



FUTURE DIRECTIONS FOR THE NORTHERN TERRITORY EMERGENCY RESPONSE

A COMMUNITY GUIDE TO PROPOSED CHANGES
DECEMBER 2009



Australian Government



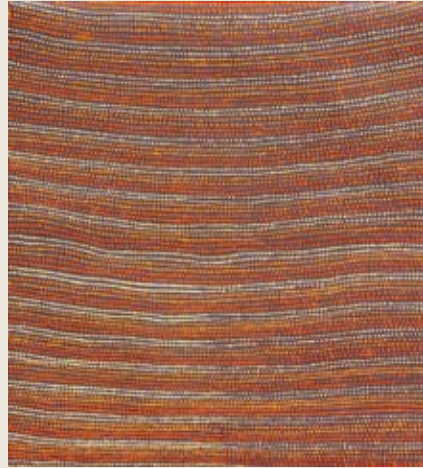


Pedro Wonaeamirri

Jilamara 2009

Ochres on 600gsm weight paper 76cm x 57cm
Image courtesy Jilamara Arts & Crafts Association, Winnellie.
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Pedro Wonaeamirri is a Tiwi Islander artist who is carrying on the 'Jilamara' or 'good design' painting tradition of the Tiwi Islands. He uses the traditional painting comb, the pwoja, and natural ochres from around Milikapti in his work. The style and designs have been learnt and inspired from watching older generations of Tiwi painters and from looking at artworks in museums and galleries. The designs represent body scars and body painting for ceremonies. The body painting provides a disguise and protection from the spirits. Pedro is also a traditional dancer who performs in ceremonies and at major events. Pedro has a deep interest in Tiwi culture and in passing it on to younger generations.



Payu Napaltjarri

Untitled 2008

Acrylic on Belgian linen 61cm x 55cm
Image courtesy Papunya Tula Artists, Alice Springs
© the artist 2009 licensed by Aboriginal Artists Agency, Sydney.

Payu Napaltjarri is a Pintupi artist. She was born in the western desert at Karliwarra Rockhole west of the Pollock Hills. In the 1960s her family came out of the desert and were brought by the welfare patrol to Papunya where they settled. Payu has also lived at Balgo and Kintore. Payu was married to Freddie West Tjakamarra, a founding member of Papunya Tula Artists. Payu returned with him to the western desert community of Kiwirrkura in Western Australia during the homelands movement. Payu is the mother of six children. Payu's art story, as with many Pintupi women's stories, concerns food gathering. It relates to a water source where women gathered to collect desert raisins and hold ceremonies. Payu and other members of her family have continued their association with Papunya Tula Artists.

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Please be aware that this report may contain the images and names of Aboriginal and Torres Strait Islander people who have passed away.



In June 2009, we went to Aboriginal people in the Northern Territory with some ideas on how we could take the Northern Territory Emergency Response forward so it respects Australia's human rights obligations and conforms more clearly with the *Racial Discrimination Act 1975*.

We listened very carefully to what people told us in over 500 meetings and workshops across the Northern Territory – to their concerns and frustrations, their ideas and hopes for the future.

We have delivered on our commitment to introduce legislation into Parliament in 2009 to reinstate the Racial Discrimination Act and to change policies under the NTER to better meet our obligations under this law.

After listening carefully to people, we have proposed changes to NTER measures. These changes are reflected in the legislation that will be debated by the Parliament in the New Year. There is also an opportunity for all individuals and groups to comment on this legislation through a Senate inquiry.

If this legislation passes through the Parliament, we will be able to start making these changes from 1 July 2010.

This booklet summarises what people said in the NTER redesign consultations held across the Northern Territory earlier this year. It also explains the changes we have put to the Parliament.

I sincerely thank the Traditional Owners on whose land the NTER redesign consultations took place.

Many thousands of people have had their say during the consultations and the Government considered the messages delivered in those consultations very carefully. The Government gratefully appreciates the time and contributions of everyone who participated.

We respect the desire of Aboriginal people in the Northern Territory to have greater responsibility for driving solutions to problems in their communities. We will work to build partnerships through the roll-out of significant new resources for local leadership, housing, early childhood development, education, employment, health services, safer communities and more over coming months and years.

A handwritten signature in black ink that reads "Jenny Macklin". The script is cursive and fluid.

Jenny Macklin MP

Minister for Families, Housing, Community Services
and Indigenous Affairs

The consultation process

From June to the end of August 2009, the Australian Government consulted widely with Aboriginal people across the Northern Territory (NT) about future directions for the Northern Territory Emergency Response (NTER).


The consultations involved all 73 NTER communities, as well as several other Northern Territory Aboriginal communities and town camps. More than 500 meetings were held in communities, including large whole-of-community meetings and smaller meetings between Government Business Managers and interest groups, families and individuals.

There were also workshops with regional leaders and representatives of service providers and other stakeholder organisations in the Northern Territory to discuss the measures in greater detail.

Key themes and messages

Many different views were expressed in the consultation meetings, but there were some common themes:

- There was strong support for the Government's decision to reinstate the operation of the Racial Discrimination Act to the NTER.
- Many people felt hurt, humiliated and confused by the way the NTER had initially been implemented. Many people saw the consultations as an opportunity to express their hurt and anger, but people also said there were areas where their lives had improved as a result of the NTER measures.
- Overall, many women and elderly people reported that they were now feeling safer; that children were better fed and clothed and getting a better night's sleep. There was less humpugging for money for alcohol, drugs and gambling. These benefits came from a combination of NTER measures, in particular, income management, alcohol restrictions, community store licensing and the increased police presence.
- On the other hand, it was pointed out how many of the NTER measures were not working as well as they should be and a range of improvements were suggested.
- There is a strong feeling among Aboriginal people in the Northern Territory that different standards have been applied to them compared with other Australians, and that the NTER has increased racial divisions in some communities and townships.

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- Aboriginal people have a strong desire to take greater ownership of solutions to the problems that the NTER is trying to fix.

Reinstate the *Racial Discrimination Act 1975*

The Australian Government has a clear timeline to reinstate the Racial Discrimination Act.

Each of the NTER measures are being changed so that they more clearly conform with the Racial Discrimination Act.

If Parliament agrees, these changes will start in July 2010.

The suspension of the Racial Discrimination Act in relation to the whole of NTER will be lifted on 31 December 2010.

Several thousand vulnerable families rely on and are benefitting from income management. These reforms require significant Centrelink system changes, and will need to be carefully implemented to ensure an effective transition.

What people said about individual NTER measures and what the Government intends to do?

The Government has listened very carefully to what people have had to say. The Government has also taken account of other evidence, including information collected by Centrelink and through independent surveys.

There are no easy solutions. The Government is committed to working with Aboriginal people over the long term to make the changes needed to Close the Gap.

The rest of this booklet summarises what people said during the consultations, and what changes the Government intends to make to the NTER measures.

Income management

- The benefits people saw in income management include:
 - more money being spent on food, clothing and school-related expenses;
 - assisting with saving for large or expensive items, like fridges and washing machines;
 - less money being spent on alcohol, gambling, cigarettes and drugs;
 - reduced levels of humbugging; and
 - improved capacity for household budgeting.
- There were a range of views about the future options for income management. Some people said that income management should not apply to those

who were able to manage their money responsibly, or to those who were responsible in caring for dependants, or who had no dependants. Some favoured a completely voluntary scheme, while others said that the current model was necessary for income management to be effective and to protect vulnerable people from humbugging.

- Many people did not understand why income management applied only to Aboriginal people.

The Government will introduce a new non-discriminatory form of compulsory income management in disadvantaged regions across Australia. It will not be applied on the basis of race.

The Government has announced this landmark national welfare reform as part of its efforts to make sure that welfare is used to help strengthen and not weaken families.

From 1 July to December 2010, a new income management scheme will start in the Northern Territory which has the highest proportion of severely disadvantaged communities in Australia.

Under this scheme, all welfare recipients will have half of their welfare payments income managed if they fall into one of the following categories:

- people aged 15 to 24 receiving certain welfare payments for more than three of the last six months;
- people aged 25 and above on welfare payments such as Newstart Allowance and Parenting Payment for more than one year in the last two years;
- people referred for income management by child protection authorities (people in this category will have 70% of their welfare payments managed in order to provide additional protection for children); and
- people assessed by Centrelink social workers as requiring income management due to vulnerability to financial crisis, domestic violence or economic abuse.

The new scheme also gives people who show personal responsibility a choice to seek exemption from income management.

- Welfare recipients who have children can seek an exemption if their children attend school regularly and consistently.

- Recipients without children who have a job or are doing formal study will be able to seek an exemption.

People who receive the Age Pension, Disability Support Pension, or a Veteran's Service Pension won't have to participate in compulsory income management, unless they are referred by child protection authorities or a Centrelink social worker.

They can also volunteer for income management, and will receive a financial bonus of \$250 for every six months that they stay on it.

The Government will also reward people for saving money under compulsory income management by matching their personal savings with extra government money.

The Government will also discuss with a small number of interested communities how a model similar to the Cape York Family Responsibilities Commission could work in their locations.

The operation of the new scheme of income management will be carefully evaluated, with the first evaluation progress report expected in 2011/12.

Alcohol restrictions

- There were mixed views about the impact of the NTER alcohol restrictions. Some people said that communities are now quieter and less violent, while others said that alcohol-related problems have worsened since the NTER began.
- Concerns were expressed about increased 'grog running' into communities, and about changes in drinking patterns, including the use of 'drinking paddocks' outside community boundaries.
 - There was a particular concern for the safety of drinkers using 'drinking paddocks', especially when they drive back to their communities after drinking.
 - There were also concerns that more people are now drinking in town.
- Overall there was a strong view that alcohol restrictions are necessary because alcohol misuse is a major cause of harm in communities. There were different views about how alcohol restrictions should work in the future. Many wanted the existing NTER restrictions to continue even though they had not been totally effective. Others said that a greater community role in addressing alcohol problems might be more effective, including through alcohol management plans.

The Government is proposing to keep the NTER alcohol restrictions in place while allowing and encouraging communities to develop their own alcohol management plans (AMP).

In deciding whether to approve a variation in the restrictions, the Government will take into account:

- evidence about the level of alcohol-related harm in the community;
- the views of the community; and
- the community's willingness and ability to develop and help implement an AMP.

If the existing NTER alcohol restrictions are changed or cease in a particular community, then the community would still be subject to any alcohol restrictions under NT laws.

If local alcohol restrictions do not work in a community, the Government can reinstate the NTER restrictions in that community.

In addition the Government intends to:

- change the law that gives police the power to enter a private residence as if it were a public place; this will only apply in a particular community if the community has specifically asked for it, and the Minister agrees; and
- remove the requirement for people buying take-away alcohol to give the seller their name, address and other details.

Pornography restrictions

- There was a strong view that pornography is not wanted in communities. Many people said the NTER pornography restrictions should continue.
- There were widespread concerns that it is difficult to control what children can see because inappropriate material is readily accessible on TV, mobile phones and the internet.
- People in some communities said that pornography was not a problem in their particular community and therefore the NTER restrictions were not needed. In a number of places, people were not comfortable talking about pornography.
- There were some strongly expressed views that the road signs notifying the pornography restrictions are offensive and cause people to feel shame.



The Government intends to:

- keep the current NTER pornography restrictions in place; and
- give communities the opportunity to ask for the NTER pornography restrictions to be removed in relation to their community, but only if someone requests this and the Minister agrees.

A decision to remove the NTER pornography restrictions in a particular community would be made only after carefully considering matters including:

- the well-being of people in the community;
- evidence about the levels of problem sexual behaviour and pornography in the community;
- the views of people in the community; and
- advice from relevant law enforcement agencies.

The Government will also change the signs about alcohol and pornography restrictions in consultation with Aboriginal people so the signs are more respectful.

Five-year leases

The Government has started paying compensation to land owners in the Tiwi Land Council area and will commence paying other land owners once the determinations of the Northern Territory Valuer-General are made. This compensation is backdated to the time of acquisition of the leases.

- Many people in the consultation meetings said they did not have a good understanding of leasing arrangements, and were confused about the different purposes of five-year leases, township leases and other voluntary leases.
- There were requests for the rental payments from the Australian Government for five-year leases to be made as soon as possible. In some communities, people requested that rental payments be made to the community and not to the land owners.

The Government is intending to:

- continue the payment of compensation to land owners once valuations are settled.
- amend the NTER laws to
 - make the objectives of the five-year leases clearer;
 - more clearly define permitted lease purposes;

- require leases to be administered in a way that respects Aboriginal culture;
- facilitate the Government's commitment to move to voluntary leases; and
- develop clear guidelines to better explain the land-use approval process.

Community store licensing

Overall, people thought that the range and quality of food and household items available from local community stores – especially fresh, healthy food including fruit, vegetables and meat – had improved since the licensing scheme was introduced under the NTER.

Most people agreed that community store licensing should continue. There was broad support for the stronger licensing provisions proposed by the Government in the Discussion Paper.

- The high price of goods in remote community stores continues to be a concern.

The Government is intending to:

- continue the community store licensing scheme, and to improve it by:
 - extending the store licensing arrangements to cover shops such as takeaway or fast food shops and roadhouses that are a key source of food and groceries for an Indigenous community;
 - including a provision that Indigenous organisations that own a community store may be required to become registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*;
 - clarifying the obligations of store owners and store managers – the store owner will be the holder of the store licence;
- remove current laws that allow the Australian Government to acquire a community store's assets and liabilities; and
- allow some decisions in relation to the community store licensing scheme to be reviewed by the Administrative Appeals Tribunal.

In addition stores can be asked to have a licence if they want to be able to receive people's money under income management.

Controls on the use of publicly funded computers

- Overall, people regarded the current controls on the use of publicly funded computers as a good idea and wanted them to continue.

- In many places, this measure was not seen as relevant because individuals in the community did not have access to publicly funded computers.

The Government is intending to continue the current controls on the use of publicly funded computers.

Law enforcement powers

- Under the NTER, the Australian Crime Commission (ACC) Board can authorise that a special intelligence operation or investigation be undertaken into 'Indigenous violence or child abuse'.
- Some people valued the confidentiality protection that this measure gives to people who disclose information about possible criminal activity. People also wanted more information about these powers.
- There were some concerns that these powers may not provide people with sufficient protection when matters are referred to the police and the courts.

The Government proposes to retain the ACC's special law enforcement powers, but make it clear that they may only be exercised in relation to serious violence or child abuse committed against an Indigenous person. This will ensure that the powers are used for the benefit of Indigenous victims.

Business management areas powers

- The NTER legislation provides the government with powers to change or end funding agreements with community service delivery organisations. Where an essential service isn't delivering what the community needs, the Minister may step in to help the community. The Minister can make directions about the delivery of services or use of resources or assets needed to run a good service.
- In the Discussion Paper the Government's initial proposal was to remove these powers because they had not been used. Many people who commented on this measure were generally comfortable with the removal of these powers.
- However, some community leaders with a more detailed understanding of the type of organisations that might be affected by these powers asked that the powers be retained in case organisations delivering services performed poorly and the Government needed to step in to help the community.

The Government intends to retain these powers.

What happens next?

The Government has introduced the changes it proposes to make to the NTER laws to the Federal Parliament. The Parliament will debate the proposed new laws early in 2010.

The legislation has been referred to the Senate Community Affairs Committee to give the broader community an opportunity to comment. The Committee has called for submissions by 1 February 2010 and the Committee is due to report by 9 March 2010.

There can be no changes to the NTER laws unless the Parliament passes the changes to the NTER laws put forward by the Government. It is intended that the changes will begin from 1 July 2010.

Other materials

The Australian Government has published the following:

- *Policy Statement: Landmark Reform to the Welfare System, Reinstatement of the Racial Discrimination Act and Strengthening of the Northern Territory Emergency Response*

This document explains the proposed changes to the NTER legislation in more detail. It also outlines unprecedented levels of new resources being invested by the Australian Government in the Northern Territory – under the building blocks of governance and leadership, early childhood, schooling, health, economic participation, healthy homes and safe communities.

- *Report on the Northern Territory Emergency Response Redesign Consultations*

A detailed summary of what people said during the Australian Government's consultations.


- *Report on the NTER Redesign Engagement Strategy and Implementation*

An independent audit of the Australian Government's consultation and engagement process in the Northern Territory on the future design of the NTER.

These reports can be found at:

http://www.facsia.gov.au/sa/indigenous/pubs/nter_reports/Pages/default.aspx

The contact officer for further copies of this guide and the above publications is Ms Virginia Perkins, phone (08) 8936 6444, mobile 0448 820 751.



Who to contact if you have questions

If you have general questions about the existing or new income management arrangements, or about any of the other measures, you are encouraged to talk to the Government Business Manager or Indigenous Engagement Officer in your community.

Centrelink officers will be able to advise people about how the new income management arrangements may apply to them and the timing of any changes. You can contact your local Centrelink office.

Service provider organisations and other peak bodies should contact the Northern Territory Office of the Department of Families, Housing, Community Services and Indigenous Affairs if they require further information on the measures and proposed legislation. The contact phone number is (08) 8936 6488.