on for two years. The negotiations with IPP and ILC started five years ago, maybe longer than that.

**Mr Jack:** It was 2004.

**Mr South:** That was the IPP, the Indigenous Pastoral Program. That is held between the ILC and the NLC, and, I think, the NT government was in that well. What they wanted to do was take the whole of Robinson River and hand it over to white pastoralists. Righto, run your cattle there for 15 or 20 years, develop some infrastructure and at the end of that time you take your cattle back and the infrastructure stays. This lot here said, 'No, we don't want that. We want to run our own cattle.' One of the questions Tony asked was, 'If we do this, what happens to me?' They said, 'We'll buy your cattle and you can work for us.' Tony said, 'Go to hell, I'm not going to have that. We want to run our own cattle,' and Tony's boys do. The benefits are unbelievable. The local people love cattle work. They are really good at it. This is a picture of the yards that we set up last year on the eastern side of Kangaroo Creek because we could not get trucks across the Robinson. We walked the cattle 50-odd kilometres across to that yard. We set up the yard in the middle of the bush; it is still on the Robinson River. The trucks came in from Queensland and we sold those cattle into Charters Towers. They went to auction in Charters Towers. This year we will probably go to Longreach. Longreach is actually a similar distance to Darwin from where we are, so it really does not matter.

**CHAIR:** The Towers might not be happy.

**Mr South:** We loaded the cattle at dawn. That yard is 40 kilometres from where Tony lives. Before the sun rose Tony was there. They are not his cattle but he was interested enough to get up and go there to see how things were going and get those cattle on board.

**CHAIR:** How many head do you run?

**Mr South:** We have a few over 2,000. Because we have this problem with the land use agreement and the land council, we have leased part of Greenbank Station next door. So we are leasing private property to run cattle on private property when we have 1½ million acres surrounding us that we cannot use. Not only that, with the land use agreement—

**Senator SCULLION:** Can you tell us again quickly why you cannot use the 1½ million acres.

**Mr South:** Because the Northern Land Council has got the right to say no, we cannot.

**Mr Jack:** It comes back to the land use agreement.

**Senator SCULLION:** So they have prohibited you from using it until such time as you sign a land use agreement.

**Mr South:** We have a land use agreement. We have been trying to put in place that interim land use agreement for over a two-year period while we have been negotiating a land use agreement over the whole lot. They had to fly in TOs to have a meeting. Who pays for that? We do. 'Muggins' Mungoorabada Aboriginal Corporation had to fork out \$20,000 to have that meeting.

**Senator SCULLION:** Do some of the traditional owners actually live in the community?

**Mr South:** Yes. There were other people from outside, see—

**Senator SCULLION:** I appreciate that.

**Mr South:** and NLC, the lawyers and all those people. We got on to FaHCSIA and said: 'Hey, FaHCSIA, we're trying to create jobs here. Will you help us out?' Nope. FaHCSIA's reaction was that FaHCSIA pays NLC for that. So we went back to NLC and said, 'Hey, you guys are supposed to pay for this.' Sorry.

**CHAIR:** And they said?

**Mr South:** Sorry. No. I think it cost us about \$20,000. We are not just mustering cattle. We are buying in cattle. We are buying bulls specifically for their temperament so that the boys can go into the yards without getting killed, although when they are in the yard with a mob of crazy cattle that are intent on killing every one of them they are probably at their happiest. There are electric fences around the yards used for weaning. There are electric solar powered bores. We have improved pastures. The fence you see in this photo goes for seven kilometres in one dead straight line. That is the fence for the goats. We have a dingo problem so we have six-foot security fences for big goats to go and hide behind.

This picture shows mustering down at the Greenbank Lajamanu property. That is Tony's bull catcher. We engage Tony to bring his mustering plant down to Lajamanu. He has 40 horses, a couple of bull catchers and a mob of boys. So the Mungoorabada Aboriginal Corporation paid Tony Jack to bring his mustering plant down and do the mustering at Lajamanu. That is private enterprise.

We are getting no support whatsoever from government agencies. They talk about how work, jobs and everything else are important aspects. Well, I am sorry, we are not seeing that. Kirsty, how much money have we got invested in cattle at the moment?

**Ms Kelly:** Just on \$900,000.

**Mr South:** That is Mungoorabada Aboriginal Corporation's own money; it is not government money—no government money whatsoever. That is money that we have got from projects like building the school, building the shop, doing the airstrip. Recently a tree fell on a schoolteacher's house. The tree was gone the next day. Of course, Territory housing paid Mungoorabada Aboriginal Corporation to do it. We did it at a good price for us. For Territory housing it was an even better price because they did not have to pay somebody to come in from Woop Woop to do it. We put roofs over the compound. We now have a full wet weather working area. When the airstrip was done, we were able to grab some of our project-generated income—just to get the sealing crew to do the airstrip was a half-a-million dollar job—and bring the sealing crew into town. We negotiated with the local government association, Peter McLinden, and with their assets we managed to do some internal roads, and then we did the compound. We also did the front of the shop ourselves. While that mob were out here, we were able to benefit from them because we had the plant, the equipment, the knowledge and the ability to prepare all that surface ready for them to come in and do work.

**CHAIR:** Can we go to questions?

**Mr South:** Yes, by all means. We can give you this.

**CHAIR:** We would like that.

**Senator SIEWERT:** How do you manage to do this and other communities not? What would you say the key ingredients are for the way you do things differently?

**Mr Jack:** I believe my council and my community have come a long way. I was there from day one—since the corporation started. We had a lot of hiccups along the way. We were trying to be strong until we found the right person for us, and then we started looking ahead. We started looking at the future and making hard decisions. We learned from all the mistakes from the past. We are so isolated that we have to make everything work within our community. To grab jobs from our council we had to restructure our organisation. We had 24 board members. We brought that down to eight so that it would be more manageable and we could make decisions. We then started making hard decisions around the table. It is really important for our kids to attend school. We even discussed that around the table and really enforced that.

**Senator SIEWERT:** How do you enforce that?

**Mr Jack:** After we have our council meetings, we have our community meetings probably the next day and discuss issues with our community and hear it from them. We have arguments too. Sometimes there are personality clashes and all that, but in the end we are strong and work together. We want to try to take on all the jobs here for ourselves and so cut out all these contractors coming in. If there is any way we can grab contracts we will. When somebody has come down to a put fence up at the school we have said, 'No, we want to do that contract.' So we make that hard decision to build. We took it up and started negotiating. We put it to the departments or whoever that comes in. We have a lot of strong councillors that play a role, including me as a leader for my people there. We still have issues with parents, attendance and all that. We go one-on-one and approach these families about attendance. We get a roll from the school, check it and there is one kid missing.

**Mr South:** It comes to the office daily.

**Mr Jack:** It comes back to the office and we go and chase that kid. That is how strong it is.

**Senator CROSSIN:** It is a good system.

**Mr South:** If I am sitting in my office and I see kids on the basketball court, I get on the loudspeaker and say, 'You kids playing on the basketball court, get to school!' and they go on, 'But we're from another community.' We do not give a damn. If they are in Robinson River, they go to school while they are in Robinson River.

**Senator CROSSIN:** How many children are at the school?

**Mr South:** I do not know.

**Senator CROSSIN:** How many should there be?

**Mr South:** About 60.

**Senator SIEWERT:** I think you said there were five teachers?

**Mr South:** Yes. You asked how we do this. There is that policy and we do things ourselves. We also have to be able to back that up. That is where I come in. Once the board has made a decision that the community wants the kids to go to school, it is up to me as the CEO of the organisation to make sure that those kids go to school. If I do not then I am not doing my job as far as they are concerned. Nine times out of 10, all I have to do is say to the night patrol or whoever that the kids are not attending and they go and pick them up or one of the girls in the office takes the kids to school. If they bail up then they will come back and get me. The kids really do not know what my role is. I will pull up, they will jump in the car, and I will drop them off at school. I do that if I have to.

One of the things that we in Robinson River have been accused of is that Robinson River is the way it is because of Bill South. My argument is that it is not Bill South, it is what Bill South does and what the board does. I could not have achieved what we have achieved at Robinson River by myself. I could not have done that without good support of the board and the likes of Tony. I could not do it without ideas from these people. It is their community and they are the ones who have all the say in running the show.

**Mr Jack:** The store there was a little community store—in fact I had seen a cat there. It was not paying dividends in the early days. We have stopped that. We made a decision that we had to start planning ahead for a new store. That was when we started making the hard decisions to put the divisions away and save them up. We started to look attractive and we went to ABA and the McArthur River community benefits trust to get some funding. We took the community along the way. We were putting money away and we were trying to get a new store. We showed them the end result of the new store. The community really appreciates that.

**Mr South:** They put \$400,000 away in savings before we were able to build that.

**Senator CROSSIN:** Are you part of the Roper Gulf Shire?

**Mr South:** No. We have the mayor, but the Robinson River community is not part of the Roper Gulf Shire. We are classified as an outstation. I am employed by the Mungoorabada Aboriginal Corporation, and the corporation manages the community.

**Senator CROSSIN:** Are you classified as a homeland?

**Mr South:** Yes, and we are funded as a homeland.

**Senator CROSSIN:** Are you not a community living area?

**Mr South:** No, we are on the land trust. We have a huge problem with this, particularly on leasing. We have done our figures, and Kirsty is no fool with figures. If everything in here is introduced, and we lose a lot of the potential income that we have, then Mungoorabada Aboriginal Corporation probably will not survive. If that happens—

**Senator CROSSIN:** There is no implication there.

**CHAIR:** How would that happen?

**Ms Kelly:** If we were to have to make the leasing payments to the land trust—to NLC—that have been suggested, from past experience once we have to replace the five-year leases we are looking at \$350,000 in lease payments going out each year. Then, if we overlay that with the loss of community housing around, the loss of rent that we are deriving from health—

**Senator CROSSIN:** Sorry, I do not understand what you mean.

**Ms Kelly:** The Territory government—

**Senator CROSSIN:** The five-year compulsory leasing will be removed—that is the Commonwealth.

**Ms Kelly:** Yes, that is right. We need to replace that by 17 August; we need to ensure that we have leasing in place, given that that will not be in place anymore. The interim research we have done to date suggests that the leasing payments that will need to be made from the corporation over the township to the NLC could be approximately \$350,000.

**Senator CROSSIN:** This is the rent that the NLC will be charging you for its things.

**Ms Kelly:** Yes.

**Senator SCULLION:** For the township.

**Ms Kelly:** The township—that is right.

**Mr South:** Only things like the office, the store, the compound, the staff houses, the health houses, which we rent to NT, those sorts of things. That is not including the Aboriginal houses and it does not include the school or anything like that. It is just those real things.

**Senator SIEWERT:** Before the intervention you did not have a lease?

**Mr South:** No.

**Senator SIEWERT:** And that was normalised through the intervention.

**Ms Kelly:** That is right.

**Mr South:** We did not have leases, because Mungoorbada Aboriginal Corporation took over from the Mogararan, and before that the Garawa association. To be a member of the Mungoorbada Aboriginal Corporation you have to live on the land trust and be Aboriginal—those are the two requirements. Mungoorbada Aboriginal Corporation represents all of the Aboriginal people living in Robinson River or on the land trust—so down at Tony's outstation. We wrongly thought, or whatever, that we had a right to represent the people living on their own land. We now have to try to formalise all that.

**Senator CROSSIN:** Who are you currently paying rent to? The Commonwealth?

**Mr South:** No-one. We are not paying any rent.

**Senator SIEWERT:** You spoke about the community housing: is the proposal that they also go over to NT housing?

**Ms Kelly:** That seems to be the information we are receiving, that Territory housing is looking at taking over the community housing, in which case we would lose our rental revenue as well as the ability to support the residents with their whitegoods and cleaning.

**Senator SCULLION:** How many houses do you have?

**Ms Kelly:** Thirty-four.

**Senator CROSSIN:** They could subcontract you to continue to manage those houses on their behalf.

**Ms Kelly:** We are certainly looking at avenues to retain control. That is our focus.

**Senator SIEWERT:** Where did the houses come from in the first place? Who funded the building of the houses?

**Mr South:** The IHANT—the Indigenous Housing Authority of the Northern Territory. Some of them came through NAHS—the National Aboriginal Health Strategy. A number of the houses are mud brick and were built by the people themselves in the early days—I think, Tony, you worked on those; you were a bricklayer, so you would have worked with mud brick making those houses. The Mungoorbada Aboriginal Corporation has paid money out on a number of buildings and owns them outright. We own the building but perhaps not the land.

I will show you a picture of Kyle. He is sitting on a motor bike in front of cattle at the Falkes River. We picked up these cattle at Borrooloola again, it was too wet to truck them in. We picked up a hundred head or so at Borrooloola and trucked them from there. This is Kyle again. He is a born leader. He will tell the others what to do

and they will listen to him. And he is an exceptional worker around the yards. These are the kids—or 20-year-olds—that brought those cattle in. They were proud. Everybody was saying that they were going to lose them, and they arrived with more than they started with. So that was a pretty good point.

**CHAIR:** That's a trick!

**Mr South:** Kyle is the fellow here standing next to the white bloke with the bald head. He is in discussion with outsiders on cattle matters. I was getting something out of the stables with Kyle one day, and there is a sign on the stable wall. Kyle went over and it had vines growing all over it—it was at the end of the wet season and it had mile-a-minute vine growing on it. Kyle started stripping the vine off and I thought: 'That's great. Kyle's just doing that of his own volition. I didn't have to ask him to do that.' Then he looked at me and he said, 'Bill, what's that sign say?' It said, 'Toxic waste'. I died. This fellow could get a job as a head stockman on any station in the Territory, but he cannot because he cannot read and write. He admits it. He knows that. And that is sad.

I feel that I have let him down because I have known him and have been working with him for 10 years. I have let him down. We are letting him down and the government is letting him down, particularly now, because we are having such a hell of a job trying to get some adult literacy into the community to actually teach these people that cannot read and write just the basics. We want them to be able to pick up something and read it. We want them to be able to see a sign that says, 'Toxic waste'. Who is a Slim Dusty fan? Who knows the song of *Trumby*? 'Trumby was a ringer but he couldn't read or write'—an Aboriginal ringer that died because he drank from a poisoned waterhole because he could not read the sign. We have got him, and his name is Kyle. But he has not died yet.

**CHAIR:** I am just checking with the senators, Mr South, because we are running out of time. You have given us some core information and some questions to ask. We would like to get something from you specifically on your issues about what could happen under Stronger Futures for your community. Perhaps you could give us that. Ms Kelly, particularly from the financial perspective it would be nice to have that detail so we can ask questions about it, although we have all been engrossed in the stories about how the community is operating so strongly and addressing so many issues that government has raised and how you are actually fearful of the future under Stronger Futures, which is a bit ironic. We would very much like that, and if we could get a copy on record of the photographs you have shown it would make it very much more graphic when we take it back to the parliament. I am just checking that I have not stopped anyone, but I am very much aware of time.

**Senator SIEWERT:** I presume you are asking that on notice.

**CHAIR:** I am asking that on notice.

**Senator SIEWERT:** Can I add another one on notice? We touched on education issues, which you did not want to discuss in public, which is fair enough. Perhaps you could provide us with in-confidence material. Could you provide us with a bit more in confidence?

**CHAIR:** That will only be seen by the committee and it cannot be used in any other way.

**Senator SCULLION:** Can I just add, in the context of the lease payments: in my experience you would be the only homeland or outstation—and you say that that is what you been designated—that actually has a head lease of a township. I am not sure that is the case. In your response, Ms Kelly, you might be able to research it. I am not sure who actually dictated that you are one or the other at some stage. It would just be useful to know how you got that.

**Mr South:** We were included in the prescribed communities, so we are one of those 73 prescribed communities. So we had the five-year lease coming round. We are looking at the economic feasibility of the Mungoorbada Aboriginal Corporation taking out the head lease and then subleases from there. If that happens, it will be an absolute first, but then we secure the destiny, the future, of the Aboriginal people living in Robinson River. They are going to make some decisions themselves, but that is early days yet. We have still got to go down that track, but that is pretty exciting stuff that we do. But, there again, we have got to also have the funds behind us to be able to pay for the solicitors and all of those sorts of things. So we have still got to be able to do those contracts. We are also talking with and have engaged an architect to do scoping of work—we are due for 22 house refurbishments: \$1.4 million. That is under SIHIP and—

**Senator SCULLION:** Will you be able to get access to do those?

**Mr South:** At the moment, no, you cannot, but we are going to go for it.

**Mr Jack:** We are putting something together.

**Senator SCULLION:** Are you speaking with the alliance at the moment?

**Mr South:** No.

**Senator SCULLION:** Have the alliance been told to put in—



**Ms Kelly:** No.

**Mr South:** We are very small fry, so we are right down the line. But we will take that up with the Northern Territory government and with the Chief Minister and his staff, because the Chief Minister was solely responsible for the Mungoorbada Aboriginal Corporation getting the BER project. If he had not stepped in, we would not have got that.

**CHAIR:** Mr South, did your community get one of the community consultations on stronger futures? Did someone come out and talk with you?

**Ms Kelly:** Yes. That was when Jackie and Arthur—

**Mr South:** Yes.

**CHAIR:** And someone came and talked with you?

**Mr Jack:** Yes.

**CHAIR:** Were you able to raise some of your concerns then or didn't you have enough knowledge?

**Mr South:** No, we raised all those concerns.

**CHAIR:** So all of that has gone through that consultation process?

**Mr South:** The office bearers within FaHCSIA and the Northern Territory government—all of those people who visit Robinson River—apologise, but this is that one-size-fits-all thing. And if there was some way we could go around that—even when Major General David Chalmers came to Robinson River and the chairperson of the task force, Sue Gordon, and Dr Bill Glasson, and Howard's chief adviser—whatever his name was—

**CHAIR:** I think it was Senator Scullion; I am not sure.

**Mr South:** When they all visited they apologised to us and they said, 'We realise that if all communities were the same as Robinson River there would never have been an intervention.' They apologised, but they said, 'Sorry, it's one size fits all; you've got to fall in.' We do not have domestic violence. If we have domestic violence then whoever it is has got to deal with the likes of him and every other body. We do not tolerate that sort of stuff in the community. As to alcohol, we have not got an alcohol problem. The community has been dry since—when, Tony?—

**Mr Jack:** The early nineties.

**Mr South:** the early nineties, and we do not have an alcohol problem. We have got a drug problem now; that is all because of the restrictions on the alcohol coming into Borroloola and the fact that the police in Borroloola are just overworked. On Christmas Eve a shot was fired at 3 am in the main street of Robinson River. The police attended two weeks later because they had had a 400-person riot in Borroloola and they are just understaffed. We do not have police out at Robinson River, so we have got to look after ourselves.

**CHAIR:** Thank you so much for your evidence.

**Mr Jack:** One last one, through the chair: if you are looking for a role in the community out there, we want to extend our invitation—come and visit my community. So, on behalf of Mungoorbada Aboriginal Corporation: come and visit our community to have a look for yourself. I just put that on the table today.

**CHAIR:** Thank you, Mr Jack. Everybody on the committee will be very keen to do that. We will just have to work out how we do it. We deeply appreciate your welcome and your invitation, and the evidence and the slideshow have made us even more keen to go there.

**Senator CROSSIN:** Except that Mr Jack is hardly ever there. That is what he did not tell you! When you are out there he is usually somewhere else.

**CHAIR:** Thank you so much for making yourself available. It is a long trip. We know that you worked hard and lobbied the community extraordinarily effectively to ensure that you were able to join us.

**Mr Jack:** Thank you.

**CHALMERS, Ms Samantha, Darwin Aboriginal Rights Coalition**

**ROSE, Ms Patsy, Darwin Aboriginal Rights Coalition**

**TUTTY, Mr Justin, Darwin Aboriginal Rights Coalition**

**WHITE, Ms Joy, Darwin Aboriginal Rights Coalition**

**WHITE, Ms Sheila, Darwin Aboriginal Rights Coalition**

[12:31]

**CHAIR:** We will now speak with witnesses from the Darwin Aboriginal Rights Coalition. Thank you very much for coming and joining us today. Thanks very much for your patience. You can see that we are running over time, but our committee often does. I just want to assure everybody that we want to make this as comfortable as possible. We want to hear what you have to say, and the reason that you have been asked to come up and sit at the desk with the microphones is to make sure that we can get your evidence on record. If you have any questions as it is going through, just let us know.

For the *Hansard* record, could you please state the reason that you have come to see us today.

**Ms Chalmers:** I am cultural educator via the tools of performance arts and visual arts as well as my own cross-cultural education through these terms and experiences and I am very much a strong advocate in my community. I travel a lot, so I am often, as a traveller, experiencing local, regional and national points of view and experiences, and I would like to offer that today.

I primarily have grown up and been educated via the Anglo system in Darwin and I have been educated in other means culturally as well, anthropologically referred to as ceremonies and such but basically everyday Aboriginal—or what I would like to refer to as origine—culture.

**CHAIR:** Thanks, Ms Chalmers. This is just the intro. We will get back to you and get your evidence. You have seen the way this works. If you have opening statements we will take those first and then we will go to questions. Does anyone want to start and make an opening statement? Everyone is looking at you, Ms White.

**Ms J White:** Can I talk about anything?

**CHAIR:** Absolutely. It is your time.

**Ms J White:** I will talk about the BasicsCard thing, about the very beginning when it was first given to us. We did not have any vehicles in Bagot to take old people to the shops to teach them to buy food from the shops and buy meat at the butcher shops. We used to take them on the ordinary buses. But on the buses we were abused by European people calling us child abusers and so forth. We did not take any notice of it because we had old people with us at that time when we were on the buses. I did not like what they were calling us. I would have got stuck into them there and then but, because of all the old people that were with us, we had to take it really slowly. I was fuming. We took the old people into the shops to actually show them what sort of food was there and said, 'Tell us what sort of tucker you want so that we can show you how it is done. This is the way we have to do it.' It was so hard for them to really understand that. It was very hard, but we knew just by talking to them that they would tell us what sorts of things they would want. Tinned stuff was the first lot. Then there was flour and then bread and butter came later. Meat came later too. They were the sorts of things they wanted. Take a tin of bully. Do you know that tin of meat? So they were the things that they wanted to buy.

What we did was say, 'We can't take you back in the taxi. We don't have any transport. We still have to go back on the bus.' That was with the all the bags and everything. We put them on a tray on the bus. There was a little tray on the bus and this was where we had to put all our food, because we were not allowed to carry it on the bus or to put it down at our feet. We were told to put all the groceries in that little tray. There were six or seven of us with four or five old people that we had to teach to buy their own food and carry it from the shops to the public buses. That is what it was like at the beginning, but now it is simple because these days taxi drivers do take the BasicsCard, which is really good in a way because it helps us to save a little bit of money. So we can pay the taxi driver through the BasicsCard. At the beginning it was very hard but I am glad that now we can use taxi drivers to take our groceries back. It is still very hard for us to still go on with the BasicsCard. It is just too hard for us. So there were the views of all the white people that were there and were swearing at us and spitting on us as if we were just another being from another race that was out of this world. I just could not understand why they were doing that to us but nevermind.

Now I will go on to talk about the children. Sometimes we feel that our children are not educated enough to be able to go to the next level of school for their age in their education area. We feel that they are still slow learners.

We have asked the appropriate people to come in to help us to help the children understand what they should achieve—for example, with after-school programs for the children—to upgrade their level of schooling. But when the teachers came to teach the children the programs that they should learn at that time we did not have support from the teachers or from anyone to help our children in the classroom. So they had to do whatever homework they had on their own with the teacher's help.

Parents like us do not understand the system and how they teach the children today. It is hard for us to really understand because we were not told how to do that. We were not taught. Our school was in the bush and the animals and birds were what we understood, not chalk and paper. Our drawings were made from charcoal from coals from the fires that old people made for us. That was our schooling. This is a different system altogether. It is hard for them to learn, just as it was hard for us to learn also. But through the years we have to learn all these things with our children as well. But I still find that it is very difficult for our children to achieve what any other children do. It is okay for European children because they have teachers and knowledge and understanding of the school, but it is not for us. We do not have teachers coming after hours to teach us so that our children will be able to take their work back like any other child and give it to their school teacher. We do not have that. So it is very difficult for us to then teach our children when we do not know anything about the school rules and whatever they teach. We do not understand that system. That is another thing.

Then there are welfare payments that are going to be stopped. Who is going to feed our children and ourselves? Who is going to feed the old people? Does this government really understand? How are we supposed to live with no income? Another thing I would like to ask is: the people who are on Centrelink payments now, are they going to be the same as us or are there different regulations for them coming from this government for income management? There is a rule now that says that they are going to cut the Centrelink payments for our children. Do you people understand what I am saying? What I am trying to stress is: who is going to feed our children? Who is going to feed the parents? Where are we going to get that money from? If our people have fines to pay for whatever crimes they have done, who is going to pay for those? Who is going to pay the hospital bills and for medicines?

Another thing I would like to ask is: what are the goals for the intervention regarding our people? Have they been reached? And why continue for 10 years? We do not know the answers to these questions. We are leaving these questions with you people to give us back information so that we as a community can know how to support our children and ourselves. That is it. That is what I wanted to say: the evidence and the support—has it been successful? That is what I wanted to say.

**Ms Rose:** Regarding the bans on the community; it should be for everybody, black and white. I know there has been alcohol problems in our communities but I would like to have the two sides, black and white, together—to have the alcohol banned from the community. From what I read in the papers the other day—or, probably, I heard it from someone—a person will be fined, for one can of beer, \$80. But I do know, from my knowledge, that even though there is a white man living in that community he will probably sell grog. And that should be stopped, because it is not going to be one side all the time—having black people blamed for bringing alcohol. And through alcohol there is a fight, a riot, stealing. You people have to start looking into some of the people who work there and live there. Sometimes they sell grog to our people too.

Even though some people have permits to have alcohol brought to our community—and they have every right to have those kinds of things—they are different from what we are. So I reckon that should be banned too—the permits that are provided to a person who is supposed to go and work there.

Another thing that I would like to talk about is the housing. Housing has been difficult for our people. We have so many families living in houses that are so crowded. It has probably been in our culture to live with so many people. That is all that has been granted.

I would like to express my feeling that every house should have a family in their own right in their own house, instead of having so many people living in a house. I know that I have so many families living in my house. It is so cramped up, I tell you! So I want you mob to think about that—to give us a right for each family to have a house of their own. Housing has been so poor in our communities. It has been so poor. I know a few people must have said things about that and brought up issues about that. What could I do? You people should do something about that too, instead of pointing fingers at us and saying, 'You did that. You have that.' Give us a chance. It is not what we are; it is who we are. We need to live in the environment that we are supposed to live in. Sometimes we find it really hard to say no to our family that wants to come and see us or to live with us or just come for a visit. It is so hard. Just look into that. If we can achieve what the government thinks we should do, I think we can do what we can to prove that we can do all those kinds of things.

With our kids, what Joy said is true. Our kids do not have the first priority like most European kids have. Our kids are struggling to get to the level that most people think they should reach, the level that people want us to be at. Sometimes they do not let our kids reach that level. Sometimes, from my point of view, there are some negatives there because of what we are and who we are—because of our colour and our race. Some people think we are living in a ghetto and that our kids are running here and there. Give our kids a chance to be somebody else. Give our kids a chance to show that we can learn both ways. That is school, isn't it? There is school, which they can go to to learn, and that will give them opportunities and the right to go to the top. I only went to the seventh grade, and then I did one year in college, which was probably the eighth grade. It was the eighth level that I went to. I recommend to you to please keep our kids going to the highest level so that they can teach and so that we can be proud that they have achieved their goals. I do not want people pointing fingers at them or having somebody looking down at them and thinking what they are. No. We want our kids to learn, to have that education, and to have this generation build up, too. Give our kids a chance instead of having our kids struggle to learn the education that the school provides. We have got to provide a better education for our kids.

**CHAIR:** Thank you, Ms Rose. Is there anything else on your list?

**Ms Rose:** The BasicsCard. This has been pretty hard for us. Some of us get only \$100 a week to support us and get us food. There are so many things that we need to pay. There is electricity, rent and school fees. Those are the things that we go through. How are we going to have this BasicsCard put down? How are going to live in those years, just depending on the BasicsCard? How are we going to live on the BasicsCard?

**CHAIR:** Does anyone else have anything to say? We do not have a lot of time. Ms White, you have been giving hints to other people, but do you have something that you want to say yourself?

**Ms S White:** Yes. There is alcohol. Is it in the new rule that, if someone is picked up by the police with a can, do they get—is it in the new rule not?

**CHAIR:** If someone can talk about the Northern Territory legislation and let them know, that would be fine. I heard someone before talking about a can and \$80. That is not in the new rules. Perhaps someone could explain.

**Ms J White:** I am really worried because we are not known in Australia to be the First Australians. I want to know what Captain Cook saw when he landed at Sydney Cove. What did he see? We cannot tell our grandchildren and our children who we are. We do not have a status. Everybody who lives in Australia owns themselves and where they come from. We do not have nothing.

**CHAIR:** Ms White, you know we cannot answer that question. We were not there. If you were here at the beginning of the day—and I do not know whether you were—we as a committee acknowledged that we are on Aboriginal land and that they were the first people. It is standard practice now that we acknowledge Aboriginal people as the first peoples of this country. That is a statement. Does anyone else have a question? I am at a loss as to how to handle this section.

**Ms J White:** This is what I wanted to ask at the end of my speech. I should have said it then.

**CHAIR:** There are a number of people who have statements. We have had a lot of questions, which we have listed. It is not our normal practice to respond to questions to the committee. We take them all down and take them back. If some senators want to do that, that is fine. I just want to make sure that everyone has had a chance to put their say on the record and then senators can ask questions or make statements. Does anyone else have something to say?

**Ms Chalmers:** Absolutely.

**CHAIR:** You have limited time, but you have a chance to say something.

**Ms Chalmers:** Thank you for hearing us and welcoming us to this opportunity to speak about it. Often enough, everyday people have not been given adequate opportunities. They get lost in the system that is primarily known as the mainstream and governs the country. That is not the only system that is governing in this country. Due to my cross-cultural education and experience I have found that, coming from, generically speaking, the black and white houses and families, and seeing the politics and solutions—all the rhetoric—in relation to that relationship. I have found in my experience that we are trying to fix things while we are on the run from the primary engagement of black and white. I met you briefly, Rachel, as somebody who was standing up in an auditorium in relation to the New Way Summit describing how to generate a system which you would trust as a technology in relation to its people as well as the country, land, air and sea, in governing or at least being able to put forth an equitable scenario of itself to the mainstream. That is quite frankly the cart still trying to tell the horse how to do its thing and is quite frankly still trying to figure out what it is doing here with what it has got in relation to its journey of how it got here, and that is just a generalisation because we can get into the specifics but we will not.

What I am trying to say is that we have not given ourselves time to even adequately get to know each other's systems in an equitable sense. The nations cried, everybody cried, because sorry was said and the past was acknowledged, a present engagement of trauma from the past, which is still ongoing today, in 2012. We are tripping over ourselves denying the obvious in relation to such gaps. We are now composing titles for our engagement of a facade, really, because the actuality has not still happened in past terms. We are all family related and interculturally related, and I would find huge offense being someone who is not black or not white not being recognised. What I am suggesting is that we cross-culturally examine ourselves in an equitable place now that sorry has been said.

Do you know that you listed in that sorry as a government—my goodness—so much trauma, so much dissection, cross-fertilising in the destructive sense? Quite frankly the political correctness and the times caught up with that government and its generation, which is not historically a long time ago at all. The everyday people would like to say, from black and white and all nations within this nation—and from the 'origine' sense, because we are original—the paradox and the irony still ongoing is that every time we have to engage with the government it engages with us based on trying not to look at the elephant in the room, its history and its trauma, and at its accountability to address that trauma. And it is not just trauma but all of the actions that created displacement and dysfunction.

Now, quite frankly, as a whitefella economically I keep hearing that we still have problems. Why can't we fix these problems? We are wasting money. Yes, a lot of people are now taking advantage of that situation with what you would call rorting, mismanagement or siphoning off, or money is just disappearing. The Northern Territory government, as something newly developed as a government entity, has its own relationship with the federal government, as well as not even being able to relate legislatively every day as to its state counterparts because it has all kinds of different bloody rules—excuse my language, ladies and gentlemen.

The first gentleman you met was my uncle, Maurie Ryan Japarta. You need to understand, though—please do not take offence personally—all of us, everyday people, are saying, 'Can we just fix that problem?' It is seriously the engagement of dealing with, 'Oh, we've sorted it; we've done this and we've done that.' Stronger Futures—oh, my God—came from an intervention based on child sexual abuse. The child sexual abuse all of a sudden was an inference to be able to engage with basically stopping Indigenous enterprise, slowing us down, making us re-engage traumatically with you, with transgenerational trauma abounding. I am not a strict stolen generation person, but my mother's mother and my father's parents are all part of this experience, as all of you are. You are dealing with, quite frankly, the wrong set of tools and perspective to be able to even engage nationally in governing us locally, federally and at a state and territory level or up the road as a 'burb or even culturally. We need qualified people for the problems that we have. In one cultural world and system I am known as an artist. In that white culture—excuse my language—I am not taken very seriously as a person who can produce solutions, and then I am being re-engaged as an Indigenous person culturally and then as an artist. All of a sudden everyone is looping through cultural points of view to re-engage with each other to try to understand, and then they translate that—

**CHAIR:** I do not want to interrupt you, but we have got limited time. I think the point that you are making is that we have got a long way to go and we need qualified people, who understand—

**Ms Chalmers:** No, not at all. I do not believe that we actually do have, generationally speaking—

**CHAIR:** Can we make it—

**Ms Chalmers:** I apologise, Senator. But you are not being very specific about my time—whether I have that or not. If I could I will wrap it up right now, if you guys appreciate the fact that the terms of engagement are also something that are foreign for everyday people as well. So I express my apologies there. But the solutions quite frankly need to be not guessed at anymore, not be given to people who, quite frankly, prove themselves to be inadequate—or plans or initiatives. And I am not talking factions. It is fundamentally policies that we are commonly addressing each other with. But until you actually be honest, this Australian legacy is going to devour all of us economically. You are going to be hearing from the next generations, as your children will be, the despair from Indigenous people, yet we are engaged as Aborigine but not in an equitable, autonomous governance sense. We have technologies, we have had to learn English—Empire speak, Empire culture—as well as intercultural systems as well, because there are other people here. Quite frankly, we have learnt really fast, off the cuff, in the dust, still finding that we are addressing trauma systematically, every day, with people killing themselves, because of this very problem of closing the gap. The gap, if you want to deal with it, is the denials. The gap is, no, we are not going to do this in relation to a national, country, everyday agenda, but we are going to be doing it for some sort of other agenda that the everyday people are now starting to see being slogged out—one versus another on TV here, just generally. I was surprised that somebody mentioned—

**CHAIR:** Ms Chalmers, I am going to step in now and stop you.

**Ms Chalmers:** I would just like to say, Senator, thank you for your time. I also believe that you guys are looking for solutions. If I can clarify also, when you can be brave and honest enough, as if you are not Aborigine, please, put yourself in a situation where you are equitable, no longer feeling fearful of how you are going to be addressed as a culture and as a government. You are an example of somebody who actually talks straight.

**CHAIR:** Ms Chalmers, we have got the point. You have actually made that same point three times.

**Ms Chalmers:** Yes. That was from many different cultural points of view; I appreciate that, Senator. Thank you very much for your time.

**CHAIR:** Mr Tutty, is there anything you want to say briefly before we ask senators for questions?

**Mr Tutty:** Yes, there is a bit.

**CHAIR:** I do not want to be rude, but please make your points quickly.

**Mr Tutty:** Welcome to Darwin.

**Mr Tutty:** Since 2007, there has been grassroots community action in response to the intervention. Since this discussion paper we are focused on facilitating participation in the formal process, particularly the consultation and presentation meetings, which are now audio and video recordings. We have heard about other people doing the same thing, so we contributed our records to concerned Australians. I trust and hope that this committee has referred to the transcripts and the reports that concerned Australians have written regarding this process. I personally attended the two presentations in Knuckeyes. I think these three ladies were at the meeting in Bagot. Joy, you told me you walked out of that.

**Ms White:** Yes, I did.

**Mr Tutty:** Our assessment of the consultations is that that is a grossly inadequate basis for justifying the laws in front of us now. The touchstone of the Wild and Anderson report—the one that provided the portrayal of the situation for many territory kids and many communities—did not just paint that important picture but it also set a standard for consultation both in the methodology of the inquiry itself and also within the report. It is prefixed with references to the critical importance of governments committing to genuine consultation with Aboriginal people in designing initiatives. Summarised, with the thrust of our recommendations—there are 90-odd recommendations: in regard to solutions, there should be consultation with and ownership by communities; and, find a principal of effective and ongoing consultation and engagement—it gave that specific detail. It talked about meaningful engagement being crucial to successful outcomes. It also talked about requiring at least majority informed consent. These new laws, with their 10-year sunset clause, are measures that on so many fronts are tighter than the NTER, and they demand best practice and consultation. I suggest that the inquiry and the report, together, define best practice. I ask the committee whether you consider that the process around Stronger Futures meets that standard. We do not think it does.

At a high level, looking at the progression from the discussion paper to the bills, we cannot see what came of the dissent and the alternatives that we observed in the meetings that we documented, and the others from concerned Australians. We just do not see that connection.

Looking at research, the last section of the latest SEAM report says that sanctions had no impact on those who were subject to them. But the minister declares it a success. In 2010 a Menzies paper on the impact of income management on store sales reported

... no beneficial effect on tobacco and cigarette sales, soft drink or fruit and vegetable sales ...

But the minister did her phone poll and said it was a success.

Then there was the Equality Rights Alliance report on women's experience of income management in the Northern Territory, which found that a large majority do not feel safer but do feel disrespected by the policies.

I hope that these three reports have been considered by the committee and by the process around these bills. We worry that policy development seems to be disconnected from available data. We have observed that the federal government struggled to produce an evidentiary base for things like predetermined ideological direction.

I want to quickly report on my experience of documenting what happened at the meetings at Knuckeyes. First of all, no-one turned up. I saw that as a vote of no-confidence. Wild and Anderson talk about at least majority consent being fundamental to successful engagement and consultation. So we tried it again. I noted there was inadequate interpretation. They had two interpreters there but they had the wrong languages. Wild and Anderson talked about the value of preconsultation meetings. If that guideline had been followed, I am sure that we would have had the right interpreters for the consultation.

At the meeting participants were asked to endorse the role and performance of their GBM and their president. I know the president is a good fellow, but I do not know that that process is really appropriate. People just said, 'Yeah, it's an important role,' and moved on. I do not think there was any value in that questioning. Once again, Anderson and Wild warned:

... effective consultation means actively seeking out views that represent all members ... and not just those of one family or of the "community manager" ...

I observed that there were these speaking points. I am sure you are aware of the structure of those meetings. I observed that some of them were ticked off very quickly. The title was read out, people nodded and said, 'Mmm, yeah, that's an issue,' and they moved to the next one. That is not my experience of good consultation with mob. When you are sitting down with people and you have an important question that you need explored, you ask it one way, you ask it another way, when you hear an answer you say it back, and you make sure it has been understood. I did not observe that sort of practice at Knuckeys. Anderson and Wild say:

... a lot of what is first said by Aboriginal people in remote areas is not, in fact, what they want, but either what they think the mainstream culture wants them to say or what they think the mainstream culture wants ...

I did not see any recognition of this advice in the process that happened at Knuckeys. In particular, on the question of education, there was a really detailed response. I was really surprised and impressed with the good ideas which started flowing around. I do not see them reflected in the new bills.

I noted problems with the time frame. There is a short lead time. Part of what we at the grassroots have been doing is helping to encourage people to engage in your processes. I think that the consultation was hamstrung by an oppressive deadline. You have already heard today or yesterday about the lack of follow-up. Out at Knuckeys they were told that they would get the summary—the transcript and report of the meeting—and I never saw that. Concerned Australians' other transcripts seem inconsistent with the government's claims of strong support to continue the NTER measures. I will skip a bit for you.

**CHAIR:** Mr Tutty, this is all really good stuff. You have just said you will skip a bit, and I appreciate it because of our time frame. Can you send it to us.

**Mr Tutty:** Yes. I am just trying to skip over the policy detail and focus for you on the consultation process, because I think that is where we can be helpful, because that is where we have focused our energies. We conclude that there has been pretty poor consultation practice and that it ignored standards set and principles defined by the *Little children are sacred* report. There was poor participation at some meetings and poor engagement. So there is your real difference between what is consultation and what is engagement. Consultation can be about actions—'Yes, we did that, we did that and we did that,' and ticking boxes—whereas engagement is more qualitative and is about the value that comes out of the process. A lot of detail that we observed, noted and documented is not evident in the product that this committee is inquiring into. We worry that there is a predetermined outcome and that the bills are so close to the discussion paper.

You have our submission. We think this in part, and for other reasons, disqualifies the bills. We recognise that all participants share some objectives. We really worry about 10 years of Stronger Futures proving to be as unimpressive as five years of emergency response. We see a weight of inevitability to this process. We recognise a desire to have structure in place once the emergency response exits, but that deadline is really another flaw to the consultation process. Surely we knew this was coming, and perhaps we should have invested in more time and effort for the consultation process. I have heard a few people come in before you saying they value the 10-year commitment. But there is a flip side to that, which is that risk of locking in 10 years of the wrong direction. I am not sure how, but something has to be done to retain the capacity to nurture genuine engagement at a community level and to grow community participation in locally tailored solutions which can take the place of the blanket application of one size fits all.

**Senator SIEWERT:** Ms White, a bit earlier you said that you walked out of the consultation.

**Ms J White:** Yes, I did.

**Senator SIEWERT:** Why did you do that?

**Ms J White:** Because they were talking about the same thing they had been talking about earlier. Why should I sit and wait while they talk about the same things they talked about with us before? It is useless just sitting there and listening to the same old thing. That is why I got up and walked out.

**Senator SCULLION:** So what was the earlier meeting—the first meeting—that this consultation was the same as?

**Ms S White:** Let us see. The first intervention started in—

**Senator SCULLION:** There was not much consultation there. If you cannot recall, that is okay. I just thought there might have been some specific meeting.

**Ms S White:** There was a first one and then the second one was with a state manager from WA.

**Senator SCULLION:** So these are the two Stronger Futures ones?

**Ms S White:** No, are you talking about the Stronger Futures one?

**Ms J White:** No, I did not want to go back and listen to the same old thing. You cannot just go back in there repeating everything we have already heard.

**Mr Tutty:** It was 2009, wasn't it?

**Senator SIEWERT:** That was when they came around for the intervention evaluation.

**Ms S White:** Yes, the intervention evaluation and then—

**Senator SCULLION:** So it was probably a different process then.

**Ms J White:** We asked them to bring back documents for us about the controversies we had in Darwin.

**Senator SIEWERT:** From the first time?

**Ms J White:** We never saw it. We have never seen it.

**Senator CROSSIN:** Ms White, children at Bagot go to Ludmilla Primary School, do they not?

**Ms J White:** Yes, they do.

**Senator CROSSIN:** How many children currently living at Bagot would be going to school?

**Ms J White:** I do not know if I can give you a figure. Most of the kids in the community go to Ludmilla. All the rest are high school students or they go to middle school.

**Senator CROSSIN:** Most of them go every day?

**Ms J White:** Some do and some do not.

**Senator CROSSIN:** Does the community have any plans to work with the parents of those children to get them to school each day?

**Ms J White:** Yes.

**Senator CROSSIN:** Can you just tell us what you do?

**Ms J White:** There is a children's organisation which helps the children with transport and which speaks to the parents and other issues.

**Senator CROSSIN:** As a leader in Bagot, do you get involved in—

**Ms J White:** I have been involved with the intervention since it started.

**Senator CROSSIN:** No, I am talking about trying to get kids who do not go to school to go.

**Ms J White:** We just try to speak to the parents. The president of the organisation does it, but also some of us help. We have to help our children, regardless of where they come from.

**Senator CROSSIN:** Are most of the children at Bagot going to school every day? Is it only a couple who do not?

**Ms J White:** Yes, it is just a couple of them who do not go to school. We just have to find a way to make them go to school.

**Ms S White:** Not last year, but perhaps the year before that, we had the PaCE program and the VLAC—Village Leadership and Capacity—program. They were funded by FaHCSIA and were run under the auspices of AMSANT. I worked as the community leader for the VLAC program. The main focus was around education. From my point of view from looking at it, it was good to see a community person going in and talking to the parents rather than having this truancy attendance officer coming out. So we build a relationship with them on how we can help the parents get the kids to the school and find out what is stopping them. Some of the parents did not actually understand the schooling system or what impact school has for kids who do attend. Parents do not put themselves in their kids' shoes or know what they have to do every day to get ready to go to school to learn. Some of the parents do not have an understanding. Even for myself, with middle school some of the stuff they come home with I do not understand. So it is hard for me to teach my son, even though we do have access to the internet and a computer. For most of the kids who live in town camp areas their parents do not have that basic technology that we have.



Through the leadership program I found that it was really hard. It was an eye-opener for me to see the difficulty they have to go through every day in order to help our kids and also the parents to encourage school attendance. Also with the PaCE Program—but cannot speak much about it. Every time we had back-to-school days we would have community events and invite the local member to come and have sausages but also encourage going back to school with big posters. We would get our kids to do paintings saying 'school is cool' and stuff like that. But it was really exciting to see other parents coming in to celebrate that special day the kids go back to school after the big school holiday break. We would encourage them to go back. We would give them gift packs—backpacks with a lunchbox, pencils, rulers and books. People would donate any sort of school items for the kids. It was also good networking with other agencies to see, from my perspective, what hard work goes into encouraging our kids to go to school, trying to understand for myself and to help parents who do not understand the schooling system and to get the truancy officer to meet them and come to our community to see the lifestyle they go through. Having the network both ways to help each other helps to improve school attendance.

**Senator SCULLION:** I do not have a great number of questions. Justin, I think you very comprehensively laid down what is stuffed about this consultation process. I do not think too many on the committee would disagree. You were selective about your use of reports and quotes, but we all do that, mate. Generally speaking we have found that feedback. Wherever we have gone it does not seem to have gelled. It just has not really happened; it does not matter how they have gone about it. I have a couple of technical questions. Patsy, is someone selling grog in Bagot? Who is that?

**Ms Rose:** It is not just Bagot. This thing will include every Aboriginal who lives in every community.

**Senator SCULLION:** I just thought you knew someone. I am always very keen because if you can get one person it is a useful thing. Those in the community who make a living out of that it is not particularly helpful.

Can we talk about the overcrowding? We hear evidence about that from many communities. It is a very difficult thing. As you say, it is very hard to say no.

**Ms Rose:** It is.

**Senator SCULLION:** I understand that that is a particularly difficult thing. There have been some discussions—not necessarily in this committee; but as part of this issue—about how you might frame a tenancy agreement. The agreement might say that you pay this much rent and you are only allowed 1½ dogs and you have to keep your lawn mowed. There is all this stuff in the tenancy agreement and it says what the people who own the house—the government—have to do, like coming to make sure the sewerage works. So there are things in the agreement. But in part of that agreement sometimes they may be able to say, 'Visitors can only stay for two weeks.' So it is not your decision; it is the agreement's decision. Do you think that sort of thing would make it easier to say no? You could say, 'Look, it's not me who is saying this; it's someone else.'

**Ms Rose:** Sometimes, yes, the council have made an agreement saying visitors are only allowed there for a week or for a certain time, to be with us, then they'll be gone.

**Ms White:** But due to cultural obligations sometimes it is really difficult to ask—

**Ms Rose:** Really. Yes, that is what I heard.

**Senator SCULLION:** I know it will always be difficult. But sometimes it has been put to me by other communities that it is easier if somebody else is making that decision to say, 'You can't stay'—rather than family, who really cannot make that decision.

**Ms Rose:** It has been really hard. Probably saying no or probably saying yes. As I said, culturally it is very hard, you know. I will leave that to you mob.

**Senator SCULLION:** I appreciate that.

**CHAIR:** Ms White and Ms Rose you both raised a number of questions. I am going to review the *Hansard* when we get back to Canberra and I will send you back some answers.

**Ms Rose:** Thank you.

**Senator SCULLION:** Or the government will send the answers back.

**CHAIR:** No, it is going to be on behalf of our committee.

**Senator SCULLION:** Okay.

**CHAIR:** We will send you back the answers. You asked us. We do not have the time to get through all of those questions, but you asked our committee so we will commit to get you the answers. They might not be all the answers you would like but we will get you some answers when we have a look at the questions you raised. I would like to thank—

**Ms Chalmers:** Excuse me, ladies and gentlemen; will it only be the two lady's questions that you will be responding to?

**CHAIR:** The two ladies were the ones who put specific questions on record.

**Ms Chalmers:** I did actually ask specific questions—

**CHAIR:** I will have a look.

**Senator SCULLION:** We will check that.

**Ms Chalmers:** in amongst all my other verbiage. So, bless you.

**Senator SCULLION:** Could I ask this favour. It is difficult to get the message. If you are asking questions, they are of concern, obviously, to more than yourselves. So in your communities, when people are discussing it, when we provide the answers to those questions, I think it would be very useful if you could share those answers with many people. They obviously reflect a number of anxieties and it would be useful if people could at least know what is going on.

**Ms Chalmers:** Also be aware that we are talking about both short- and long-term scenarios. I would appreciate if you could hear that, as well. Bless you.

**Proceedings suspended from 13:33 to 14:16**

**COOPER, Mr David, Senior Policy Officer, Aboriginal Medical Services Alliance of the Northern Territory**

**PATERSON, Mr John, Chief Executive Officer, Aboriginal Medical Services Alliance of the Northern Territory**

**CHAIR:** I welcome the representatives of AMSANT, the Aboriginal Medical Services Alliance of the Northern Territory. Thank you for giving us your time, both in this inquiry and the next one. You have been at parliamentary inquiries before, so you know about parliamentary privilege and the protection of witnesses.

**Mr Paterson:** Yes.

**CHAIR:** Thank you. Does either or both of you have an opening comment?

**Mr Paterson:** I do.

**CHAIR:** We will do that and then we will go to questions.

**Mr Paterson:** Before I read my statement I would like to begin by acknowledging the traditional owners of the land on which we meet, the Larrakia people. I would like also to thank the committee for this opportunity to give evidence on behalf of AMSANT in relation to the Stronger Futures legislation. The Aboriginal Medical Services Alliance of the Northern Territory, or AMSANT, is the peak body of Aboriginal community controlled health services in the Northern Territory. AMSANT is also a member of Aboriginal Peak Organisations Northern Territory, or APO NT. As committee members would be aware, APO NT tendered a submission to this inquiry, and each of our member organisations is attending these hearings separately in order to focus our evidence within our areas of responsibility.

One issue that strongly unites us is our deep concern about the continuing failure of government to engage effectively with our communities and community organisations. We simply do not have a true partnership with government. The Stronger Futures consultation process provides an example. Our officers attended about a dozen of the consultation meetings and judged the process to be inadequate and superficial. Further, our analysis suggests that the resulting Stronger Futures bills do not adequately reflect the issues raised at the meetings. Furthermore, the Stronger Futures response does little to contribute to the essential task of rebuilding community capacity and re-establishing relationships of trust. Rather, it is indicative of a pervasive lack of trust on the part of government. This is also evident in the disturbing and escalating trend—documented in the recent report of the Auditor-General on Indigenous service delivery—of overburdening our services with unreasonable and inappropriate compliance and accountability demands. This is seriously impeding our work on closing the gap. In relation to health, while primary healthcare funding has been part of the NTER measures, particularly through the expanding health service delivery initiative, or EHSDI, this is not part of the Stronger Futures draft legislation. However, aspects of the legislation impact on primary healthcare services and on health in general. We strongly argue for a 10-year commitment to resourcing the non-legislative elements of Stronger Futures and the former NTER that directly benefit Aboriginal people—including Aboriginal primary health care, the justice sector, housing and employment—to provide long-term planning, implementation and evaluation on which sustained improvements will depend.

Significantly for APONT and AMSANT, the draft legislation will directly impact on health and wellbeing outcomes through its impacts in relation to the social determinants of health, impacts that we argue the government appears largely ignorant of. The evidence base for the social determinants of health is extensive and well established. Mainstream social determinants affected by the legislation include education, employment, income support, food security and alcohol dependence. We have identified concerns with the draft legislation in relation to each of these areas and have proposed changes to the legislation to address our concerns. However, significant impacts will also be experienced in relation to a number of more intangible but no less important social determinants: control and empowerment, culture and social exclusion and racism. These determinants are impacted in various ways by the Stronger Futures legislation with serious and unintended though predictable impacts, predictable because this is what the evidence shows us. For example, there is Canadian research which showed that first nation communities in Canada with the lowest levels of youth suicide were those with significant elements of community control and cultural empowerment. The Stronger Futures bills, by comparison, in failing to abandon an intervention approach, will further undermine the control and empowerment of individuals and communities and will enhance factors associated with social exclusion and racial targeting. Such adverse outcomes can be expected in relation to, for example, the continuation of compulsory income management, the expansion of powers of the federal, state and territory authorities, continued blanket bans on alcohol and restricted materials, and continuation of the extraordinary star chamber powers of the Australian Crime Commission directed at Aboriginal communities. Continuation of the ban on customary law being taken

into account in bail and sentencing perpetuates a measure that is racist in its targeted denial of consideration of the full circumstances of Aboriginal people, and only Aboriginal people, before the courts and signals a lack of respect and recognition for our traditional cultures.

Other measures lack an evidence base. We oppose the expansion of the SEAM measure in the absence of sufficient evidence. Its coercive and punitive approach fails to address the systematic problems with remote Aboriginal education and the complex reasons for low school attendance rates. If SEAM continues, we have proposed improvements. Conferences and school attendance plans should be part of an intensive case management approach managed by social workers and other educational workers within the Aboriginal community controlled health sector, rather than Centrelink. School councils should be included in formal decision-making processes.

In relation to alcohol, while we support an emphasis on alcohol management plans, we oppose increasing penalties for possession of alcohol including proposed six-month jail terms for amounts less than 1,350 millilitres. This is unlikely to reduce alcohol related harm in remote communities and will serve to increase the really unacceptably high incarceration rates in the Northern Territory. On the other hand, we support evidence based population alcohol control measures such as the introduction of a floor price for alcohol, as outlined in the submission from the People's Alcohol Action Coalition. Finally, I would encourage members of the committee to consider the further details of our concerns in our APONT submission. We would be happy to respond to any questions that the committee may ask of us.

**CHAIR:** Thanks very much, Mr Paterson. Mr Cooper, have you got anything to add at this stage?

**Mr Cooper:** No.

**CHAIR:** We will go to Senator Siewert.

**Senator SIEWERT:** I will go to the matter of resources first. You raised—and it has been raised with us many times—the overall commitment of resources for Stronger Futures, and in particular the money that has been available for the community health sector and also for the justice organisations. Could you outline for us how much has come through that has been committed to community health outcomes in particular? As I understand it, that features in—

**Mr Paterson:** Yes. For EHSDI—the program that I made reference to in the opening comments—\$50 million per annum has been allocated since 2007, I think. That was to enhance primary health care services delivery throughout the Northern Territory, including Northern Territory and community controlled health services. Another component was allocated to the remote Aboriginal health corps—I think that was what they called it. They actually looked at recruitment of clinicians for that same period. There was a small amount for capital infrastructure, a small amount for an evaluation—and I just cannot recall the other component, but there were five components which totalled \$50 million per annum. As I understand it, we have had discussions with government officials but still no commitment. You are correct that that particular initiative—the Expanding Health Service Delivery Initiative—does come to an end on 30 June this year.

**Senator SIEWERT:** And did I hear you say you are continuing to talk to government about more funding?

**Mr Paterson:** Yes. Each time we meet government we continue to ask the question, because we have people employed—we have services that our members are delivering, and you have got to employ the people to deliver those services. If we cannot give them any certainty beyond 30 June then they will obviously look—they are looking now—for other employment opportunities that are going to give them much longer-term certainty in terms of employment. So it is critical, I think, that we be informed sooner rather than later so that we can tell those who have committed themselves to come and work in the Northern Territory. With some of those more remote locations, at the best of times it is difficult to get people there in the first place. But with this initiative, and with the exposure to Aboriginal health and wellbeing here in the Northern Territory, people are wanting to come and work in some of those locations now, and we want to keep them in both the Territory government clinics and the community controlled sector.

**Senator SIEWERT:** What has been the benefit? We have heard, I have to say, a lot of criticism of the intervention over the last week that we have been here. I am aware that, from a health perspective, the government said this morning there have been some improvements. We have just been talking about some of the improvements that are occurring. What are the key things that you think have been delivered through the additional resources through the EHSDI program and the other components of that \$50 million?

**Mr Paterson:** As to what it has been able to do for us here in the Northern Territory: we have a tripartite arrangement with the Northern Territory government, the Australian government and AMSANT, which is referred to as the Northern Territory Aboriginal Health Forum. On a regular basis, the three partners meet to

discuss policy issues, to discuss any new financial investment that is coming into the Northern Territory—and that was one of the structures where, once the announcement of the \$50 million per annum had been made and committed to the Northern Territory, the discussions were had with all three partners. First of all we needed to come to an agreement about how we were going to distribute the funding in an equitable and fair way. So, as a result of that, we had a formula developed with the three partners. There was an assessment of the health expenditure per head in the Northern Territory. For some AMSs and some government clinics, the per capita expenditure would have been—I think we had one where that was about \$500 or \$600 per head, as opposed to another, much larger, regional Aboriginal community controlled health service which had a per capita expenditure of about \$2,700. So you could see the levels of disparity in the per capita funding. The formula was to equally distribute the funding so that we could get the lower per capita health service providers up to a reasonable level.

Another guiding framework and tool that we used in determining the allocation was the core services. The document outlines every particular health care that could be defined as a core service for primary healthcare services to deliver: cardiovascular, diabetes, mental health—the whole raft. We have just recently included mental health, because it was sitting outside that framework. We just reviewed that document, the core services for primary health care services in the Northern Territory, so it is a fairly comprehensive one. Our clinicians and experts have calculated what it will cost for a suite of essential healthcare services to be provided. If you added another \$1,000 on you would get allied health in addition to those basic core services and for about \$4,500 per head you would get the specialists. That is what it is costing to deliver some of these services to some of these communities.

That is the target. That is what other Australians enjoy when they go and see a GP in their communities around the capital cities. They have got access to all that stuff. The challenge for both government and community controlled sectors is to work out good models of service delivery and how we can get some of those services to patients who find it hard to travel, in most cases, or do not have the funding to travel. That is the challenge before us. Hence, the \$50 million per annum has been a welcome financial injection into the Northern Territory.

The other component was the establishment of regional health services—so that was the fifth component, around regionalisation. The aim and objective there was to get a collaboration, a consortium of both the Territory government and the community controlled health services working as a team, as a collective, in a particular region. We have achieved this by the incorporation of the Red Lily Health Board in the Kakadu region, which has a mixed model of service delivery, being Aboriginal community controlled and Territory government clinics. The objective was to bring them all under the one umbrella to try and get one service provider delivering those essential primary healthcare services to Aboriginal people and, I might add, non-Aboriginal people. In some of the locations not only here in the Northern Territory but nationwide we do have non-Aboriginal people undertaking very important tasks and working within Aboriginal communities. We need to ensure that those services are also offered to them and they are not being knocked back. We are very much about establishing these regional health boards and health services to provide primary healthcare services to all Territorians residing in a particular area.

**Mr Cooper:** I might just add that by comparison the child health check initiative, which was brought in through the NTER and was an imposed process largely undertaken by external teams, was a process that a formal evaluation showed was quite inefficient in terms of its costs and outcomes.

**Senator SIEWERT:** I am going to run out of time but I would like to talk about the alcohol controls. We have talked about a number of points that are in the peak submission, but I particularly want to go to an issue that we have not talked about that much. There is a comment in the submission about the need for independent consultants to be engaged with the process of developing those plans. Could you take me through the reasoning behind that. We had an example from Mount Nancy town camp that took us through the process they have been undertaking in developing their plan. The Northern Territory department essentially gave them a project officer to develop it. They seemed quite happy with that. They are not happy that it still has to go through a process for ticking off. It contrasted with what you recommended in the submission, so I would like to get your thinking on that.

**Mr Cooper:** I guess it was really around providing independent assistance to the community, so it could be in that form of project officer. I guess there are different ways of providing that kind of support. But the key point is that it is independent and able to work within the community so that they feel it is their input into this process, whereas with the external consultants there is no clarity or guarantee around the processes that occur in relation to that.

**Senator SIEWERT:** Is the concept that the community engages the consultant so that they feel a sense of ownership in working with that consultant?

**Mr Cooper:** Yes. And we are saying that that expertise could be sourced from different areas. It could come from Aboriginal controlled organisations that had relevant expertise. There are a lot of different ways that you could tackle that. The point is that if these alcohol management plans are really going to be genuine and effective then the community has to have ownership of them. This is what happened initially when communities declared themselves dry, well prior to the intervention.

**Senator SIEWERT:** The NT government appeared before us this morning and we had a lot of discussion about various issues, one being alcohol and the new measures in these bills compared to the recent measures the NT government has brought in. They were commenting that they have seen a drop in alcohol related assaults in the first six months of those regulations being brought in. Have you noticed through your organisations an impact on health outcomes, for example, through the new controls?

**Mr Cooper:** I think it is a bit early to get that kind of feedback through our services in terms of the fairly short time frame in which they have been operating.

**Senator SIEWERT:** Have you had any anecdotal evidence?

**Mr Paterson:** We have. I think it was in Alice Springs. A representative of the PAAC anecdotally mentioned that there was a bit of a decline in hospital admissions. I have not seen any statistics, but PAAC from Central Australia would be the one to give you some of that evidence. That is what I understood from discussions that I had with a particular representative.

**Senator CROSSIN:** I have not noticed in any other submissions your reference to the powers of the Australian Crime Commission. Have you got much of a background on that?

**Mr Cooper:** In what aspect?

**Senator CROSSIN:** There is a dot point in your submission about the continuation of the extraordinary 'star chamber' powers of the Australian Crime Commission.

**Mr Cooper:** They include removal of the right to silence and coercive powers on people to provide information to them. Also, people are prohibited from conveying the fact that they have been approached, or any details of that sort of questioning of them. They are extraordinary powers. Our point is that these are not powers that should be applied selectively to Indigenous communities. They are powers that should be applied across the entire community if they are going to be applied at all. We question whether or not the Australian Crime Commission is the right body to be working within this kind of area.

**Senator CROSSIN:** Are you suggesting that these continue in this legislation?

**Mr Cooper:** No, we are saying that that Crime Commission applicability should be removed. Also, if you look at the annual report of the Australian Crime Commission, the actual things that they have been doing they do not seem appropriate. They have been commissioning reports around health related matters, and looking at things like governance of organisations and government officials to see if there is any corruption. It is very questionable that they are appropriate measures in relation to—

**Senator CROSSIN:** So you are saying that, if you look at their annual report, the role they have been undertaking could clearly be done by ORAC or other even the police, for example.

**Mr Paterson:** Yes, I think those responsibilities could be negotiated between us with the Territory police. We welcome the additional police presence in communities because that has given families and individuals somewhere to go if they have a complaint or are being humbugged by family or others in the community. The police presence means they have somewhere they can go and lodge complaints or seek assistance to work through the issues they are confronted with. They are known. It comes back to that relationship I talked about a little earlier. A lot of our workers in the Northern Territory go out of their way to establish good working relationships with communities, and that brings about respect and confidence. Once people have trust and respect for each other they are more inclined, from what I have experienced, to share more.

**Senator CROSSIN:** When you are in discussions with the Territory and Commonwealth government, is the issue about increased rehabilitation places or facilities a matter of further discussion in terms of funding?

**Mr Paterson:** Was that in regard to the alcohol—

**Senator CROSSIN:** Legislation, yes.

**Mr Cooper:** We would certainly argue for increased resources to provide for treatment and rehabilitation services. They are something that it is very difficult to get funding for. There are certainly not enough services available, particularly in remote areas. This is a point that we are dealing with government on, but—

**Senator CROSSIN:** Do you have the number of centres or places at this point in time in the Territory, or should we get that off the Northern Territory government?

**Mr Cooper:** I do not have the data off the top of my head but certainly the number is insufficient for the level of need and in terms of accessibility.

**Senator SCULLION:** If you could take on notice giving us a reference for the Canadian research, that would be useful.

**Mr Cooper:** Yes.

**Mr Paterson:** Senator, I only got that last night via an email from a lady here. I thought, 'Gee whiz, I should bring this to the committee's attention.'

**Senator SCULLION:** Thank you. I want to talk about the consultation process. I was pretty impressed that you have had officers attend over a dozen meetings. Can you tell me briefly about why it was, in your words, inadequate and superficial? Obviously you did not think it was right. What was wrong with it and what would you do?

**Mr Cooper:** This is always a difficult issue. It gets back to what John was saying in relation to establishing the right kinds of relationships and ways of working with communities. The meetings that have been called to bring the community together, convened through government business managers and ICC people, have had quite variable results in terms of who turned up and who was available on the day. Certainly there was nowhere near sufficient time to work through the detail of the issues that were raised. In terms of those processes, you are really unlikely to get anything more than an off-the-cuff kind of response. You really need to delve a little bit deeper, if you want to engage communities in terms of what they want. I think you also need to engage the community organisations in a formal and effective way, which those consultations did not do. We had instances where interpreters were not available and where buses did not turn up to some communities, so people from those communities are not able to make it. There was a lack of ability for many people attending the meetings to speak out—

**Senator SCULLION:** On that last comment: what do you think prevented them?

**Mr Cooper:** There are a lot of things. They can be quite intimidating forums. There were government officials there, bureaucrats, consultants and various other people who turned up. Sometimes they occurred in inappropriate locations, which signalled, I think, to the community that this was a top-down government approach.

**Senator SCULLION:** What sort of places do you think would fit that?

**Mr Cooper:** I will not nominate the exact communities.

**Senator SCULLION:** No, the type of—

**Mr Cooper:** For instance, calling a meeting in front of a government building in a community that did not have a good relationship with those government officials. I do not want to give examples of those kinds of things.

**Senator SCULLION:** No, that is fine.

**Mr Cooper:** That kind of consultation process was always not going to be able to deliver effectively. We also had concerns, because our analysis of what was said at meetings and what consequently came out in the legislation showed that they did not tally well. People were encouraged to raise any issues they liked but many of those issues Stronger Futures was never going to respond to. One of those was housing, which was constantly brought up: problems with housing, problems with overcrowding and problems with repairs and maintenance and with faulty workmanship in the upgrading of housing. Again, this consultation process opened up a whole range of things that it was never going to address.

**Senator SCULLION:** Issues outside of scope; they just did not come prepared to think outside it.

**Mr Cooper:** Really, that is not appropriate in terms of process.

**Senator SCULLION:** What is not appropriate? Did the Stronger Futures people talk about housing? Were questions asked about housing that they were not able to answer?

**Mr Cooper:** The fact is that they could not give any answer other than: 'Well, there is the SIHIP housing program. We can take your concerns back, but this is the program that's there and these are the parameters of what's happening.'

**CHAIR:** Mr Cooper, I do not normally jump in, but having chaired this committee for a while I know that it is incredibly difficult, if you have a lot of people at a meeting who want to talk about something, to divert their attention.

**Senator SCULLION:** We need a process for doing that.

**CHAIR:** I take your point that people were encouraged to talk about different things, but if you have people gathered together who want to talk about housing, and there are government officials there, it is very difficult to stop them doing that and say, 'Don't.'

**Mr Cooper:** Absolutely, yes.

**CHAIR:** If you look at the transcript of this inquiry you will find how difficult it is not to talk about housing.

**Mr Cooper:** The point was that the consultation process asked for all of that, for whatever people wanted to talk about.

**CHAIR:** And then did not respond to that. Okay, I take that.

**Mr Cooper:** It was muddled in its approach. It was not thought through.

**Senator SCULLION:** There was not a clear scope.

**Mr Paterson:** For those issues that people wanted to discuss, perhaps there should have been an offer of: 'Okay, we'll have another process to deal with that,' after all this other stuff.

**CHAIR:** I agree with that.

**Senator SCULLION:** My supplementary question, which is probably the more important, is about partnerships. Do you think it is now possible for the government to genuinely consult? Do you think the partnership is really now a bit of a fantasy? Given that we are saying, 'Let's do a consultancy next week in the same area,' I cannot possibly believe that a government, particularly the Commonwealth government, in terms of the relationship, which I agree with, is really capable of doing that.

**Mr Cooper:** I guess we would probably see an independent consultation process as being a more effective and appropriate kind of approach. But really it is open to government to make a genuine partnership and make it work. The ball is in their court, in terms of doing that.

**Senator SCULLION:** I would accept that the relationship between government—or parliament, even—and the communities is of such moment that it is not realistic to say that in the next year it will be better. There is going to be a fair bit of cynicism towards that.

We have taken evidence from organisations such as the Northern Land Council. I asked them, and I have asked a couple of others, about the consultation process. It is almost buying into someone's existing partnership arrangement, which is a fundamental. The Northern Land Council said that they were not all that interested, but I was not sure that that was a well considered answer.

This might be just an element, because sometimes it is all a bit big; there is this big piece of stuff. Your organisation has a particular constituency within the communities and would be able to give a pretty cohesive answer with regard to health matters. Do you think your organisation has capacity—I know you normally do these things—to do something in the area of Stronger Futures if we embargoed it to the particular areas? The legislation does not have specific health areas but if it did have some areas it was going to go on with—I know it impacts on health, which is why you are here—do you think you would be able to do that for us?

**Mr Paterson:** I think so. I have floated the idea with a couple of senior bureaucrats that I have come into contact with, in terms of the implementation of the components of the Stronger Futures legislation they want to implement with communities. We talked about perhaps APO NT being the vehicle. AMSANT currently auspices the funds that we get outside of government for APO NT. It currently comprises a bit of David's salary and we are in the process of recruiting another policy person. It is not incorporated but, as I said, you have the land council NAAJA and AMSANT who could auspice the funding for that sort of stuff, but then it gets driven by a group of people who can go out there. I can represent a land council, I can represent AMSANT, and I can represent NAAJA and whoever else wants to get on board. I think that is doable.

I am fairly confident that if that model was to be considered we would certainly put in place an effective strategy to make it happen.

**Senator SCULLION:** It would be on a fee-for-service basis.

**Mr Paterson:** Yes. We would not be able to do it for nothing.

**Senator SCULLION:** I appreciate that.

**Mr Cooper:** It is a bit more complicated in the sense that there are also these other, broader processes—for instance, the remote service delivery national partnership agreement. That involves the priority growth town area development and the consultation processes around the LIP—the local implementation plans. There are all these different layers of government policy and programs that are applied to communities. It is very difficult to sort between them.



The changes to the shires have had a bit impact on communities, and remote communities are not happy about them at all. So there are a lot of overlapping issues. That is a very hard thing to deal with. We have been quite critical of the local implementation plan process, particularly because it has not engaged the community controlled health sector effectively. Those plans can in no way be seen as comprehensive health plans for those communities or the regions. There are external processes that are happening. The whole policy and programming environment is very confused for remote communities.

**Senator SCULLION:** It will be interesting to compare the answer you have given me and the answer Minister McCarthy undertook to give me today on the very same issue. I have no more questions. Thank you very much.

**CHAIR:** Thank you very much to the officers of AMSANT. We will adjourn this part of the hearing now and we will meet on this issue in Canberra next week.

**Committee adjourned at 14:54**