



ACOSS Submission | August 2008

Australian
Council of
Social Service

**Submission to the Department of
Families, Housing, Community Services and Indigenous Affairs**

NT Emergency Response Review

ACOSS, August 2008

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Executive Summary

Since the Northern Territory Emergency Response (NTER) was announced on 21 June 2007, ACOSS has continuously supported its stated objective to reduce the incidence of child sexual abuse in remote Indigenous communities. In providing this submission, we seek to ensure that actions taken to respond to this complex issue are evidence-based, appropriate and effective and respect the human rights of Indigenous people.

The NTER involves a range of measures which affect Indigenous rights to welfare and land and the way that services are delivered in remote communities. Most of the NTER initiatives are short term, but some are longer term or require gradual implementation. A lack of baseline data has made the task of assessing the emergency measures very difficult, and the impacts of longer term measures, like improvements to housing, are not yet discernable. One of the major themes in this submission is therefore the importance of monitoring and evaluation, both to assess the effectiveness of existing measures and to inform future responses.

Another key theme is the importance of consultation with communities in the development of Government responses to the complex issues associated with child sexual abuse. All actions should build on existing governance structures and community knowledge and be negotiated with communities. The lack of consultation in the development and implementation of NTER measures appears to have eroded trust and disempowered Indigenous communities. Future actions must not repeat these mistakes but respect the principles of community consultation and capacity building.

The NTER has involved significant expense (nearly \$1 billion), with a large proportion of these funds directed to departmental and administrative costs. A detailed assessment of the cost effectiveness of all NTER measures is needed to ensure that child protection outcomes are being achieved and that funds are being used most effectively and efficiently. There are concerns that some of the NTER measures, developed without community consultation, have duplicated or failed to coordinate with existing services in communities. The efficacy of measures with very high administrative costs, for example income management, has not been demonstrated. It is imperative that the Review Board examine the cost effectiveness of current measures and realistically assess the costs of a longer term community development plan which addresses systemic issues including housing, health, education and employment.

Community perceptions of the NTER are nuanced across the range of measures. Surveys conducted by community organisations indicate that there have been significant concerns about the process of implementation. While some measures have been unpopular (for example, land reform and permit changes), others seem to have adduced a divided response (for example, income management) while others have attracted broad support (for example, the commitment to improve housing in remote communities).

ACOSS is concerned about the lack of evidence for several of the major initiatives implemented under the NTER. We have highlighted gaps in evidence and information throughout the submission. The submission draws on overseas and domestic trials, where relevant, to highlight the mixed results of some of the policies currently being implemented.

We are also concerned by the racially discriminatory aspects of the NTER which have not been addressed.

The submission provides an overview of the NTER measures, highlights intended and unintended impacts, and identifies priorities for a longer term community development strategy.

Introduction

On June 21, 2007, the Australian Government announced a series of measures as part of the Northern Territory Emergency Response (NTER) to tackle child abuse in Aboriginal communities in the Northern Territory. This announcement was catalysed by the *Little Children are Sacred* report of the Northern Territory Board of Inquiry into Protection of Aboriginal Children ('the Board of Inquiry'). The NTER encompasses a range of legislative and policy mechanisms affecting Aboriginal rights to land and welfare and dramatic changes to some existing programs. These measures apply to 'prescribed areas', as defined under the *Northern Territory National Emergency Response Act 2007* which includes 73 Aboriginal communities, numerous community living areas and town camps. Since November 2009, a number of significant changes to the NTER have been made. These include the reinstatement of the Community Development Employment Projects (CDEP) and a commitment to reinstate the permit system. Most other major measures have continued unchanged. At the time of writing, the NTER has been rolled out in 72 communities.

The NTER package of measures was developed by the previous Government in a short period of time, with the quick passage of the relevant legislation described as 'unusual, if not unprecedented'¹. It involved significant changes to the rights of communities and individuals and was developed and rolled out without community consultation. Many of the effects of the NTER are still largely unknown. In this context, ACOSS welcomes the current review of the NTER being conducted by the NTER Review Board. The Review is essential to determine the impacts of the NTER after the first 12 months of its operation and to inform the development of a longer-term comprehensive community development plan to reduce Indigenous disadvantage and the risks of child abuse.

The Combined Aboriginal Organisations (CAO) of the Northern Territory (NT), representing Aboriginal organisations in Darwin, Alice Springs, Tennant Creek and Katherine, developed a proposed *Emergency Response and Development Plan* to protect Aboriginal children in the Northern Territory. The two-stage response proposed by the CAO included an emergency response over the first 3-6 months on which agreement could be reached quickly between governments and community leaders and a more comprehensive longer-term plan and costed financial commitment that addressed the underlying issues within specific timeframes and had bipartisan support.

In outlining a proposed emergency response, the CAO paper engaged in a preliminary analysis of the emergency response measures announced by the former Government. This submission builds on the CAO paper by evaluating the impact of the major measures implemented as part of the Emergency Response more than 12 months after it was announced. ACOSS continues to emphasise the need for a long-term community development strategy to reduce Indigenous disadvantage and therefore reduce the risks of child abuse and neglect. We refer the Review Board to the work of the CAO on *Stage 2* of the Government response, and in this submission briefly identify the systemic issues that should be addressed in *Stage 2* and refer the Board to the work of a number of other Indigenous and non-Indigenous organisations to inform future Government planning.

¹ Parliamentary Library, 'Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency response and Other Measures) Bill 2007', 13 August 2007, no. 21, 2007-08, p 4.

The Australian Council of Social Service (ACOSS) is the peak council of the community services and welfare sector and the national voice for the needs of people affected by poverty, disadvantage and inequality. Indigenous Australians are among the most disadvantaged members of the community and ACOSS is committed to the reduction of Indigenous poverty and inequality. As a non-Indigenous organisation, we do not claim to speak for, or represent, the views of Indigenous organisations and we urge the Review Board to ensure that Indigenous organisations and communities have meaningful input into the Review process and that the recommendations arising from such consultations inform the future Government response to child abuse in the NT.

In preparing this submission, we have worked closely with the Northern Territory Council of Social Service (NTCOSS) and consulted with a number of national peak bodies and advocacy organisations and Northern Territory community and legal services. We identify some general issues related to the development and implementation of the NTER, analyse each of the major measures and then turn to consider the priorities of a longer term community development strategy. The submission is structured under the following headings:

- Core principles;
- Consultation and implementation;
- Monitoring and evaluation;
- Cost-effectiveness of the NTER;
- Income management;
- Employment;
- Making communities safer for children and families;
- Education;
- Improving child and family health;
- Housing and community clean-ups;
- Land reform;
- Coordination and implementation
- Community viability;
- Towards a long term community development strategy.

In analysing the effectiveness of each major NTER measure in reducing or preventing child abuse along with the broader social impacts (intended and unintended) of the measure, we engage with the consultation questions posed by the Review Board:

1. What is working?
2. What isn't working?
3. Have there been any unintended consequences?
4. How is this measure performing and how should it be taken forward?
5. What progress has there been in improving the safety and wellbeing of Indigenous children?
6. Will the suite of measures deliver the intended results?
7. Will the NTER lay the basis for a sustainable and better future for residents of remote communities and town camps in the NT?
8. What alternative measures should be considered?
9. Are there other ways of working that would better address the circumstances facing remote communities and town camps?

Core principles

Both the emergency response and the long term community development strategy must be based on core principles which enshrine the human rights of Indigenous people, commit to ongoing consultation and capacity building, recognise the diversity within and between Indigenous communities and apply needs based approaches to the funding of services and infrastructure.

We support the principles proposed by the CAO submission and the *Little Children are Sacred Report*.

The CAO submission identified the following guiding principles:

- Relationships with Aboriginal communities must be built on trust and mutual respect. All initiatives must be negotiated with the relevant communities;
- Cultural awareness and appropriateness;
- Actions should draw from and strengthens governance and community capacity;
- Build on the knowledge base already there in communities and in Government;
- Flexibility and responsiveness to local needs rather than a 'one size fits all' approach;
- Aboriginal communities are entitled to receive the same benefits and services, and their children to the same protections that are available to other Australians.

These principles are broadly consistent with the 'rules of engagement' proposed by the Board of Inquiry in the *Little Children are Sacred* report:

1. Improve government service provision to Aboriginal people;
2. Take language and cultural 'world view' seriously;
3. Effective and ongoing consultation and engagement;
4. Local focus and recognition of diversity;
5. Community-based and community-owned initiatives;
6. Recognition and respect of Aboriginal law and empowerment and respect of Aboriginal people;
7. Balanced gender and family, social or skin group representation;
8. Adequate and ongoing support and resources;
9. Ongoing monitoring and evaluation

Consultation and implementation

The most widespread and united criticism of the NTER expressed by Indigenous communities has related to the non-consultative process of policy development and implementation. The initial lack of consultation, the expedited legislative review process and the nature of some implementation mechanisms (including the use of the Australian Defence Forces) all undermined community trust, created significant levels of confusion and fear and raised concerns about the rigour and transparency of the policy process.²

² Central Land Council, *Northern Territory Emergency Response: Perspectives from Six Communities*, July 2008 at 6.

We note that a number of meetings have been held between Government Ministers and the Indigenous Reference Group since December 2007³ and that the Review Board is undertaking community consultations. Mechanisms for broader community engagement now need to be explored, and the information flow to communities improved. It is vital that the voices of women and children are heard in the development of a continuing Government response to the issues of violence and abuse in Indigenous communities.

Surveys conducted by community organisations reveal the extent of confusion in communities about the NTER measures which directly affect access to income and land rights. A recent Central Land Council (CLC) survey shows that a significant number of community members are unaware of many of the measures introduced under the NTER and know only of those measures which have affected them directly (for example, income management) or which have already had a tangible impact on the ground (for example, child health checks or community clean ups).⁴ Other changes have not yet had a discernable impact, for example, five year leases and the construction of new housing and infrastructure.⁵

Recommendations

That:

- The Government develop effective consultation mechanisms to inform the response to issues of child abuse in remote communities in the Northern Territory;
- Information flow to communities be improved, with dissemination of information in community languages via a range of media and regular community meetings attended by Government representatives, community leaders, interpreters and community members to explain all changes.

Monitoring and evaluation

It is imperative that a future, sustained response to Indigenous disadvantage and child abuse in the Northern Territory is accompanied by measurable targets and a robust and independent monitoring, data collection and evaluation process. Importantly, progress should be monitored and assessed from a range of perspectives and against a range of criteria.

Although it is more than 12 months since the NTER was announced, the objectives, targets and indicators related to the NTER have not been defined and there is no proper benchmarking by which to measure progress. In addition, evaluation and monitoring has been *ad hoc*, with no systematic, independent monitoring framework. Although some quantitative data has been available on the progress of the Review (provided in updates by Major Chalmers⁶), there has been little quantitative or qualitative data available on the social and economic impacts of the NTER or on community attitudes towards various measures. For these reasons, the current Review is welcomed.

The lack of benchmarks and objective data on the impacts of the NTER poses great challenges to Government policy makers and advocates committed to evidence-based

³ Australian Government, 'Northern Territory Emergency Response: One Year On', June 2008 at 9.

⁴ Central Land Council.

⁵ Central Land Council at 6 and 52.

⁶ Available at http://www.fahcsia.gov.au/nter/operation_update.htm.

policy. Although we are aware of some limited evaluation surveys and reports developed by Government, the methodology has been problematic and surveys conducted by non-government organisations have produced significantly different results. As the impacts of some of the longer term measures announced as part of the NTER will not be known for some time, monitoring and evaluation mechanisms will need to be able to track progress over the long term.

Recommendations:

That:

- The objectives of the NTER be clearly defined, with benchmarks and targets set to enable progress to be measured;
- Data collection and monitoring mechanisms be established, including collection of data on the broader social and economic impacts of NTER measures and community perceptions of the changes. This will require the use of quantitative and qualitative research methods. Importantly, progress should be monitored and assessed from a range of perspectives and against a range of criteria; and
- A permanent monitoring and evaluation body should be established after the Emergency Response phase to report on the scope and nature of the problems identified, actions taken at a local and Territory wide level, and their effectiveness and contribution to long term planning and solutions. This body should include Aboriginal community as well as Australian and NT Government representatives, and independent experts.⁷

Cost effectiveness of the NTER

The NTER has involved significant financial costs and it is important to assess this expenditure against its effectiveness. In total, \$908.2 million has been allocated specifically to the NTER under the special appropriation bills of August 2007 and the 2008-09 Federal Budget.

Given the significant administrative and implementation costs of the NTER, the Review Board should carefully consider whether funds are being used in the most effective way, whether they are achieving the desired outcomes, how funds might be more effectively utilised and how much funding will be required to shift the NTER from Emergency Response to longer term community development plan. Although some funding has been allocated for longer-term outcomes, for example, funding for new classrooms, education workforce capacity, follow up health care, night patrols and ongoing jobs and training – substantially more investment is needed to address the key systemic issues affecting communities.

The initial allocation to the NTER under the special appropriation bills was for \$587.3 million in 2007-8, with more than half of this appropriation (\$320.8 million) for departmental expenditure and capital items to meet the costs of increased personnel, staff accommodation, infrastructure upgrades and improved IT capacity.⁸ The remaining \$266.4 million was to for administered expenses.⁹ No funding commitments were initially made beyond 2007-08.

⁷ This recommendation is drawn from the CAO response at 6.

⁸ Lesley Russell, *Commonwealth Indigenous Budget Bulletin*, macroeconomics.com.au, June 2008 at 8.

⁹ Lesley Russell at 8.

In total, the 2008-09 Federal Budget provides \$718.7 million over five years for 'closing the gap' initiatives with the majority of this funding provided for NT initiatives (\$426.6 million / 5 years), including \$320.9 million in 2008-09 for activities that are part of the NTER.¹⁰

The administrative and implementation costs of the NTER have been significant. Expenditure has included:

- \$32.4 million in 2008-9 for leadership and coordination;
- \$91.4 million for the NTER Taskforce and Operations Centre, administrative support, logistical costs and community capability fund for GBMs to use to develop practical responses to the needs of local people;
- \$55.2 million for accommodation for Government personnel;
- \$30.8 million to fund GBMs (in 2008-9).

Some work has already been done to assess and model future spending, for example, by the Centre for Aboriginal Economic Policy Research (CAEPR) and the Close the Gap Coalition.¹¹ CAEPR estimates that \$4 billion over 5 years is needed to achieve 'normalisation' and sustainable improvements in outcomes for housing, health, education and employment for Indigenous people in the NT as follows:

- Housing: \$1.5 billion over 5 years
- Health: \$460 million over 5 years
- Education: \$690 million over 5 years
- Employment: \$1.4 billion over 5 years.¹²

Other estimates have put the total figure at closer to \$5 billion over 5 years.¹³ In developing findings in relation to the NTER, we urge the Review Board to consider the real costs of a comprehensive community development strategy to reduce Indigenous disadvantage in remote communities and reduce child abuse risk factors.

Income management

Income management has had a widespread and direct effect on individuals in prescribed communities. Under the NTER income management model, half of all income-support and family-assistance payments to residents of remote communities are quarantined in addition to 100% of advances, lump sums and baby bonus instalments.¹⁴ This policy response was designed to stop individuals in prescribed communities from purchasing alcohol, tobacco, pornography or gambling products with quarantined funds, instead directing them to the purchase of essential items. Although income management was initially implemented for 12 months, the current Government has recently announced plans to extend income management in some NT communities for a further 12 months and to trial the scheme beyond the NT within the national framework on child protection.

¹⁰ Lesley Russell at 6.

¹¹ The Close the Gap Coalition has developed national spending targets to achieve health equality for Aboriginal peoples and Torres Strait Islanders, see Close the Gap, 'Equality in Health – Plan for closing health policy gaps to complement existing Federal Government priorities for Aboriginal people and Torres Strait Islanders'.

¹² J.C. Altman, 'Stabilise, normalize and exit = \$4 billion', CAEPR, *Topical Issue* No. 8/2007 downloaded from <<http://www.anu.edu.au/caepr/>>.

¹³ Lenore Taylor, 'Crisis plan could cost \$5 bn', *The Australian Financial Review*, 27 June 2007.

¹⁴ FaHCSIA, Northern Territory Emergency Response – Fact Sheet, accessed at: www.facs.gov.au.

The *Social Security and other Legislation Amendment (Welfare Payment Reform) Act 2007*, passed in June 2007, designates five situations in which a person may become subject to an income management regime:

1. Income management of residents in prescribed communities as part of the NTER;
2. Income management linked to child protection;
3. Income management linked to school enrolment;
4. Income management linked to school attendance; and
5. Income management as recommended by the Family Responsibilities Commission, Cape York.

The Government has recently announced that it will introduce a Basics Card to assist in the implementation of income management. The card is designed to be used to purchase essential goods and services and cannot be used to buy alcohol, tobacco, pornography or gambling products or to withdraw cash. It is intended to reduce administration costs and time for clients, Centrelink and retailers and will replace the current system of income management which uses store cards and accounts. Customers will still be able to use store cards and direct payments to stores or retailers under certain circumstances.¹⁵

For the purposes of this Review, the blanket imposition of income management to residents in NTER prescribed communities is our primary focus. However, we note that, under the above legislation, situations 1-4 can activate income management such that a person may become subject to income management anywhere in the NT where income management is linked to child protection, school enrolment or school attendance. In child protection cases, 100% of the payment may be withheld. In other cases, 50% of the payment is deducted or a different amount to be described in a Legislative Instrument by the Minister.

In this section, we outline the NTER model (affecting all residents in prescribed communities) and the school attendance and enrolment models which are to be trialled in six NT communities. We then analyse the effectiveness and appropriateness of income management as a response to the issue of child sexual abuse in remote Indigenous communities. As the child protection model has not yet been rolled out in the NT it is not discussed in detail. However an analysis of this model is contained in our recent submission on a National Framework for Protecting Australia's Children.¹⁶

The NTER model

Under this model, income management is imposed upon a person because they were in a particular Northern Territory area declared to be a prescribed community at the relevant time.¹⁷ Most of the people affected by this measure are Indigenous. Affected payments are defined broadly to include social security benefits, pensions, payments under ABSTUDY, service pensions, income support supplements and Defence Force Income Support Allowances.

¹⁵ Joint Media Release, The Hon Joe Ludwig and The Hon Jenny Macklin MP, 'Government unveils the Income Management Basics Card', 22 July 2008.

¹⁶ ACOSS, Response to *Australia's Children: Safe and Well*, A national framework for protecting Australia's children, July 2008.

¹⁷ A person needed only be physically present in a relevant NT area at any time from 21 June 2007 to the end of the most recent payment period at the time the legislation was passed. Those exempt include person who is, or has been, in the community to assist with the Government's response to the NT emergency, some students and persons who were only temporarily present in a community and had little connection to community. See *Social Security (FaHCSIA) (Exempt Northern Territory Persons) Determination 2007*.

Income management as part of the NTER is being introduced progressively. Major General Chalmers reported on 1 August, 2008 that Income Management (IM) is in place in 68 communities and associated outstations and ten town camp regions with a total of 15,163 people being Income Managed as at 25 July 2008.

Income managed funds under the NTER are directly transferred to pay for 'priority needs'. The remaining 50% of funds is transferred to recipients back accounts. Priority needs have been defined to include:

- food and non-alcoholic beverages;
- school nutrition programme;
- clothing and footwear;
- housing (e.g. rent repayments);
- utilities (gas, water, landline telephone);
- health (medical appointments, medicine, glasses);
- education and training;
- items for employment (uniforms, shoes);
- funerals;
- public transport costs;
- motor vehicle expenses.

Excluded items include alcohol, cigarettes, pornography and gambling.

Most payment allocations go directly to the providers of goods and services, for example, community stores. Funds are transferred to community stores to be held in account for customers to draw on. Individuals can also access stored value cards from Centrelink which can be used at Coles, Woolworths and Kmart. One off payments for things such as car registration or white-goods can also be arranged. People can also request purchase orders to buy items in other stores (e.g. discount and second-hand stores), but, we understand, must provide details describing the specific item to be purchased and will then be given a voucher for that exact amount.

The NTER model of income management was originally intended as a short term measure to enable the issues of child abuse and neglect to be addressed as soon as possible. At the time it was introduced, the Government indicated that the blanket imposition of income management was to be gradually replaced by other elements of the income management scheme, once operational.¹⁸ However, although originally intended to be imposed for 12 months, the Government recently announced that the scheme would be extended for a further 12 months in a number of prescribed communities.¹⁹ It should be noted that the NTER Taskforce, in its Final Report to Government, recommended that income management should at some point become voluntary.²⁰

¹⁸ The Parliament of the Commonwealth of Australia, House of Representative, *Social Security and other Legislation Amendment (Welfare Payment Reform) Bill 2007*, Explanatory Memorandum, Circulated by the authority of the Minister for Families, Community Services and Indigenous Affairs, the Hon Mal Brough MP.

¹⁹ The communities that will be affected are Mutitjulu, Fike/Apatula, Titjikala and Imanpa, which were the first to be placed under income management under the NTER.

²⁰ Northern Territory Emergency Response Taskforce, *Final Report to Government*, June 2008 at 21.

School enrolment and attendance models

The Government announced on 20 June 2008 that the first 6 NT locations to trial linking school attendance with welfare payments have been selected, including Hermannsburg, Katherine, Katherine town camps, Wallace Rockhole, Wadeye and Tiwi Islands.²¹ Trials are to start at the beginning of the 2009 school year. The Government has allocated funding of \$17.6 million over 3 years to these trials.

Under this model, a person may be subject to income management as a result of failing to ensure that his or her child is enrolled in or regularly attending school. Parents are required to tell Centrelink where their children are enrolled and take reasonable measures to ensure that children attend regularly. Parents who fail to meet these requirements may have income support payments suspended until their children are enrolled or attending regularly. Full pay back of income support payments will be provided if parents enrol their children in school within a 13 week period. Affected payments include social security benefits, pensions, payments under ABSTUDY, service pensions, income support supplements and Defence Force Income Support Allowances.

An estimated 2,000 children, or 20% of Indigenous students in the NT, are not enrolled in school, with a further 2,500 not attending regularly and about 8,000 attending 60% of the time.²² The linking of income management to school enrolment and attendance is designed to increase the rates of enrolment and attendance, and thereby improve educational outcomes for children of parents who are subject to income management.

Analysis

Conditionality and income support

Income management represents an unprecedented regulation of personal behaviour in relation to a person's entitlement to income support.²³ Given the weak evidence base for the effectiveness of income management to achieve child protection and education objectives, this regulation of personal behaviour is not justified.

Racial discrimination and stigmatisation

As a measure which targets predominantly Indigenous communities and has not been applied to non-Indigenous communities, income management is discriminatory and would ordinarily be inconsistent with the *Racial Discrimination Act*. In recognition of this, the *Racial Discrimination Act* has been suspended in relation to the NTER measures. In this context, it is concerning that the Government has decided to continue income management in certain prescribed communities for another 12 months.

An effective response to high levels of child abuse and neglect in remote Indigenous communities can be achieved without departing from basic human rights principles. The

²¹ Australian Government Media Release, 'NT trials to boost school attendance', 20/6/2008.

²² Patricia Karvelas and Natasha Robinson, 'Send kids to school or lose welfare – The Intervention One Year On', *The Australian*, 21 June, 2008.

²³ Item 1 inserts a new exception at the end of subsection 66(2) of the *Family Assistance Administration Act*.

departure from these principles under the NTER has undermined confidence in, and support for, key elements of the NTER and must be urgently reviewed. In this context, it is concerning that the Government has decided to continue income management in certain prescribed communities for another 12 months.

Related to the racially discriminatory aspects of income management is the stigmatisation of Indigenous people as a result of the NTER. This has happened in several ways. Firstly, the blanket, undifferentiated response to child abuse has treated all communities and community members the same, regardless of circumstances. Indigenous men have reported feeling stigmatised by the public perception that they are all child abusers or violent alcoholics. Both women and men affected by income management report feeling stigmatised by having to use different payment methods than non-Indigenous Australians to purchase goods and services. ACOSS understands that many Indigenous people have reported feeling a sense of shame in having to produce the stored value cards at major supermarkets or department stores. Often this may involve presenting a number of cards with small denominations on each (it being difficult to keep track of remaining credit) which can cause delays at checkouts and draw attention to the affected customer. The Basics Card should ameliorate some of these aspects of the scheme, but will still identify people who are being income managed.

Lack of evidence for income management: overseas and Australian experience

Research suggests that income management, in the form being trialled in Australia, is unprecedented in other developed countries. Overseas and domestic experiences do, however, offer some cautionary lessons on the effectiveness of linking income management with school enrolment and attendance.

US Individual Responsibility Agreements (IRAs) provide that recipients must meet certain requirements in order to receive payments. These are administered at state level and conditions can include school attendance, maintaining certain grades, immunisation, attending parenting and money management classes and drug rehabilitation. IRAs are not used to target child neglect or whole communities, and do not direct how income is to be spent. In this way, they are materially different to the Australian models being implemented.

A 2005 study found that US programs which used sanctions to encourage school attendance or combined sanctions with individual case management saw no positive increase in attendance rates. Only those which combined sanctions, case management, support services and financial incentives for attendance or graduation saw any positive results.²⁴ In addition, a review of another program linking social security benefits to attendance at parenting programs concluded that, in many cases, parental lack of motivation to comply was *not* the major reason for non-compliance. Rather, it was an inability to meet the requirements, which involved being able to organise schedules, arrange childcare and transportation and complete paperwork.²⁵ As the Cape York Institute has acknowledged, 'welfare recipients are likely to confront obstacles such as low skills, substance abuse, mental health problems, and domestic violence, which make it difficult to consistently perform such tasks'.²⁶

²⁴ David Campbell and Joan Wright, 'Rethinking Welfare School Attendance Policies', *Social Service Review*, Vol. 79(1), March 2005.

²⁵ Cape York Institute, *From Hand Out to Hand Up*, May 2007 at 177.

²⁶ Cape York Institute at 178.

Developing countries have introduced Conditional Cash Transfers (CCTs) which offer payment in return for fulfilment of an obligation, for example, children enrolling in school or receiving child health checks. At least 12 countries in Latin America have implemented CCTs since the mid-1990s and they have been implemented more recently in a number of other countries.²⁷ These schemes are designed to meet the costs of school attendance and to compensate for the loss of potential earnings of the child in the workforce. The defining differences between income management and CCTs are that conditions on CCTs relate to an individual's eligibility for payment, not to how payment will be spent. Moreover, CCTs affect payments that are discretionary, rather than existing benefits to which recipients have previously been entitled.

The results of CCT schemes are mixed. While school attendance programs have seen enrolments increase, this has not necessarily translated into increased attendance. One of the risks of such schemes is demand outstripping supply, with, for example, schools unable to cope with the influx of students.

Overseas experience therefore offers a number of lessons:

- the imposition of income management based on place of residence or, directly or indirectly, race, is unprecedented;
- comparable overseas schemes have not involved the regulation of individual spending of social security benefits;
- sanctions (for example, threat of payment suspension) have only been effective where accompanied by case management, support services and financial incentives, with case management the critical variable²⁸;
- parental lack of motivation is not the major factor in non-compliance with conditions – this is related instead to a lack of capacity, attributable to the complex range of social issues disadvantaged parents may experience;
- geographic location is a better predictor of attendance than welfare status;
- illness rather than truancy was the major cause of school non-attendance; and
- incentive and sanction schemes can be undermined by the lack of supply to meet an increase in demand.

Australian trials have produced similarly mixed results. The Halls Creek *Engaging Families* trial had two objectives: to increase participation in job-related activities among Parenting Payment recipients and to encourage parents to make their children attend school regularly.

The trial encouraged parents to participate in employment related activities with parents agreeing to send their children to school. It did not result in any increase in school attendance rates. Although the evaluated model was voluntary, and so differs significantly from the compulsory model being rolled out in the NT and Western Australia, the findings of the trial are nonetheless constructive. These findings were that:

²⁷ Cape York Institute at 170.

²⁸ Larissa Behrendt and Ruth McCausland, 'Welfare payments and school attendance: An analysis of experimental policy in Indigenous education', An Issues Paper for the Australian Education Union, Jumbunna Indigenous House of Learning, University of Technology, Sydney, August 2008 at 9.

- Many parents felt quite powerless about getting their children to attend school, especially those aged 12 years and upwards suggesting the need for additional parenting services;
- Variations in the quality of teachers and schools impact negatively on attendance rates. The school must be an attractive option for children and they must want to be in the classroom with their teacher;
- There was a need to better address bullying at schools to encourage greater attendance; and
- The housing situation (poor quality and overcrowded) in Halls Creek was unlikely to provide an environment in which families could be 'work and school ready'.²⁹

ACOSS has a number of objections to linking income management to school enrolment or attendance:³⁰

- No evidence base has been advanced to support this proposal;
- These measures could further disadvantage vulnerable families and children by removing control over saving and debt repayment and withdrawing payments if conditions are not met;
- The model assumes the potential for parents to control their children's school attendance;
- The model imposes harsh penalties for failure to meet conditions (e.g. suspension of payments), which themselves pose a serious threat to family and child wellbeing. This also reveals a paradox at the heart of the policy. If the objective is to ensure that social security payments are spent on the needs of children, suspending payments entirely, with no provision to meet children's needs (for food, shelter, medical assistance) undermines this objective and could exacerbate the situation;
- This model is likely to increase the risk of homelessness for families if unable to meet rental payments due to payment suspension;
- The model fails to address the complex reasons why children may not be attending school, including poor quality teaching and inadequate school infrastructure, domestic and family violence, learning disorders and disabilities (including ADHD and foetal alcohol syndrome) and physical health problems.

Both overseas and domestic trials have highlighted the importance of adequate supply the quality in infrastructure and services in meeting the various social policy objectives of conditional welfare programs. The 'no school, no pool' trial in Wadeye saw an initial increase in school attendance which subsequently dropped due to inadequate school infrastructure.³¹ The issue of lack of supply has been cited as a concern by teachers in the NT, who have argued that the NT school system is not properly resourced to cope with the influx of students that such models are intended to generate.³² Indeed, this means that families living in areas without adequate schools and teachers, who may therefore be unable to comply with welfare conditions, will be disproportionately affected³³. A related

²⁹ Department of Employment and Workplace Relations, 'Halls Creek *Engaging Families* Trial February – July 2006 Evaluation Report', September 2006.

³⁰ Opposition has been expressed by the State School Teachers Union president, the WA Shadow child protection minister and Greens Senator Rachel Siewert. See Bethany Hiatt, 'Dole cuts for truants not fair: teachers', *The West Australian*, 19 July 2008.

³¹ ABC, The 7:30 Report, 'Questions raised over Wadeye program', Murray McLaughlin, 28/4/2008.

³² Patricia Karvelas and Natasha Robinson, 'Send kids to school or lose welfare – The Intervention One Year On', *The Australian*, 21 June, 2008.

³³ HREOC, Submission to Senate Standing Committee on Legal and Constitutional Affairs, *Submission 67*, pp 11-12.

problem with such models is that they fail to improve the *quality* of existing services, where this may be a key deterrent to attendance. For example, poor quality teaching in schools or poor school infrastructure, both create poor learning environments for children which may have been primary reasons for non-attendance. Therefore, better educational outcomes may not necessarily follow from increasing attendance rates.

Unintended effects

From discussions with organisations in the Northern Territory and a number of other organisations, it appears that income management has had some unintended effects. These effects include:

- people not accessing all of their social security entitlement by inadvertently disposing of stored value cards with remaining credit;
- price increases in community stores (discussed in more detail below);
- lack of consumer choice, with stored value cards only able to be used at large department stores in major towns (discussed in more detail below);
- people gambling or trading store cards (store cards becoming a 'new currency');
- people using store cards in variety/ department stores to buy non-essential items with these stores unable to regulate what people purchase with store cards, beyond refusing to allow the purchase of alcohol and tobacco;
- store cards being used to buy gift vouchers which can be used for the purchase of alcohol (we understand that Centrelink has taken steps to address this and seek to ensure that these measures are non-discriminatory and comply with the *Racial Discrimination Act*);
- lack of flexibility in funds transfer systems. People are relocating or travelling far from community stores to which their funds have been transferred and having difficulties getting funds transferred. In some cases, there have been reports of people having funds directed to stores hundreds of kilometres from where they are currently living;
- a significant burden being placed on small store owners and staff in the implementation of income management and on larger stores in the administration of the stored value card system;
- a loss of flexibility for individuals in the use of payments, including uncertainty about how saving of quarantined funds and repayment of debts will be possible under the new system. We understand that private debts can be paid from income managed funds only where they relate to a priority need being met, with other debts expected to be paid out of an individual's discretionary income. Alternatively, debts may be paid out of income managed funds if Centrelink is satisfied that the priority needs of the person and their dependants have been met. However, there seems to be high levels of community uncertainty about these policies;³⁴ and
- people accumulating large amounts of quarantined funds.

³⁴ NTCOSS Meeting 13 March 2008 – Responses to questions.

Community perceptions

There has been inconsistent evidence produced on the perception of income management among Indigenous residents of prescribed communities.

Community consultations conducted by the Central Land Council indicate that income management remains one of the most contentious of the NTER measures among members of remote Aboriginal communities. Survey results recently published by the CLC indicated that responses were almost evenly divided between those in favour and those against income management.³⁵ Importantly, contrary to Government and media reports that women were particularly supportive of these measures, the survey revealed no gender or age based trends in the response to this question. Notably, however, trends were identified related to income level, with wage earners more supportive of these measures than those on social security (and therefore directly affected by them).

Positive aspects of income management identified by survey participants included:

- increased household expenditure on food and young children;
- young men contributing to family shopping;
- reductions in gambling and drinking.

Disadvantages associated with income management included:

- less discretionary cash and restrictions on the use of managed money;
- blanket coverage being discriminatory;
- problems accessing managed money;
- incompatibility with population mobility; and
- difficulties for older members of the community and those with disabilities.³⁶

A survey conducted by the Darwin Aboriginal Rights Coalition produced different results, finding that:

- 83% of respondents did not like using store cards; and
- 90% of respondents had problems being only able to access half their money in cash.³⁷

Other concerns raised in the conduct of the DARC survey were:

- difficulty transporting groceries when shopping at distant major shopping centres;
- the distance people have to travel to access Centrelink;
- difficulty paying bills and purchasing larger items;
- the unavailability of funds for collective purposes;
- the restriction of choice as to where people can shop;
- problems for older people and people with disabilities;
- concerns that the NTER is 'racist' and indiscriminately applied.

Incidences of 'humbugging' continue to be reported for groceries and vouchers (23%) and there were reports of a black market for store cards. Importantly, 40% of people surveyed were previously using the voluntary Centrepay system – many believing they were better off

³⁵ Central Land Council at 4.

³⁶ Central Land Council at 4.

³⁷ Darwin Aboriginal Rights Coalition, Submission to Senate Select Committee on Regional and Remote Indigenous Communities, 30 May 2008 at 5.

under the old system which enabled greater discretion as to the allocation of funds for specific purposes.³⁸

These survey results demonstrate that community opinion on various NTER measures is divided and highlights the need for monitoring of the social and economic impacts of the NTER as well as community perceptions.

Impact of income management on population mobility

Media reports have emerged on the impact of income management on population mobility suggesting that the situation in town camps has deteriorated dramatically since the NTER with increased numbers of people from remote communities relocating to Alice Springs to access medical and welfare services.³⁹ Other sources suggest that the NTER has not been a factor in population mobility. More data is required to monitor these trends and their social impacts by reference to crime rates, health status, employment status and other social indicators. Qualitative research is also needed to assess people's reasons for relocating from remote communities to urban fringes if this is occurring, and whether this is related to NTER measures.

The removal of social security appeal rights

ACOSS has serious concerns about the removal of social security appeal rights for those subject to income management under the NTER. We share the concerns expressed by the Social Justice Commissioner that the absence of such review creates barriers to access to justice for Indigenous peoples and is discriminatory.⁴⁰

Impact on spending patterns

The Government's 'One Year On' report states that 'so far more than 90 per cent of income-managed money has been spent on priority needs'. It is not clear what evidence has been relied upon to inform this statement. ACOSS understands that Centrelink has records of the amount of money transferred to community stores or paid in stored value cards intended for use on priority needs. However, these records do not reveal which goods and services have been purchased by the customer. Apart from excluded goods (alcohol, tobacco, pornography and gambling services) there are no other limits on the items that customers may purchase, which means that funds may be spent on magazines, DVDs, video games or junk food – all of which are available from these stores.

The Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) conducted interviews with store operators of the first 20 stores to implement income management systems as part of a process of routine monitoring. At the time of the interviews, income management had been in place for between 3-5 months. The following findings were reported:

- increased turnover and wider range of goods stocked;
- people purchasing more food, including healthy food, and more money spent on the needs of children;

³⁸ Ibid.

³⁹ Russell Skelton, '\$50m to combat horror of NT camps', *Sydney Morning Herald*, 23/6/2008.

⁴⁰ Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2007* at 255.

- less cash in communities and less 'humbug' for food or cash;
- customers purchasing more food, wider range of foods purchased, more fruit and vegetables, dairy foods, chicken, meat;
- customers saving for purchase of whitegoods; and
- customers not travelling as much to major centres to shop.⁴¹

However, the survey methodology suggests that the Report's findings must be interpreted with caution. No examination of financial records or direct field reports was conducted during the data collection process. Store owners were simply interviewed with no itemised records of consumer spending available. Evidence of changes to purchasing patterns are therefore based on qualitative evidence without being supplemented by quantitative evidence.⁴²

Other results highlighted by the survey are in fact based on a very small sample size and may not be indicative of broader trends. For example, the claim in the 'One Year On' report that cigarette sales have 'approximately halved' are based on the response of two store operators out of twenty⁴³. More generally, the store operator feedback on the effects of income management must be read in the context of the clear benefits they derive from the scheme due to decreased consumer choice of supplier. It is, perhaps, therefore not surprising that their appraisal of income management is positive (a view expressed by 75% of interviewed operators).

Community stores and rising prices

With customer accounts linked to designated community stores and stored value cards only able to be used at a limited number of large department stores, consumer choice has been significantly curtailed under the NTER. Although the store licensing scheme includes assessment of product quality and range, reports have emerged that stores have significantly increased the price of basic goods under the NTER. The CLC survey referred to above found that although the quality of stock had improved, prices had increased in all of the surveyed communities⁴⁴. Concerns have been expressed about the adequacy of the current community store complaints mechanism, which is to a Government Business Manager (GBM). As GBMs may not be in communities every day, they may not be able to regularly monitor price fluctuations. This has led to calls for community based monitoring of store prices.

The impact of income management on community organisations

Community organisations delivering services in prescribed communities and in major centres have reported increased demand for assistance, particularly in the early implementation stages, with workers spending hours assisting clients at Centrelink offices. There have also been problems highlighted by some community organisations, particularly accommodation services, around income managed funds continuing to be directed to services to pay rent after the client has left the service but not cancelled the payments.

⁴¹ FaHCSIA, 'Northern Territory National Emergency Response (NTER): Stores Post Licensing Monitoring Report – Early Indications of Impact of Income Management in Community Stores – First 20 stores' at 1-2.

⁴² Issues from Income Management Forum, Alice Springs 13.3.08, Facilitated by NTCOSS @ the Centre for Appropriate Technology, Attended by NGOs, NT Gov Departments and Individuals.

⁴³ Australian Government, 'Northern Territory Emergency Response: One Year On', June 2008 at 14.

⁴⁴ Central Land Council at 4.

Recommendations

ACOSS opposes compulsory income management and recommends that:

- the NTER model of income management which applies to all residents in prescribed communities be rolled back;
- existing voluntary mechanisms to discourage the diversion of social security benefits to alcohol and gambling be further explored.

As the Government has committed to continue income management under the NTER model for another 12 months a number of improvements must be made to the current system including:

- Improvements to funds transfer systems to enable quick transfers between community stores and other recipients of income managed funds to respond to changes in individual circumstances;
- An increase in consumer choice with greater options about where to spend income managed funds;
- Higher benchmarks for stores to stock nutritional food in addition to strict controls on pricing;
- Close monitoring of changes in spending patterns, using quantitative and qualitative data;
- The reinstatement of social security appeal rights; and
- Increased investment in money management and financial literacy programs.

As the Government has committed to implementing school attendance and enrolment income management models, it should ensure:

- close monitoring to measure progress towards the objectives of increasing school enrolment and attendance *and* improving educational outcomes for Indigenous children; and
- a significant increase in the supply of education services and infrastructure in addition to improvements to the quality of teaching.

Employment

In conjunction with income management, a number of employment reforms were implemented as part of the NTER. Chief among them was the gradual abolition of the Community Development Employment Program (CDEP) and replacement with Work for the Dole as well as the lifting of Remote Area Exemptions for activity requirements.

CDEP

The previous Government announced that the Community Development Employment Projects (CDEP) program in the NT would be abolished, to be replaced with 'real jobs', training and mainstream employment programs. These changes to CDEP affected town camps as well as remote communities. It appears that the changes were designed to implement income management as broadly as possible – CDEP wages could not be captured by the scheme. After the election, the current Government announced that CDEPs in the NT would be reinstated and committed to a review of the program. The Government released a discussion paper in May 2008, *Increasing Indigenous Economic Opportunity: A Discussion Paper on the Future of the CDEP and Indigenous Employment Programs*, to inform a new strategy for Indigenous economic development. The 'One Year On' report indicates that CDEP was available in remote communities as an interim arrangement from 1 July 2008.⁴⁵

The CDEP program has multiple objectives, including community development, employment creation and enterprise assistance.⁴⁶ It provides employment experience to improve people's future job prospects, funds many core services and strengthens community participation and cohesion. The CDEP program has the flexibility to be tailored to a range of labour market conditions and participant needs. This diversity and flexibility is a strength and is critically important in remote communities where labour markets are weak, job-seekers may have low levels of literacy and numeracy and cultural obligations may make it difficult to comply with mainstream employment or activity requirements. On the other hand, there are indications that in many communities CDEP has become a long term alternative to open employment. This may be inevitable in communities where no formal labour market exists (especially remote communities). However, it is of particular concern in communities where open employment opportunities might otherwise be available to Indigenous people. Reform of CDEP must address this and other problems without undermining essential services and community cohesion. ACOSS supports the continuation of a reformed CDEP program which provides better pathways into real employment.

The CDEP program currently subsidises the delivery of essential services. The provision of essential services in remote communities should be the responsibility of governments, with workers employed and properly remunerated to deliver these services. Given the need for major infrastructure improvements, the expansion of housing stock and improvements to the education system in remote communities, significant employment opportunities should

⁴⁵ Australian Government, *One Year On* at 19.

⁴⁶ J.C. Altman, 'Neo-Paternalism and the Destruction of CDEP', Centre for Aboriginal Economic Policy Research, *Topical Issue No. 14/2007*, an electronic publication downloaded from www.anu.edu.au/caepr/.

be created and funded to meet these needs. ACOSS supports the creation of employment opportunities for Indigenous people in remote communities at proper wage levels.

In this regard, ACOSS welcomes the allocation of \$90 million over three years for a Northern Territory jobs package to generate around 2,000 jobs supporting government service delivery and note that 940 jobs had been created supporting Australian Government service delivery by May this year.⁴⁷ In addition, the Australian Government is matching the NT Government's commitment to spend up to \$10 million per annum over 3 years to create off-CDEP jobs supporting the delivery of Territory and local government services. By June 2008, it was reported that 153 jobs had been created, with up to 400 jobs expected in the new financial year.⁴⁸

However, according to media reports, the partial phasing out of the CDEP program before the federal election last year eradicated 1,900 jobs and replaced them with 1,147 'real jobs'. This raises questions about the discrepancy between the abolition of CDEP positions and the creation of new Government service delivery positions.⁴⁹ ACOSS is concerned that some individuals have been transferred to Newstart payments after losing CDEP positions, without opportunities for employment participation and training. The transfer of wage-based CDEP participants to the social security system has been a perverse policy outcome in a broader policy context of seeking to reduce welfare dependency and encourage participation in mainstream employment.

Changes to the CDEP program must take into account the broader role that CDEP plays and be informed by Indigenous community input. In addition to the economic outcomes of the CDEP program, it plays an important role in promoting community cohesion, capacity building and cultural participation and preservation. Aboriginal community members consulted by the Central Land Council expressed almost universal opposition to abolition of CDEP.

Lifting of Remote Area Exemptions and the shift to Work for the Dole

The previous Government announced that activity testing would be introduced to remote communities assessed by Government as having 'jobs, educational opportunities or government programs such as Job Network'. These communities have been previously exempt. In conjunction with this reform, the 'Work for the Dole' program was to be rolled out across communities involved in the NTER in place of CDEP. The process of transferring CDEP participants to Work for the Dole was initiated by the previous Government, but suspended by the current Government. As at 30 July 2008, there were 40 current Work for the Dole activities with participants in 28 communities; associated outstations and four town camp regions and 31 Community Employment Brokers in place servicing 60 communities, associated outstations and two town camp regions.

Work for the Dole participants receive an additional amount each fortnight on top of their regular social security payment but this amount is less than individuals would receive under CDEP. Participants in Aboriginal communities are under the same rules as participants elsewhere. Unlike CDEP, there is limited potential for community control over the activities

⁴⁷ Australian Government, *One Year On* at 19.

⁴⁸ Australian Government, *One Year On* at 19.

⁴⁹ Russell Skelton, 'One year on, child rescue mission's results are patchy and incomplete', *The Age*, 21/6/2008.

performed under the Work for the Dole program and less flexibility incorporated into the system to enable people to take leave for cultural and related activities.

In developing employment reforms in remote Indigenous communities, it is essential that the specific circumstances of each community are taken into account and that policies are developed which are flexible and responsive to this social and economic environment. Consideration should be given to the development of different activity requirements with tests of flexibility and reasonableness included in the implementation of Remote Area Exemptions (REAs).⁵⁰

Recommendations

That:

- Consideration be given to the development of different activity requirements for remote Indigenous communities which are subject to tests of flexibility and reasonableness;
- The Government support the development of a stable paid workforce within remote Indigenous communities through adequate and sustained funding of services;
- CDEP be retained in communities to provide purposeful work on community projects for people who otherwise lack employment. However, CDEP should be reformed so that it encourages and supports people to progress towards mainstream employment where appropriate. The program should include substantial training and work experience components;
- Clear information be provided to communities to update them about all changes to employment programs and ensure people understand their responsibilities and entitlements.

Making communities safer for children and families

An effective response to the high levels of child sexual abuse in Indigenous communities requires both primary prevention and early intervention through measures to reduce Indigenous disadvantage and strengthened child protection services.

In developing this response, it must be acknowledged that child abuse affects both Indigenous and non-Indigenous children. As indicated above, concerns have been expressed that the blanket response to these issues under the NTER has stigmatised whole communities, rather than targeting the perpetrators, Indigenous and non-Indigenous. The Government is currently developing a national child protection framework. Child protection issues faced by Indigenous communities should be addressed within the context of this broader framework, with flexibility in the delivery of services to respond to particular issues faced by remote communities.

A number of measures have been implemented as part of the NTER to make communities safer for children and families including:

- The extension of the National Indigenous Violence and Child Abuse Intelligence Task Force;
- Increased funding for night patrol services;
- Changes to alcohol and pornography laws in the NT;

⁵⁰ See Jobs Australia, *Increasing Indigenous Economic Opportunity Jobs Australia Submission*, June 2008 at 9.

- Expanding the police presence in remote communities (with the deployment of an additional 66 AFP to the NT) and supporting 18 additional police stations;
- Additional funding to the NT Aboriginal Interpreter service;
- Legal assistance for Indigenous Australians relating to issues arising from the NTER;
- Funding for safe houses, a Mobile Child Protection Team and recruitment of more Aboriginal family and community workers through a Family Support Package of \$9.8m.

Major issues related to the safety of children and families are discussed below.

Child protection

A number of reports have highlighted the high levels of child sexual abuse in remote Indigenous communities. The most recent of these reports, *Little Children are Sacred*, was a catalyst for the current emergency response. In light of the serious nature of these issues, ACOSS supported the need for an emergency response when it was announced last year and called for the systemic causes of abuse and neglect to be addressed.

In addition to the *Little Children are Sacred* report, an earlier report by Julian Pocock, *State of Denial*, made clear findings about the nature of the problem and recommendations for the protection of children. These important findings include:

- the number of child protection notifications, substantiations and placements of Indigenous children in out of home care in the NT are the lowest for all States and Territories;
- non-reporting of child abuse and neglect is a common practice of Aboriginal communities and non-government agencies due to the often exacerbating effect of a police or child protection intervention;
- the socio-economic factors which give rise to child abuse and neglect are higher in the NT than in any other State and Territory;
- specific forms of child maltreatment (such as malnutrition leading to physical impairment) occur at much higher rates within the Aboriginal community than data would suggest; and
- the narrow investigative approach of the NT child protection system tends to blame Aboriginal parents and families for factors which are beyond their control – such as poverty and homelessness.⁵¹

These findings reinforce the need to focus on child neglect as well as abuse, to address the systemic causes of neglect and abuse and to seek to increase the rate of reporting of abuse in Indigenous communities by improving the effectiveness of the police and child protection system response.

The Australian Institute of Health and Welfare (AIHW) reports that the overall pattern of substantiated abuse and neglect for Indigenous children nationally was similar to that of other children but the proportion of substantiations for Indigenous children which were recorded as neglect was generally higher than that of other children.⁵² Child neglect is

⁵¹ Julian Pocock, *State of Denial: The neglect and abuse of Indigenous children in the Northern Territory*, SNAICC 2003 at 13.

⁵² Australian Institute of Health and Welfare, *Child protection Australia 2006-07* at 30-31.

associated with a number of structural factors including family poverty, inadequate housing, poor community infrastructure, high levels of unemployment and limited or no access to support services. Indeed, it has been argued that in Indigenous communities socio-economic disadvantage represents a form of societal child abuse and neglect with 'the boundary between the socio-economic disadvantage experienced by many Indigenous people and personal culpability for child neglect ... neither understood or defined.'⁵³

Recent figures reveal a serious deficit in the number of child protection workers in central Australia. Media reports have suggested that workers from the Northern Territory Department of Family and Community Services visit remote communities only once every three weeks.⁵⁴ Indeed, other sources have suggested that visits to some communities occur even less frequently. These claims have arisen at the same time as reports that the Territory Government has drastically under-spent on child protection services in the last Budget year. These reports have included that family and child services received only \$43 million of the \$179 million allocated and that services in Aboriginal communities received only \$110 million, despite being allocated \$218 million in federal funds.⁵⁵ Concerns have been expressed that these funds have been directed towards urban projects instead. A review into the child protection services in the NT is warranted to ensure that funds are fully allocated and that the system is expanded to meet the current need.

Mixed reports have emerged about the rate of child protection prosecutions since the NTER began. The Territory's Child Abuse Taskforce was established 12 months before the NTER was launched. FaHCSIA reported in May 2008 that a mobile child protection team had been established in the NT.⁵⁶ Media reports have stated that the creation of 18 additional remote police stations under the NTER have lead to 56 new reports of suspected child abuse, 8 arrests, 30 charges, 3 convictions, 4 matters before the courts and 8 matters remaining under investigation.⁵⁷ Deputy Chief Minister Marion Scrymgour has indicated that referrals to child protection authorities had been no greater than in other years despite the NTER and a marginal increase in the number of child protection officers on the ground.⁵⁸

The NTER Taskforce Report has raised a number of issues about child protection services in the NT. It expressed concern about community workers working in isolation in remote communities and has called for multi-functional police centres with child protection workers attached.⁵⁹ Although Commonwealth Government funding for a mobile child protection team as part of a \$9.8 million Family Support Package in the 2008-09 Budget is welcomed, much greater investment in child protection services is required, and guarantees that allocated funds are being spent appropriately, to improve responsiveness to situations where children are at risk and strengthen the role of child protection services in early intervention.

⁵³ J. Pocock, (2003), *State of Denial: The neglect and Abuse of Indigenous Children in the Northern Territory*, Secretariat of National Aboriginal and Islander Child Care (SNAICC), Victoria.

⁵⁴ Patricia Karvelas and Natasha Robinson, 'Send kids to school or lose welfare – The Intervention One Year On', *The Australian*, 21 June, 2008.

⁵⁵ Tara Ravens, 'Underspensing was covered up: Country Libs', *National Indigenous Times*, 25 July 2008. See also 'NT denies indigenous underspending', *Sydney Morning Herald*, July 16, 2008.

⁵⁶ http://www.facsia.gov.au/internet/facsinternet.nsf/aboutfacs/budget/budget2008-08_indig_fs18.htm.

⁵⁷ This information is attributed to NT Police Commissioner Paul White. See Patricia Karvelas and Natasha Robinson, 'Send kids to school or lose welfare – The Intervention One Year On', *The Australian*, 21 June, 2008.

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

Policing and law and justice

Child sexual abuse is a serious offence and warrants an effective law enforcement response. However, it is important that the law and justice response to the issues of child abuse and neglect is appropriately targeted and that the balance between law and order, child protection and welfare responses in cases where children are at risk of neglect is appropriately struck. It is also essential that increased policing does not just further contribute to the over-representation of Indigenous people in prison, without any rehabilitative effects. With offenders likely to re-offend upon return to the community, prison is a costly and ineffective response and offender rehabilitation services must be expanded.

There are a number of issues that have been reported related to the implementation of NTER law and justice measures. As at 1 August 2008, 52 additional police had been deployed as part of the NTER, including 34 interstate police and 18 NT police.⁶⁰ The increased police presence has been mostly welcomed but criticisms have been made about the coverage of policing services, the cultural inappropriateness of some policing practices and the targeting of petty offences rather than child sexual abuse.

Reports suggest that half of NT communities still have no permanent police presence despite, in some cases, being major population centres.⁶¹ The CLC surveyed six communities on their perceptions of the NTER and noted that none of the surveyed communities had received additional police, despite the fact that there is no police presence in one of these communities.⁶²

The inadequacy of cultural training for police stationed in remote communities is also a concern. The ability to communicate and engage effectively and respectfully with community members is an essential part of policing within a community development framework. Concerns have been expressed about the heavy-handed nature of police responses in communities in addition to the targeting of petty crime, rather than family violence or child abuse. The Central Australian Aboriginal Legal Aid Service and the North Australian Aboriginal Justice Agency have raised these concerns, citing searches of private homes, bag searches without cause, the targeting of under-age sexual activity and the imposition of road fines. This targeting appears to be discriminatory in impact, as offences that frequently go un-prosecuted in the mainstream community, for example, under-age sexual activity, have been targeted in Indigenous communities.

Family support package

As part of the Family Support Package, additional funding has been provided for safe houses, a mobile child protection team and the recruitment of Aboriginal family and community workers. We understand that Aboriginal family and community workers have been funded in 11 remote communities.⁶³

The Government committed to building new safe houses in 16 remote communities as refuges from family violence. The communities to receive safe houses were chosen through

⁶⁰ Major General Dave Chalmers, Operational Commander, NTER, 'Operation Update', 1 August, 2008.

⁶¹ Patricia Karvelas, Natasha Robinson, 'No future for some towns says Intervention Taskforce', *The Australian*, 21 June 2008.

⁶² Titjikala. See Central Land Council at 5.

⁶³ http://www.facsia.gov.au/internet/facsinternet.nsf/aboutfacs/budget/budget2008-08_indiq_fs18.htm.

consultation and an assessment of need⁶⁴. Shipping containers were intended for this purpose, but there have been significant health concerns raised about the containers due to asbestos contamination. This has caused considerable delays in the implementation of this measure in some communities. In June 2008, FaHCSIA reported that ten safe houses have been completed for eight communities, and others are under construction.⁶⁵

On 11 April the NT Government reported that the NT Department of Health and Community Services was also planning to utilise converted shipping containers to construct new safe houses in remote communities, however as yet none were in use. Unlike the NTER containers with identified problems, the NT Government reports that these Safe Houses are being fitted out entirely in Darwin using local contractors and materials, and are unlikely to have the same issues as the affected containers. The use of shipping containers to house vulnerable women and children highlights the need for permanent buildings and services to meet the needs of women and children escaping domestic violence which provide safety, amenity and comfort.

ACOSS supports the recommendations contained in the *Little Children are Sacred Report* on family support services and emphasise the role that these services play in preventing child abuse and neglect. In particular, we highlight recommendations 46-49 of the Report, which call for significant investment in the development of family support infrastructure including services and programs targeted to support vulnerable and/or maltreated Aboriginal children and their families in urban and remote settings; support for community based non-government organisations to provide recovery and support services following child sexual abuse and the establishment of multi-purpose family centres in remote communities to provide an integrated holistic approach to working with families.

We reinforce the recommendations made in our recent submission to the Discussion Paper on a National Framework for Protection Australia's Children for:

- Adequate resourcing for Indigenous community child and family resources centres. There are currently about 30 of these services across Australia, most very small, and focussed narrowly on placing Indigenous children who have been removed from home by state welfare authorities;
- Adequate resourcing of the Multifunctional Aboriginal Children's Services (MACS); model of Indigenous Children's Services. These are Aboriginal managed services providing a range of programs to Indigenous children according to community needs including long day care, occasional care, play groups, after school care, vacation care, transport and support and information for parents. Their capacity is currently limited by restricted funding, licensing requirements and staff shortages. We support SNAICC's call for all Indigenous children to have access to a MACS or similar model of children's service, particularly during early years.⁶⁶

⁶⁴ For a list of selected communities, see http://www.facsia.gov.au/nter/docs/factsheets/community_child_safety/factsheet_family_support.htm.

⁶⁵ Australian Government, *One Year On* 20 June 2008.

⁶⁶ SNAICC, Ten Point Plan.

Offender and victim rehabilitation

ACOSS highlights the importance of investing in programs both for offenders and victims of child abuse. We support the Board of Inquiry's call for increased investment in sex offender rehabilitation programs, including culturally-appropriate community-based programs. The Board expressed concern that NT Correctional Services were not providing any sex offender rehabilitation programs for prisoners in Darwin and that the Alice Springs program is intermittent.⁶⁷ This gap has also been highlighted by a number of judges in the Supreme Court of the NT. In addition, the Board observed that there were currently no programs available for juvenile sex offenders.⁶⁸

Recommendations

That the Government implement the recommendations of the *State of Denial* and *Little Children are Sacred* reports to improve child protection services in the NT and the law enforcement response to child abuse, in particular: the *State of Denial* recommendations to increase the focus on child neglect and develop a needs-based approach to child welfare and recommendations 13, 19, 20, 26, 27, 28, 31 and 34 of the *Little Children are Sacred* recommendations on child protection and law enforcement.

Education

The Government has reported that there are an estimated 2,000 children, or 20% of compulsory school age Indigenous students in the NT who are not enrolled in school and a further 2,500 are not attending regularly.⁶⁹ About 8,000 Indigenous children only attend school 60% of the time on average.⁷⁰

A number of education initiatives have been announced as part of the NTER with additional measures for the NT contained in this year's Budget under the *Closing the Gap*. The NTER measures include funding for early childhood education (crèches and play groups) and \$19.1 million for 'enhancing education' (for professional development of teachers, construction of additional classrooms and literacy and numeracy programs).⁷¹ In the 2008-9 Federal Budget, the Government committed \$98.8m over five years to provide extra funding for 200 additional teachers for the 2,000 Aboriginal children who are not enrolled in school in the 73 "prescribed communities" in the Northern Territory as well as \$56.4 million over 4 years to expand intensive literacy and numeracy programs in schools and to support teachers to develop individual learning plans for every Indigenous student for every year of schooling up to Year 10. Some \$28.9 million over four years was allocated towards the cost of building and operating 3 new boarding colleges for secondary students in the Northern Territory in years 8-12. In addition, \$16.6 million has been allocated over four years for additional early childhood and informal parenting services for Indigenous children and their families across Australia.

⁶⁷ *Little Children are Sacred*.

⁶⁸ *Little Children are Sacred* at 128.

⁶⁹ Australian Government, Media Release, 'NT trials to boost school attendance', 20/6/2008.

⁷⁰ *Ibid*.

⁷¹ Lesley Russell at 22-23.

At this stage, the impact of most of the measures cannot be assessed as construction of additional infrastructure and recruitment of additional staff are not yet been completed. In June 2008, the Government reported that the first intake of 19 teachers were currently undergoing remote teacher training, pending deployment.⁷²

Indigenous children are under-represented in early childhood education and care services. In the Northern Territory, for example, while Indigenous children comprise 41.4% of the population, they represent only 9.8% of children who attend child care services.⁷³ SNAICC has highlighted that Indigenous children are in fact under-represented in all forms of early childhood services including pre-schools, kindergartens, childcare services and programs, playgroups and family support programs.⁷⁴ With the population of Indigenous children increasing, the enhancement of Indigenous child and family services at the primary, secondary and tertiary level is critical.

The *Little Children are Sacred* report concluded that education 'is the key to solving (or at least ameliorating) the incidence of child sexual assault in Aboriginal communities'.⁷⁵ It emphasised not only the need to improve educational attendance and outcomes, but also the role that education can play in increasing understanding of parental responsibilities for the care of children and preventing neglect and abuse. ACOSS is not aware of any educational programs being developed as part of the NTER for this purpose.

As highlighted in our analysis of income management above, supply issues are central to the improvement of educational outcomes in the Northern Territory. Income management models assume the availability and quality of educational services, such that parental behaviour is seen as the only obstacle to better educational outcomes. However, it is clear that education in remote Indigenous communities has been chronically under-resourced, such that the system cannot meet the needs of all eligible children.

Recommendations

That there be a significant increase in education funding, building on the allocation in the 2008-09 Budget, to improve access to schools and the adequacy and quality of teaching in the NT.⁷⁶

That the Government respond to the *Little Children are Sacred* report calls for:

- community based schools to be developed and run as a collaboration between education departments and community elders where school times, attendance and curriculum are flexible and take account of local community needs;
- policies to mandate school intervention after a specific number of absences and specify actions that would follow e.g. notification to parents/carers, home

⁷² Australian Government, *One Year On* at 23.

⁷³ OECD, *Starting Strong II* at 269.

⁷⁴ Secretariat of National Aboriginal and Islander Child Care (SNAICC), Briefing to State and Territory Governments on Development of a *National Action Plan* and *National Indigenous Children's Well Being and Development Taskforce* to prevent and respond to Indigenous child abuse and neglect, July 2007 at 3.

⁷⁵ At 15.

⁷⁶ Altman estimates that \$690 million over 5 years is required to achieve substantial improvements in Indigenous education in the NT.

- visit by Aboriginal and Islander Education Worker (AIEW), Home Liaison Officer;
- enhanced school enrolment and attendance accountability using DEET's comprehensive data collection;
 - Mapping of patterns of non-enrolment and attendance to identify areas and cohorts where there are significant issues;
 - The facilitation of provision of curriculum that is relevant and flexible for different cohorts including VET provision; and
 - The introduction of attendance targets with attendance plans required for schools not achieving the targets;
 - issues including smaller class sizes, remedial classes for students who have been out of school for some time; separate classes for boys and girls aged over 12 years and employment of Aboriginal and Islander Education Workers (AIEW) in all schools to be explored; and
 - The appointment of full-time home-school liaison officers for every school.

Improving child and family health

A number of child and family health measures were announced as part of the NTER and funding was allocated to the continuation of a number of measures in the 2008-9 Budget. The main measures are Child Health Checks (and follow up), school nutrition programs and alcohol and drug rehabilitation services.

Child health checks

In its initial announcement of the NTER, the Government indicated that child health checks would be provided to all Indigenous children in prescribed communities. At the time, it was suggested that these checks would specifically examine children for evidence of child sexual abuse. After significant concerns were expressed about the invasive nature of such an examination, the Government indicated that the health checks would assess general health, be voluntary and not explicitly assess for evidence of sexual abuse. The checks have been rolled out since June last year on this basis, drawing on voluntary labour provided by medical professionals. As at 1 August, Major General Chalmers reported that:

- 9,140 NTER child health checks had been completed;
- the estimated total number of child health checks, including Medical Benefits Scheme (MBS) checks, is about 11,200;
- 70 communities have had child health checks undertaken; and
- child health checks continue to be provided in all communities on an opportunistic basis.⁷⁷

Sixty-three per cent of the 17,182 eligible children have received health checks.⁷⁸ Only 0.5% of children have been referred to Family and Community Services due to suspected abuse while 67% were referred for at least one type of physical health follow-up service.⁷⁹ Other results indicate the prevalence of preventable disease and child health risk factors among

⁷⁷ Major General Dave Chalmers, Operational Commander, NTER, 'Operation Update', 1 August, 2008.

⁷⁸ Department of Health and Ageing and Australian Institute of Health and Welfare, 'Progress of the Northern Territory Emergency Response Child Health Check Initiative: Health Conditions and Referrals', 26 May 2008 at iv.

⁷⁹ Lesley Russell at 10.

this population. For example, more than three-quarters of the children checked lived in a household with a smoker, 71% of children under 1 year old were at risk of Sudden Infant Death Syndrome (SIDS) due to environmental factors, a significant number of children were identified as having oral health problems and 29% were identified as having ear disease.⁸⁰

There is strong support for services to improve child health. However, consideration must be given as to the appropriateness and cost effectiveness of the NTER child health checks. With little planning involved, the checks have been rolled out without consultation and coordination with existing services and community members.⁸¹ As a result, they have involved service duplication and failed to engage with and utilise existing services and expertise. The administration of the health checks has depended on short term and voluntary labour without commitments to support a permanent workforce. The NTER Taskforce Final Report made a number of recommendations to strengthen the NT health workforce, including the creation of special tax zones to attract doctors to remote communities.

Evidence on the effectiveness of child health checks in generally improving child health is not clear. The role of health checks in prevention is minimal due to the one-off nature of the interaction, and the impossibility of building relationships of trust between patient and doctor in this time. ACOSS advocates for a shift from the current approach to one which links screening to a comprehensive primary health care response which:

- applies a population health approach;
- engages in health promotion, prevention and early intervention;
- works within a model of social and emotional wellbeing; and
- is integrated with other social services and programs.

In addition to the improving the health of Indigenous children, the objective of reducing the risk of child sexual abuse in remote Indigenous communities can only be achieved if the physical and mental health of Indigenous adults is also improved. While the major health focus of the NTER has been on child health checks, improved access to comprehensive primary health care services which include mental health and alcohol and drug rehabilitation services within a framework of emotional and social wellbeing must be a priority. It is only in this way that some of the associative factors linked to child sexual abuse can be addressed – mental illness, addiction and trauma. Positive services for Aboriginal males should also be resourced and expanded, supported by specialist psychological services able to work with males who are violent and want assistance to change their behaviour.⁸²

School nutrition programs

As at 1 August 2008, school nutrition programs have been rolled out in 67 communities and associated outstations and ten town camp regions where income management has begun. ACOSS understands that parents who are subject to income management are required to pay for this program, with the program listed at the top of the list of 'High Priority' needs in the Priority of Needs document used by Centrelink.

⁸⁰ Department of Health and Ageing and the Australian Institute of Health and Welfare, 'at v.

⁸¹ Dr Rob Roseby and Dr Andrew White, 'What we think of the Intervention: two NT paediatricians report', *Crikey.com*, Monday, 16 June 2008 and 'Doctors flag lack of coordination in Indigenous intervention', *ABC Online*, 14 August 2008.

⁸² AMSANT briefing notes on Australian Government's emergency response on Aboriginal child sexual abuse in the Northern Territory, 3 July 2007 at 1.

ACOSS supports the provision of meals to Indigenous children in schools on the basis that this program is likely to have positive health and educational outcomes. In line with our opposition to involuntary income management, we do not support funding for this program being compulsorily deducted from parent/carer social security payments. However, we would support such programs where the decision to adopt them is made by the community and all parents (not just those who are social security recipients) are required to contribute to the cost of the program. We also support the *Little Children are Sacred* report position that parents and family members should be encouraged to participate in the preparation and serving of these meals. The Board of Inquiry emphasises that the delivery of this program should not be the responsibility of schools, but a parental and community effort. However, this does not mean that the program must rely on volunteer efforts and the potential for job creation through this scheme should be explored.

Alcohol and other drugs

As part of the NTER, the Government legislated to ban alcohol in prescribed areas of the NT and restrict the amount of alcohol brought into communities through new requirements for take-away sales across the Territory. ACOSS shares the concerns expressed by HREOC as to the rights implications of these measures and questions their appropriateness in light of existing community responses. The legislation sets out a number of exemptions from these provisions, for recreational boaters and commercial fishers and tourists. As the Social Justice Commissioner highlights, these exemptions reveal 'the clearly racially based nature of the scheme'.⁸³ The Commissioner also notes the costs and inefficiencies of the administration of the Government system.

The NTER model failed to acknowledge that most communities were already 'dry' as a result of a community driven response administered through the permit system. Individual access to alcohol had been controlled by Permit Committees involving representatives from across the community. What was required to make these bans more effective was support for the provision of police and capacity to enforce current bans and address loopholes.⁸⁴ ACOSS supports community developed alcohol management plans and argues that these are a more appropriate and effective response to the problems of alcohol misuse than the top-down, blanket model imposed by the NTER.

The impact of income management on alcohol use is unclear and requires the collection of objective data on this issue. As the Social Justice Commissioner has highlighted, without measures to address the causes of alcohol abuse, supply reduction methods can have some negative social consequences including the displacement of violent offenders to places where alcohol is more readily available, increased incarceration rates if efforts to limit alcohol are more strictly enforced and increased use of substitute drugs that are potentially more harmful such as petrol sniffing and methamphetamine.⁸⁵

ACOSS supports the calls from many other organisations, including HREOC, for supply reduction mechanisms to be complemented by programs to address the underlying causes of alcohol abuse including unemployment, trauma, abuse and mental illness and to treat

⁸³ *Social Justice Report 2007* at 286.

⁸⁴ AMSANT briefing notes on Australian Government's emergency response on Aboriginal child sexual abuse in the Northern Territory, 3 July 2007 at 2.

⁸⁵ *Social Justice Report 2007* at 288.

underlying addictions. At present, 99% of all communities in the Northern Territory have no access to a substance abuse service.⁸⁶ It is imperative that alcohol supply reduction measures are accompanied by programs and infrastructure to support people to withdraw safely from alcohol addiction.⁸⁷ In the 2008-9 Federal Budget, the Government allocated \$49.3m over 4 years to expand drug and alcohol rehabilitation and treatment services for Indigenous Australians nationally, especially in remote areas. It also allocated \$9.5 million in 2008-9 to support youth alcohol diversion initiatives and enable the establishment of a NT Regional Youth Development Network. These initiatives are very welcome, but the scale of the problem and the need for high-quality, culturally appropriate services suggest that much greater investment is required to bring access to acceptable levels.

Recommendations

That the Government implement the recommendations of the *Little Children are Sacred* report on the role of health services in the prevention of child abuse, in particular, recommendations 41-43 and 69-70.⁸⁸

That the Government implement the NTER Taskforce report recommendation that additional rehabilitation centres be established in regional and remote areas.

That the Government ensure that all measures to reduce alcohol supply in communities are:

- community developed and administered;
- compliant with human rights obligations, particularly the *Racial Discrimination Act*; and
- accompanied by programs and infrastructure to support people to withdraw safely from alcohol addiction.

Housing and community clean ups

The *Little Children are Sacred* report highlighted the links between housing disadvantage, overcrowding and the risk of child abuse and these links are also reflected in the housing targets developed by the Close the Gap coalition. The Board of Inquiry endorsed the NT Government's reform strategy of critical mass construction in targeted communities but argued that this strategy needed to be expanded to encompass all Indigenous communities. It also recommended that local Aboriginal people be trained and employed in the construction, repair and maintenance of houses in Aboriginal communities.⁸⁹ Consistent with these recommendations, the Close the Gap National Indigenous Health Equality Targets call for immediate maintenance of houses using a majority of local Indigenous teams for house assessment and maintenance to achieve the availability of 'critical healthy living practices' in 75% of all houses.⁹⁰

⁸⁶ CAO response at 21.

⁸⁷ *Social Justice Report 2007* at 288.

⁸⁸ ACOSS welcomes the Government's Budget commitment of \$90.3 million allocated over 5 years to achieve national coverage of child and maternal health services to Indigenous Australians as an important part in the long term strategy to improve Indigenous health.

⁸⁹ Recommendation 85.

⁹⁰ Close the Gap National Indigenous Health Equality Targets at 50.

Housing reforms

In announcing a suite of measures as part of the NT emergency response, the Australian Government proposed to introduce market based rents for community housing with 'normalised tenancy arrangements' and to 'improve housing stock'. There is an estimated shortage of at least 4,000 homes in NT Indigenous communities, which the NT Government estimates would cost \$1.4 billion to provide, while Altman has estimated \$1.5 billion, taking projected population growth into account.⁹¹ The Government has committed \$813 million to remote Indigenous housing and infrastructure services in the NT.⁹² The majority of this funding is directed towards the Strategic Indigenous Housing and Infrastructure Program (SIHIP) to fund capital works in 73 targeted communities and urban living areas.⁹³ The Prime Minister announced in February that a Joint Policy Commission would be established to tackle Indigenous disadvantage and to develop an effective housing strategy for remote communities during the next 5 years.

Community consultations conducted by the Central Land Council suggest that remote communities are generally supportive of steps to address critical housing shortages but oppose changes to land tenure. Communities are also concerned that it will be some time before housing measures are rolled out.

Community clean ups

The Government announced that a community clean up program would be rolled out as part of the NTER. The objective of the clean ups was to remove rubbish from public areas and conduct repairs to houses and other buildings. Trades people have been assisted by Work for the Dole or CDEP participants. As at 1 August 2008, Major General Dave Chalmers reported that the Community Clean Up program had been conducted across communities and asbestos surveys almost concluded. There have been concerns expressed about duplication and audits being conducted with no follow up. Other communities have reported positive outcomes.

There is now a need for long term planning and resourcing for the maintenance and repair of community infrastructure and amenity. The NTER and budget initiatives to close the gap will involve the construction of new infrastructure in communities. Provision must be made to ensure that these measures are accompanied by funding for maintenance and repair. As these are essential services that are provided in other areas by local councils, ACOSS believes that the provision of these services should be funded by Government on an ongoing basis and employ community members.

⁹¹ See CAO Response at 25 and J.C. Altman, 'Stabilise, normalize and exit = \$4 billion', CAEPR, *Topical Issue* No. 8/2007 downloaded from <<http://www.anu.edu.au/caepr/>>.

⁹² Australian Government, *One Year On* at 27.

⁹³ *Ibid.*

Recommendations

That:

- the Government implement the recommendations of the CAO on housing and community maintenance which address the need for substantial investment in new housing stock, measures to create safe and healthy living environments, improved reporting, increased resident participation and training and employment of local people in the construction and renovation of homes.⁹⁴

Land reform

Permit system reforms

The previous Government announced that it would scrap the permit system as part of the NTER. This was despite the fact that permit system reform was not recommended by the *Little Children are Sacred Report*. No clear policy justification for this measure had been developed. Given the important role that the permit system has played in community alcohol management and policing this measure seemed counter to the objectives of the NTER. Indigenous communities have expressed widespread opposition to the abolition of the permit system on the basis that it helps to maintain community safety by restricting access by people who are considered a risk to children, helps to stop unrestricted pornography and protects the privacy of communities.

ACOSS welcomed the Labor Government's decision to reinstate the permit system.

5 year leases

The Previous Government announced that, as part of the NTER, all communities with over 100 people (on Aboriginal and Community living areas) would be acquired through five year leases. This was intended to facilitate security of tenure and access for the repair of buildings and infrastructure. The leases were also designed to enable Governments to establish reformed tenancy arrangements. The Labor Government has maintained this policy position. Five year leases were introduced to some communities on 18 August 2007 and to all remaining communities on 17 February 2008. There are now 65 communities subject to five year leases and lease boundaries are currently being revised by the Government. Under the leases, the Government has rights to exclusive possession, to repair, demolish or replace any existing buildings, and to terminate the lease at any time.⁹⁵

There appears to be general opposition to the leases due to the loss of community control over land, concerns about traditional rights, lack of consultation and concerns about lease boundaries.⁹⁶ However, as the CLC survey reported, the leases have had no practical effect in communities as yet, and the impact of this measure is therefore difficult to measure.

Recommendations

That:

⁹⁴ CAO response at 26.

⁹⁵ Central Land Council at 58.

⁹⁶ Central Land Council at 6.

- in considering the future of the NTER, the permit system be maintained on all Aboriginal land
- the use of five-year leases be abandoned and that existing provisions in the Land Rights Act be employed to grant head leases to provide for public housing on Aboriginal land.⁹⁷

Coordination and Implementation

Various mechanisms have been established to implement NTER measures, including:

- Survey teams;
- The Australian Defence Force (ADF);
- Government Business Managers;
- Expanded Government control over community service providers.

The Australian Defence Force was deployed to provide logistical and other support. Despite this strictly logistical role, their deployment contributed to the perception that the NTER was a top-down, heavy-handed Government response, created fear that children might be removed from communities and generally undermined trust between communities and the Government.

Government Business Managers (GBMs) have been stationed in communities to coordinate the NTER and liaise with communities. As at 1 August 2008, there were 53 GBMs in place serving 70 communities and town camps in Darwin, Alice Springs, Tennant Creek and Elliot. Managers are to be in place for at least 5 years. Central Land Council consultations have highlighted a lack of understanding in communities about the role of GBMs and a belief that GBMs could be doing more to improve the exchange of information and consultation with communities, for example, through holding regular public meetings.⁹⁸

The Commonwealth has legislated to expand its powers to control the provision of community services in communities, as follows:

The Minister (though his delegates) will be able to:

- give directions to entities delivering government-funded services
- give directions to perform specific tasks or actions
- appoint non-voting observers to service organisations.

The Minister will have sole delegation to:

- appoint external managers, in the same way that the Northern Territory Government can, to community government councils and incorporated associations.

The Commonwealth will have power to:

- terminate an Australian Government funding agreement in the absence of a breach of conditions
- vary funding agreements on limited administrative matters without consent of the funding recipients.

⁹⁷ CAO Response at 30.

⁹⁸ Central Land Council at 6.

The Government reports that these expanded powers will be exercised only as a last resort 'in situations where normal processes of discussion and negotiation have failed, or where community organisations are unable or unwilling to make the changes that are needed.' They will apply only in the townships in prescribed areas.

Despite some additional funding to Centrelink services to implement income management and cope with the additional demand for client assistance, concerns have been expressed about the adequacy of Centrelink and interpreter services to Indigenous communities. Although Indigenous call centres have been operating, communication and language difficulties, particularly for older members of communities, highlight the need to improve access to face to face services by recruiting local staff. ACOSS welcomes the trial to place Centrelink staff in three remote communities to train local people to become Centrelink employees.⁹⁹

Recommendations

That:

- The legislation which provides for expanded Ministerial and Government control over community sector service providers in communities be reviewed;
- That Aboriginal community organisations be included in a sustained dialogue with Government over effective ways to respond to issues related to child abuse;
- That Aboriginal community organisations be provided with flexible, sustainable and predictable funding and able to adapt program funding to meet local needs;
- That governance support and training should be provided for Aboriginal groups and incorporated organisations;
- The role of GBMs in communities be reviewed and their cost/benefit assessed.

Community viability

The NTER Taskforce made a number of comments relating to the viability of Indigenous communities in its Final Report to Government. It stated that:

The Taskforce **notes** that the long term sustainability of the 73 prescribed communities depends on a range of complex demographic and geographic characteristics; and on developing a stronger economic base with investment from the private sector, the community sector and the Northern Territory and Australian governments.

The Taskforce **strongly recommends** that the Australian Government continue to work with the Northern Territory Government to assess which communities are viable in the longer term, and to plan future investment based on those assessments.

The Taskforce **recommends** that communities assessed as being viable should be provided with at least the following:

⁹⁹ This is to be trialled in in Hermannsburg, Santa Teresa and Papunya.

- adequate housing;
- a police station;
- a health clinic;
- an early childhood education centre;
- a primary school;
- a store;
- independent employment opportunities; and
- access to a secondary school (which may not be in the community).¹⁰⁰

ACOSS is concerned about the implications of such a community viability assessment framework. We believe that any proposal to provide services and infrastructure only to communities assessed to be viable raises a number of complex questions:

- By what standards would viability be assessed?
- Would economic, social, cultural and other considerations be included in this consideration?
- What input would communities have in deciding their future?
- What are the human rights implications of cutting off access to infrastructure and services to communities, and indirectly causing population relocation?
- What are the land rights and native title implications of indirectly causing people to move from their traditional country?
- What would the impact of a population influx be on nearby 'viable' communities?

¹⁰⁰ Emphasis in original.

Towards a long term community development strategy

The *Little Children are Sacred* report emphasised the need for a response to the issues of child abuse in Indigenous communities to be long-term and well funded, stating that 'nothing short of a massive reform effort, coupled with a long-term injection of funds, can hope to turn [the problems] around.'¹⁰¹

It is clear that to address the causes of child sexual abuse in remote Aboriginal communities, real commitment and substantial investment is required. Emergency measures must provide a foundation for stable long term investment. Drawing on the work of the CAO, a development plan should be created which is fully costed and includes set goals and measurable targets to be achieved within fixed time frames. The Plan must be developed in full consultation with Aboriginal community organisations and members and address the key systemic issues of housing, health, education and employment. Actions should include:

- the progressive roll-out of new housing built mainly by workers drawn from communities,
- an expansion of primary health care services to ensure universal access and child and maternal home visiting programs;
- expansion of school infrastructure and better training and career development for teachers and Aboriginal Education Workers; and
- more effective employment development and assistance programs.

Important work has been done by a number of other Indigenous and non-Indigenous organisations to inform a long term plan to reduce Indigenous disadvantage and improve health and educational outcomes. In developing *Stage 2* of the response to child abuse in the NT, we refer the Review Board to:

- the recommendations of the *Little Children are Sacred* report;
- the National Indigenous Health Equality Targets prepared by the Close the Gap Coalition;
- the Social Justice Commissioner's *Social Justice Report 2007* and ten point action plan for the future of Aboriginal children in the Northern Territory¹⁰²; and
- *State of Denial: The neglect and abuse of Indigenous children in the Northern Territory* by Julian Pocock of the Secretariat of National Aboriginal and Islander Child Care, SNAICC.

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¹⁰¹ *Little Children are Sacred* at 17.

¹⁰² This plan is designed to modify the NTER so that it respects the human rights of Indigenous people.