Office of the Northern Territory Coordinator-General for Remote Services Report

June 2011 to August 2012
The Barunga Statement

We, the Indigenous owners and occupiers of Australia, call on the Australian Government and people to recognise our rights:

- to self-determination and self-management, including the freedom to pursue our own economic, social, religious and cultural development;
- to permanent control and enjoyment of our ancestral lands;
- to compensation for the loss of use of our lands, there having been no extinction of original title;
- to respect for and promotion of our Aboriginal identity, including the cultural, linguistic, religious and historical aspects, and including the right to be educated in our own languages and in our own culture and history;
- in accordance with the universal declaration of human rights, the international covenant on economic, social and cultural rights, the international covenant on civil and political rights, and the international convention on the elimination of all forms of racial discrimination, rights to life, liberty, security of person, food, clothing, housing, medical care, education and employment opportunities, necessary social services and other basic rights.

We call on the Commonwealth to pass laws providing:

- A national elected Aboriginal and Islander organisation to oversee Aboriginal and Islander affairs;
- A national system of land rights;
- A police and justice system which recognises our customary laws and frees us from discrimination and any activity which may threaten our identity or security, interfere with our freedom of expression or association, or otherwise prevent our full enjoyment and exercise of universally recognised human rights and fundamental freedoms.
- We call on the Australian Government to support Aborigines in the development of an international declaration of principles for indigenous rights, leading to an international covenant.
- And we call on the Commonwealth Parliament to negotiate with us a Treaty recognising our prior ownership, continued occupation and sovereignty and affirming our human rights and freedom.
At the Barunga Festival in 1988 two paintings and text calling for Indigenous rights were presented to the then Prime Minister, Bob Hawke. In his speech on that day Bob Hawke gave an undertaking that there would be a treaty within the life of his Parliament. It has now been 24 years since senior Aboriginal people from throughout Australia met at the annual Barunga Festival and placed on record their aspirations for redressing past disempowerment, discrimination and disadvantage.

Since that time the good intentions of governments and the Australian people have often been lost in the bureaucratic maze that has been established to meet the challenges and opportunities presented by the different histories of Indigenous peoples. Many of those charged with the implementation of government policy and the delivery of programs in Aboriginal towns in the Northern Territory often have a very limited understanding of Indigenous people and their cultures. This has led to generations of interaction and intervention based of the perceptions of the non-Indigenous world on what constitutes success, and has continued to fail to support Aboriginal people in determining and meeting their own aspirations.

While there continues to be serious challenges it must also be noted that there have been considerable advancements in the recognition of Aboriginal rights including Mabo and Wik, the Native Title Act, establishment of the Land Fund, the national apology to the stolen generations and the adoption by the Australian Government of the UN Declaration on the Rights of Indigenous Peoples.

It is time to critically analyse the cost of our current approach, where it is taking us, and the cost of maintaining the status quo. Today tens of millions of dollars are spent on separating children and families while very little is invested in supporting families to raise healthy children under very challenging circumstances over which they have little control.

Governments commit hundreds of millions of dollars to policing and incarceration while providing minimal support for youth programs, an absence of support and programs for Aboriginal men, and serious gaps in the investment in the early years of life. While this continues, ever-increasing numbers of non-Aboriginal people will continue to be deployed in remote Aboriginal communities to deliver services, creating limited opportunities for local people to be actively engaged in decisions that directly affect their lives.

While other first world countries are giving greater effect to treaties and the rights of first peoples, Australia continues to struggle with accommodating these principles. Recognition of the rights of first peoples elsewhere has not lead to a loss of national sovereignty or threatened territorial integrity. On the contrary, significant gains in outcomes have been made by first peoples whose rights have been respected. The critical elements of allowing Aboriginal people ‘the freedom to pursue our own economic, social, religious and cultural development’ and to take ‘permanent control and enjoyment of our ancestral lands’ is fundamental to closing the gap.

The call for ‘the Commonwealth Parliament to negotiate with us a Treaty recognising our prior ownership, continued occupation and sovereignty and affirming our human rights and freedom’ has not progressed. The current debate around the proposed referendum on constitutional recognition of first peoples appears to be stalled. Simply improving socio-economic outcomes for Indigenous people will not address the political and legal aspirations of Indigenous people.

There have been improvements in Indigenous policy through national commitments and funding and there is a great deal of good will with governments and the broader community. Positive efforts will only be sustained and built upon when Aboriginal people themselves are given the respect that their status as first peoples demands and they are able to determine their own futures.
18 September 2012

The Hon. Alison Anderson, MLA
Minister for Indigenous Advancement
Parliament House
Darwin NT 0800

Dear Minister,

I was appointed as the Northern Territory Co-ordinator General for Remote Services by the former Chief Minister, effective from 24 October 2011 for a period of two years.

The letter of appointment from the Chief Minister dated 18 October 2011 noted the primary point of contact would be the former Minister for Indigenous Policy, the Hon. Malarndirri McCarthy, MLA.

Following discussions with Minister McCarthy it was agreed that I would provide an independent annual report, together with periodic verbal reports, on progress towards achieving COAG targets in closing the gap in Indigenous disadvantage, and on progress on the implementation of the then Northern Territory Government’s Working Future policy.

It is with great pleasure that I formally submit my first report as Northern Territory Co-ordinator General for Remote Services to you as the newly appointed Minister for Indigenous Advancement.

Yours sincerely

Olga Havnen
Ms Olga Havnen  
Via email: havnen.olga@gmail.com

Dear Ms Havnen,

It is with great pleasure that I am able to confirm your appointment as the Northern Territory Coordinator-General for Remote Services as part of the Government’s Working Future policy. Your appointment is effective from 24 October 2011 for a period of two years.

It is my intention that your functions and powers closely mirror those of the Commonwealth Coordinator-General for Remote Indigenous Services. As the Northern Territory Coordinator-General for Remote Services, your functions are to work collaboratively with other parties to oversee, monitor, assess and advise in relation to:

- development and delivery of government services and facilities in the 20 Territory Growth Towns to a standard broadly comparable with that in non-indigenous communities of similar size, location and needs elsewhere in Australia, including through:
  - improvements to the coordination of the development and delivery of such services and facilities; and
  - reforms to the development and delivery of such services and facilities;

- progress towards achieving the national Closing the Gap targets in the remote towns and communities of the Northern Territory;

- planning and strategic investment, in cooperation with the Commonwealth Coordinator-General, in the 15 communities identified under the National Partnership Agreement on Remote Service Delivery; and

- progress on implementing the six steps of the Working Future policy.

Northern Territory Government
It is my intention that you have the necessary authority to work with the Northern Territory public service to ensure the Government's Working Future policy is fully implemented.

Accordingly, I will ask the Chief Executive of my Department to inform all agencies of my expectation that you will:

- request Territory government agencies to produce information and documents;
- request Territory government agency officials to attend meetings;
- request assistance from Territory government agencies;
- report failures to comply with your requests to the Minister for Indigenous Policy; and
- shape Local Implementation Plans.

In performing these functions, you are to work with the Remote Service Delivery Subcommittee of the Northern Territory Government Coordination Committee.

I also expect that you will work closely with the Commonwealth Coordinator-General for Remote Indigenous Services as required, to ensure coordination and cooperation between and across Commonwealth and Northern Territory Government agencies in delivering the objectives of Working Future.

Your primary point of contact will be the Minister for Indigenous Policy, the Hon Malamndirri McCarthy MLA.

I understand the Minister will separately meet with you in coming days to establish the immediate priorities for action. This will then be sent out to Chief Executives.

You are to provide monthly verbal reports to the Minister for Indigenous Policy, or more regularly if required. A formal written report will be required every six months.

My Government looks forward to working closely with you to close the gap of indigenous disadvantage and create a working future for all Territorians.

Yours sincerely

[Signature]

PAUL HENDERSON
18/10/11
# Contents

Letter of appointment  
List of tables  
Abbreviations  

## 1 Introduction  
1.1 Introduction  
1.2 Executive summary  
1.3 Summary progress report NTER/Closing the Gap measures  
1.4 Recommendations  
1.5 Key dates in Indigenous policy  

## 2 Background and Demographic Profile  
2.1 Census 2011: a snapshot  
2.1.1 History  
2.1.2 Preliminary findings  
2.1.3 Population regional towns  
2.1.4 Language  
2.1.5 Education  
2.1.6 Housing  
2.1.7 Income  
2.1.8 Disability support  
2.1.9 Internet  
2.1.10 Family composition  
2.2 Census methodology and mobile population  
2.3 Local Government - Shire Councils  
2.3.1 NT local government areas  
2.3.2 Core services  
2.3.3 Agency and commercial services  
2.3.4 Local government financial viability  
2.3.5 Employment  
2.3.6 Local Government elections and representation  
2.3.7 Local Government Boards  
2.3.8 Elected member training and governance  
2.3.9 Working Future  
2.3.10 Country Liberal Party (CLP) Government policy  

### Recommendation 1 - Population and mobility  

## 3 Indigenous policy overview  
3.1 Overcoming Indigenous Disadvantage  
3.2 Council of Australian Governments and National Indigenous Reform Agenda  
3.3 National Partnership Agreements  
3.4 Northern Territory Emergency Response
5 Introduction

5.1 Culture and Social Determinants

5.1.1 Tackling social determinants
5.1.2 Improving daily living conditions
5.1.3 Tackling the inequitable distribution of power, money and resources

Recommendation 4 - Prioritisation of investments

5.2 Community safety

5.2.1 COAG
5.2.2 National Partnership Agreement
5.2.3 Violence
5.2.4 Current situation
5.2.5 Police services
5.2.6 Regional and remote community police stations
5.2.7 Aboriginal Community Police Officers
5.2.8 Community safety facilities
5.2.9 Crime statistics - NT
5.2.10 Community Safety Plans
5.2.11 Night Patrols
5.2.12 Correctional Services
5.2.13 Alcohol
  Consumption
  Health impacts
  Law and justice impacts
  Correction Services impact
  Policy interventions
  Licensing
  Strategies
  Supply restrictions
  NT Government Alcohol Management Plans
  Court reform
  Alcohol and Other Drugs Tribunal
  SMART Court
  Rehabilitation and treatment programs
  Banned Drinkers Register
  NTER measures
  Stronger Futures
  Comments and observations

5.2.14 Child Protection

Definitions
Background
NT Government response
Commissioner for Children 122
Child Abuse Taskforce 122
Current situation 123
Child abuse and neglect 124
Out of Home Care 128
Commonwealth Government 129
Stronger Futures 130

**Recommendation 5 - Community safety** 130

### 5.3 Early childhood 131

#### 5.3.1 COAG 131

#### 5.3.2 National Partnership Agreement 131

#### 5.3.3 Early childhood 131

#### 5.3.4 Current situation 133

#### 5.3.5 Services 134

#### 5.3.6 Early childhood education and care 135

- Children and family centres 135
- Creches 135

#### 5.3.7 Family support programs 136

- Locational supported playgroups 136
- Intensive Support Playgroups 137
- Parenting programs 137
- Communities for Children (C4C) 138
- Early childhood education 138

#### 5.3.8 General comments 139

**Recommendation 6 - Early childhood** 141

### 5.4 Education 145

#### 5.4.1 COAG 145

#### 5.4.2 National Education Agreement 145

#### 5.4.3 National Partnership Agreement targets 145

#### 5.4.4 NTER and Closing the Gap - enhancing education measures 146

#### 5.4.5 NT Government Budget 146

#### 5.4.6 Education 146

#### 5.4.7 Education services 147

#### 5.4.8 Enrolment and attendance 150

#### 5.4.9 Territory Growth Towns - school enrolment and attendance 150

#### 5.4.10 Educational outcomes 153

#### 5.4.11 Funding and resources 154

#### 5.4.12 Comments and observations 156

**Recommendation 7 - Education** 156

### 5.5 Youth 157

#### 5.5.1 COAG 157

#### 5.5.2 National Partnership Agreement 157
5.5.3 Northern Territory Working Futures and youth strategy 159
5.5.4 Juvenile justice 161
  Issues and trends 161
  Regional and remote court lodgements 161
5.5.5 Review of the NT youth justice system 163
5.5.6 Youth in Communities 163
5.5.7 Youth services 165
5.5.8 NT Government programs 167
5.5.9 School holiday programs 168
5.5.10 Community facilities and infrastructure 168
5.5.11 Program funding, coordination and duplication 168
5.5.12 Workforce issues 170
5.5.13 Key observations 171

Recommendation 8 - Youth services review 171

5.6 Economic Development 173
5.6.1 COAG 173
5.6.2 National Partnership Agreement 173
5.6.3 Economic development 173
5.6.4 Not in the labour force 175
5.6.5 Labour force mobility 178
5.6.6 Tertiary education in remote areas 178
5.6.7 Current government strategies 179
5.6.8 Futures forums 180
5.6.9 Indigenous job creation strategies 181
5.6.10 Key issues and comments 182
  Disengagement 182
  CDEP 182
  Training and adult education 183
  Procurement 183

Recommendation 9 - labour force participation 184
Recommendation 10 - workforce development (housing) 184

5.7 Housing, infrastructure and leasing 185
5.7.1 COAG 185
5.7.2 National Partnership Agreement 185
5.7.3 Current situation 186
5.7.4 Housing, infrastructure and leasing 186
5.7.5 Key points 186
5.7.6 Program audits and enquiries 188
5.7.7 Housing need 189
5.7.8 Mobility 190
5.7.9 Staff accommodation 190
5.7.10 Employment and training 190
5.7.11 Infrastructure 191
5.7.12 Leasing 193
5.7.13 Financial accountability and transparency 195

**Recommendations 11 - Housing** 195

Appendix - Commonwealth Ombudsman - Remote Housing Reforms in the Northern Territory - Recommendations 197

5.8 Health 201
5.8.1 COAG 201
5.8.2 National Partnership Agreement 201
5.8.3 Current situation 202
5.8.4 Implementation and service delivery issues 203
5.8.5 Allied health 204
5.8.6 Oral health 205
5.8.7 Remote primary health care infrastructure 205
5.8.8 Health and Local Implementation Plans 206
5.8.9 Environmental health 206
5.8.10 Morgues 207
   Current situation 208
   Key issues 209
   Unresolved issues 210
   Community expectation 211

**Recommendation 12 - Morgues** 212
5.8.12 Conclusion 212

5.9 Governance and leadership 215
5.9.1 COAG 215
5.9.2 National Partnership Agreement 215
5.9.3 Governance and leadership 216
5.9.4 Existing government programs 219
5.9.5 Evaluation of the NTER and Stronger Futures 222
5.9.6 Government investment and expenditure 223
5.9.7 What is ‘governance’? 224
5.9.8 International approaches to development 227
5.9.9 Observations 228
List of tables

2. **Background and Demographic Profile**
   Age distribution, NT Indigenous and non-Indigenous populations, Census 2011 18
   Population estimates - Territory Growth Towns 19
   Map - NT local government areas 23
   Rate revenue per capita - NT shires 27
   Comparison of rates and charges - NT local governments versus Victorian average 2009-10 28

3. **Indigenous policy overview**
   Annual budget for the GBM initiative 40
   Stronger Futures NPA, total implementation plan funding (11 year total) 44

4. **Financial Arrangements**
   Impact of Grant Commission’s 2012 Update Recommendations 69
   Composition of Commonwealth Own Purpose Expenditure (NT) 2009-12 70
   National Partnership Agreements Funding 2009-12 70
   Closing the Gap/NTER measures 2009-2012 (Schedule M) 71
   Closing the Gap Indigenous Early Childhood Development 72
   Closing the Gap in Indigenous Health Outcomes 72
   Remote Service Delivery Funding 73
   Northern Territory Funding sources 2011-12 74
   Commonwealth Grants Commission NT Assessment 2008-9 to 2010-11 74
   Key funding commitments for Indigenous specific initiatives 2012-13, NT Government Budget 75

5.1 **Culture and social determinants**
   Comparison of food prices - Darwin stores and remote communities 89

5.2 **Community safety**
   Financial Arrangements - Closing the Gap (2009-10 to 2011-12) 95
   Comparison of population/policing services in some NT regional and remote towns 100
   Community safety facilities at May 2012 102
   Domestic violence relation incidents 103
   Confirmed personal harm incidents 103
   Sexual assault lodgements and convictions 103
   Estimated annual per capita consumption of pure alcohol in litres per person aged 15 years and older: NT and Australia 109
   Per capita consumption of alcohol NT 109
   Regional consumption as a percentage of total consumption 109
   Closing the Gap family support funding 2010-2012 119
   Substantiations of notifications received during 2010-11 by type of abuse or neglect, States and Territories 124
   NTER Monitoring Report - NT Police Incidents Reports of Child Abuse 126
   NT substantiated child protection notifications by type of abuse and neglect, all children, 2006-07 to 2010-11 127
NT expenditure 2005-6 to 2010-11 - child protection services, Out of Home Care, and Intensive Family Support 128
Child Protection Notifications 2010-11 (NT) 128
Children in Out of Home Care by number and number per 1,000 children aged 0-17 and Indigenous status, states and territories, 30 June 2011 129

5.3 Early childhood
NPA - Early Childhood expenditure 2008 to 2014 132
NT population for 2011 by five year age group and Indigenous status 134
Participation rates of locational supported playgroups, July 2011 - December 2011 137
Preschools for selected RSD sites - enrolment and attendance versus population estimate 139
Centre based and outside school hours care BBF Services in the NT 142

5.4 Education
Annual funding allocations 145
Schools by location 149
Territory Growth Towns - school enrolment and attendance - Primary school attendance and enrolment 150
Secondary school attendance and enrolment 151
Contarf Foundation student statistics for 2010 attendance 152
Contarf Foundation student statistics for 2011 attendance 152
NT NAPLAN results 2008 153
NT NAPLAN results 2009 153
Number of teachers and assistant teachers - 2008 and 2011 155

5.5 Youth
National Partnership Agreement funding 157
School participation rates by age - NT/Australia 15-19 years old 2009 160
Children's court lodgements 2006-11 by major court locations 162
Youth apprehended by police 2006-07 to 2010-11 162
Distinct youth apprehended by police 2006-07 to 2010-11 by Indigenous status 162
Youth in Communities programs 164
Summary of Commonwealth Government programs 166

5.6 Economic development
Labour force statistics by age and sex for Indigenous people 175
Not in the labour force, NT - 1991-2001 ABS Census time series 175

5.7 Housing
SIHIP housing handed over to DHLRGRS 2010 to 2012 188
SIHIP employment and training results at March 2012 191

5.9 Governance and leadership
Remote Service Delivery National Partnership Agreement funding 225
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABA</td>
<td>Aboriginal Benefits Account</td>
</tr>
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</tr>
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</tr>
<tr>
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</tr>
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</tr>
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</tr>
<tr>
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</tr>
<tr>
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<td>Building a Better Future (Indigenous Housing 2010)</td>
</tr>
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</tr>
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</tr>
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</tr>
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</tr>
<tr>
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<td>Community Housing and Infrastructure Needs Survey</td>
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<tr>
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</tr>
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<td>Council of Australian Governments</td>
</tr>
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</tr>
<tr>
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<td>Community Service Obligations</td>
</tr>
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<td>DAMG</td>
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<td>NT</td>
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<td>Office of the Commissioner of Public Employment</td>
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<td>TCS</td>
<td>Heart Thamarrurr Catholic School</td>
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<td>Pintubi, Anmatjerre, Warlpiri Media</td>
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<tr>
<td>PWC/ P&amp;W</td>
<td>Power Water Corporation</td>
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<td>R &amp; M</td>
<td>Repairs and Maintenance</td>
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<td>Remote Training, Employment and Economic Development</td>
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<td>Former Standing Committee on Indigenous Housing</td>
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<td>School Enrolment and Attendance Measure</td>
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<td>Strategic Indigenous Housing Infrastructure Program</td>
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<td>SLA</td>
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<td>School Nutrition Program</td>
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<td>STEP</td>
<td>Structured Training and Employment Projects</td>
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<td>Technical and Further Education</td>
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<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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<td>Vocational Education and Training in Schools</td>
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<td>Western Arrernte Health Advisory Council Board</td>
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<td>Western Arnhem Shire Council</td>
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<td>Willowra, Yuendumu, Nyrripi Health Board</td>
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<tr>
<td>WYDAC</td>
<td>Warlpiri Youth Development Aboriginal Corporation</td>
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</table>
1.1 **Introduction**

Welcome to my first report as Northern Territory Coordinator General for Remote Services since my appointment by the former Chief Minister, Paul Henderson, in October 2011.

The functions of the position closely mirror those of the Commonwealth Coordinator-General for Remote Indigenous Services, Brian Gleeson, who reports on the 15 NT Remote Service Delivery sites. My geographic responsibilities are more extensive and cover Territory Growth Towns, Community Living Areas, town camps, homelands, communities and outstations. My role also includes monitoring all relevant COAG instruments and National Partnership Agreements beyond the Remote Service Delivery NPA.

As per my letter of appointment, all NT Government agencies were informed of the expectations of the then Chief Minister that I will:

- request Territory government agencies to produce information and documents;
- request Territory government agency officials to attend meetings;
- request assistance from Territory government agencies;
- report failures to comply with requests to the Minister for Indigenous Policy; and
- shape Local Implementation Plans.

It is unfortunate that the response of some departments and agencies to requests from my office for information and data has been met with a reluctance to comply and, in some instances, outright hostility.

To those officers and agencies that readily assisted in the preparation of this report, I extend my sincere thanks. To those that did not, I can only hope that a renewed emphasis on ‘bush communities’ by the incoming CLP Government will ensure these matters are given greater priority and cooperation.

I would like to thank those community members and organisations in both remote and regional centres who cooperated and gave their valuable time to this comprehensive report. I would also like to thank Peter Holt, Francine Chinn and Brione Noonan from my own office for their important contributions and Deirdre Finter who edited and designed the final report. There is some repetition in the report which allows for the sections to be read as stand alone documents.

It is very easy to be critical of governments—Federal, State and Territory—and to underestimate the immense difficulties involved in delivering services to remote areas. Over the past five years there has been a genuine, high-level commitment from Ministers, senior bureaucrats and officers across both levels of government to improve outcomes for Aboriginal Territorians and I commend this.
The relationship between the Commonwealth and NT Governments can generally be summed up as the Commonwealth believing the NT lacks capability and competence, while the NT Government perceives the Commonwealth Government, particularly Canberra-based officers, as having a poor and/or very limited understanding of the complexities and challenges confronting the NT. These tensions are also sometimes acerbated by Federal powers that enable the Commonwealth Government to override the NT Government and its laws and policies. It is important that these two levels of government establish and maintain a cooperative working relationship for the benefit of the Indigenous populations that they both represent.

The 2012 Indigenous Expenditure Report is an endeavour by COAG to improve reporting on Indigenous expenditure. The Report provides estimates of expenditure on services to Indigenous people by all jurisdictions including the Commonwealth Government, but provides no analysis of the bureaucratic and administrative costs associated in the provision of these services. There is an urgent need to examine these administrative bureaucratic costs in relation to direct program expenses. Current financial reporting lacks transparency, particularly in this area.

A general guideline adopted by international developmental aid agencies for program and/or project expenditure is often referred to as the 80/20 rule, i.e. 80% expended on services to 20% on associated administration. It is doubtful that current levels of expenditure on services to Aboriginal people in the NT are anywhere near this benchmark, but is perhaps a target that should be set when assessing expenditure under Stronger Futures.

I commend this report and its 12 recommendations to The Hon. Terry Mills, MLA, Chief Minister for the Northern Territory and The Hon. Alison Anderson, MLA, Minister for Indigenous Advancement and Regional Development and their colleagues in the Northern Territory Parliament.

Olga Havnen
NT Coordinator-General of Remote Services
September 2012
1.2 Executive Summary

In recent years Australian governments have committed significant funds in response to the entrenched disadvantage experienced by many Indigenous Australians. This report examines the objectives, strategies and funding arrangements of agreements that form the basis of the partnership between the Commonwealth and Northern Territory governments aimed at ‘closing the gap’ in living conditions and social outcomes for Aboriginal Territorians.

The report focuses on four major themes arising from the approach taken by governments in relation to Aboriginal people since the NT Emergency Response (NTER) commenced in 2007 and reflected in the Stronger Futures arrangements proposed for the next ten years. These are:

- transparency and accountability;
- the balance between the crisis and developmental aspects of initiatives under both the NTER and Stronger Futures;
- the marginalisation of Aboriginal people in decision making and resource allocation; and
- the lack of long-term planning and capacity development within Aboriginal towns, particularly the transfer of service delivery from Aboriginal organisations to the non-Indigenous, not-for-profit sector.

The first theme refers to the objectives set by the Council of Australian Governments (COAG) to improve value for money, transparency and accountability in delivering services to Indigenous people and how the success or failure of programs are determined. Government agency reporting is based largely on inputs and outputs rather than outcomes, and the absence of reliable and transparent data and reportage make it difficult for parliaments and the wider community to determine whether the myriad programs are meeting their objectives. Determining to what extent Indigenous communities are benefiting from the increased expenditure of public funds is problematic when so much of the expenditure appears to be taken up by the bureaucracy.

Reform of the Inter-Governmental Agreement (IGA) on Federal Financial Relations established more streamlined funding and reporting arrangements (performance indicators, targets and output measures, timeframes and periodic reporting requirements) but there is very little accounting for actual expenditure by service delivery agencies or by third parties. Despite the often onerous burden on recipients of public funding to provide reports, government agencies appear to be indifferent to their own obligation to parliament and the broader community by failing to account for their own performance through examining and evaluating outcomes in a transparent and accessible way.

Current government programs addressing Indigenous disadvantage fail to sufficiently take into account the cultural context and needs of Aboriginal towns and communities. They fail to target or counteract the entrenched structural racism and exclusionary
practices effecting the provision and delivery of services to communities.

Funding for programs and services for Indigenous Australians is highly fragmented, complex and administratively burdensome for recipients of government grants. Section 4 Financial Arrangements of this report details the arrangements underpinning the IGA and the funding allocated under the various partnership agreements and through the broader Commonwealth/State funding arrangements.

The second major issue with the current approach is the level and proportion of investment in crisis/tertiary programs rather than prevention and early intervention. For example, only a small fraction of the expenditure on the early childhood years is directed towards supporting families. The majority of current funding is spent on investigating child neglect resulting in an alarming number of children being removed from their families.

If we are serious about commitments aimed at giving children the best start in life then greater priority needs to be given to a rigorous review and evaluation of current programs and a reallocation of resources to the early years of life. Planning, design and delivery of high quality universal early childhood services need to be made available to these most vulnerable children. There is little, if any, evidence that existing small-scale, fragmented early childhood initiatives will produce any improvements in the development and wellbeing of children.

Given the particular characteristics of the NT, there is an urgent need to develop and implement a model of locally available universal service capable of delivering evidence-based, high quality, culturally appropriate early intervention and family support programs. This issue is examined in detail in Section 5.3 Early Childhood.

The third critical issue is the marginalisation of Aboriginal people in decision making. The abolition of ATSIC, the centralisation of local government administration into urban areas and the proliferation of ‘advisory committees’ in place of elected Aboriginal decision making bodies, has resulted in residents losing control over their own circumstances. There is now a dearth of formal Indigenous representation in any of the key governance roles that lead decision making and priority setting in Aboriginal communities.

Well developed analyses of the social determinants of health, broadly described as ‘control and culture’, are often neglected or negatively affected by government policy. These include control over life circumstances, social inclusion and the encouragement of cultural diversity, factors negatively affected by the loss of the Aboriginal voice in community governance and by initiatives such as Income Management which deeply affect personal autonomy. This issue is considered in detail in Section 5.9 Governance and Leadership.

The final overarching theme is the lack of long term planning by government agencies aimed at building local capacity to sustainably manage their own services. Far too many programs continue to be fragmented, short term and uncoordinated, and are
often delivered by non-Indigenous providers operating in competition with Aboriginal organisations and each other. There appears little consideration of the connection between the long-term workforce needs of communities and their local organisations, and the on-going high levels of unemployment in remote areas.

A major proportion of the delivery of services to remote communities (e.g. early childhood, youth and family support) is now outsourced to third party non-Indigenous, not-for-profit organisations who do not receive the level of scrutiny and accountability that might reasonably be expected of multi-million dollar, multi-year contracts. These third parties are not accountable to parliaments and too often are unaccountable to the communities in which they operate. Funds are being diverted to build the capital base and operational capacity of non-resident agencies rather than funding and building the skills and capabilities of local Aboriginal people and organisations.

The questions which must be asked are: what will the long term effect be of this ‘confetti approach’ to funding non-resident organisations on remote Aboriginal communities? What long term employment options, skills base, organisational capacity and governance capability will exist in these remote towns in ten years from now if this approach is allowed to continue?

Section 5 of this report provides an assessment of progress and achievements against the targets and key indicators set out in the National Partnership Agreements between the Commonwealth and NT governments. These are specifically designed to address key areas of Indigenous disadvantage based on the targets and key indicators of COAG Building Block 5 (Early Childhood, Schooling, Health, Healthy Homes, Economic Participation and Governance and Leadership).

Section 2 Background and Demographic Profile provides an overview of remote Aboriginal towns and communities, a brief analysis of recently released 2011 Census data and background to the administrative and service delivery role played by local government (the primary provider of services and employment for Aboriginal residents in remote areas). Section 3 Indigenous Policy Overview gives background and the recent history of Aboriginal policy and program development and implementation, and Section 3.9 Key Issues and Comments offers commentary on current policy, service arrangements and details issues of concern regarding particular initiatives under existing agreements.

The ten year Stronger Futures initiative offers a great opportunity to address many of the concerns raised in this report. However, solutions and proper planning cannot be achieved by departmental officers based in Darwin or Canberra. Aboriginal Territorians must be involved in the formulation and delivery of services and programs if COAG commitments and national agreements aimed at closing the gap in Indigenous disadvantage are to be realised.
## 1.3 Summary progress report

### NTER/Closing the Gap measures as at June 2011/2012

<table>
<thead>
<tr>
<th>Category</th>
<th>Details</th>
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</thead>
</table>
| **Early childhood**       | 9 new creches built  
                            | 13 existing creches upgraded  
                            | 40 Aboriginal staff employed in childcare |
| **Education**             | Nutrition program in 66 schools  
                            | 166 school nutrition program workers  
                            | 191 additional teachers  
                            | 47 new staff houses |
| **Economic participation**| As at June 2010 a total of 2,241 jobs funded, made up of 1,755 jobs in Australian Government service delivery, 486 jobs in local government service delivery  
                            | 2,683 participants in language literacy and numeracy program |
| **Housing**               | As at July 2012 - 692 new houses constructed  
                            | 2,435 refurbishments and rebuilds |
| **Health**                | 10,606 child health checks  
                            | 12,419 dental checks  
                            | 7,065 audiology tests  
                            | 6,661 specialist ENT |
| **Community safety**      | **Police**  
                            | 62 additional police, 5 police station upgrades, 18 Themis stations, 4 additional overnight facilities, 1 new remote police station constructed. |
|                           | **Mobile child protection teams**  
                            | 157 community visits |
|                           | **Remote Aboriginal family and child workers**  
                            | 14 RACFWs employed |
|                           | **Safe houses**  
                            | 22 operational safe houses |
|                           | **Night Patrol services**  
                            | 80 active services, 350 FTE positions |
1.3 Recommendations

Recommendation 1 - Population and mobility
That the Commonwealth and NT Governments jointly commission credible research on Aboriginal demographic trends, patterns of mobility and migration, including the motivation for and period of relocations into, out of and between communities and regional services centre (Alice Springs, Tennant Creek, Katherine and Darwin), and the long term aspirations (particularly for youth) to identify current and future service needs.

Recommendation 2 - One-stop shop business centres
That improved access to government and other services is provided in RSD sites and TGTs through the progressive establishment of Business Centres. Consideration should also be given to the inclusion of additional shop front facilities to promote private sector business opportunities e.g. Pharmacy, general retail and specialist services. Initially Business Centre core services should include:

- Births, Deaths and Marriages (birth certificates, proof of identity)
- Motor Vehicle Registry
- Court and Fines Recovery
- Postal services
- Banking and financial services
- Housing (tenancy, repairs and maintenance services)
- PAWA – customer service
- Office and ancillary facilities for visiting service providers (legal, NT Ombudsman, etc.)
- Centrelink
- Employment services

Recommendation 3 - Accountability and transparency
That performance measures include verifiable outcome indicators (in addition to existing input, outputs and activities) and are evaluated and assessed in terms of value for money, impact and effectiveness.
That annual financial expenditure reports on Government investments in Indigenous specific programs and services includes a breakdown of administrative costs (staffing, salaries, travel etc) and direct program or project expenses.

Recommendation 4 - Prioritisation of investments
In order to achieve agreed COAG targets on closing the gap in Indigenous disadvantage, that existing and future investments are re-focused, prioritising evidence-based preventative approaches in early childhood, community safety and violence prevention, strengthening families, youth and justice.
Recommendation 5 - Community Safety
That NT Police conduct an urgent review of current staffing levels and duty rosters in Aboriginal communities that have a permanent police presence to ensure the provision of an appropriate service designed to improve community safety, particularly that of Aboriginal women who currently experience alarming levels of injury and harm.

Recommendation 6 - Early Childhood
- That consistent with COAG Early Childhood commitments, ensure that all Aboriginal children access high quality early childhood learning for at least one year (minimum of 15 hours per week) prior to commencing school;
- Give consideration be to making early childhood education compulsory for at least one year prior to starting school.

Recommendation 7 - Education
- Sustain and expand existing remedial programs designed to improve reading, writing and numeracy skills for Aboriginal students;
- Sustain and enhance initiatives to improve teacher quality and curriculum; and
- Establish a centralised database recording student assessment and learning also including essential health information (disability, hearing impairment, etc.).

Recommendation 8 - Youth
That the Northern Territory and Commonwealth Government jointly undertake a comprehensive review of existing youth services, programs and funding, identify service gaps and needs and develop a coordinated and integrated youth services strategy that identifies and clarifies roles, responsibilities and investments.

Recommendation 9 - Labour force participation
That the Northern Territory and Commonwealth Governments jointly commission research and analysis of NILF (not in the labour force) rates for Aboriginal men of working age (15 to 65 years) in selected remote and regional centres to identify potential barriers and solutions for Aboriginal men in accessing Centrelink income support, training and other labour market / workforce participation initiatives.

Recommendation 10 - Workforce strategy
That the second phase of the National Partnership Agreement Remote Indigenous Housing (NPARIH) gives much greater focus to the provision of long term skills development and employment with:
- an enhanced role for local Aboriginal businesses and the shires in the construction phase;
- a clear strategy for the transition of employees from NPARIH construction and refurbishment programs to local employers, including adequate planning and support for the completion of trade qualifications; and
• a whole-of-government strategy for the development of the remote housing and infrastructure workforce which maximises the opportunities for job and enterprise creation and sustainability within the remote towns and communities themselves.

**Recommendation 11 - Housing**
Governments develop an ongoing plan, based on 2011 Census and population projections to reach the SIHIP objective of 2.2 people per bedroom across all NT towns and communities by 2025.

**Recommendation 12 - Morgues**
The 2nd NT Coordinator General’s Report (May 2010) and more recently, the NT Ombudsman identified the lack of appropriate morgue and cemetery facilities and management and made recommendations to the former NT Government to address these issues.

This report also recommends that:

• new legislation (or amend existing legislation) to regulate the management of morgues and cemeteries in remote communities be introduced as a matter of priority;

• the NT Department of Health and Aboriginal community controlled health services (where regional Aboriginal health services are the health service providers) be designated the responsible agency for the management and maintenance of morgues, and in consultation with communities, develop culturally appropriate policies and protocols to apply to morgue management, and

• funding for the establishment, maintenance and/or upgrade of morgue facilities be provided under the RSD flexible funding pool for the 15 RSD sites and that additional resources be identified for other major communities where morgue facilities currently do not exist.
1.4 Key dates in Indigenous policy

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>11 Mar 1996</td>
<td>The Liberal Party wins the Federal election and John Howard becomes Prime Minister. One of his first announcements is appointment of a special auditor to investigate the Aboriginal and Torres Strait Islander Commission (ATSIC). Policy shifts from ‘social justice’ and ‘self-determination’ to ‘mutual obligation’ and ‘shared responsibility’.</td>
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<tr>
<td>May 1996</td>
<td>ATSIC budget cut by $470m leading to cuts in community, youth and women’s programs.</td>
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<tr>
<td>26 May 1997</td>
<td>The inquiry into the Stolen Generations releases the Bringing Them Home report detailing 150 years of forced removal of Aboriginal children from their families.</td>
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<td>4 Sept 1997</td>
<td>Amendments to the Native Title Act (1993) introduced into Parliament. Known as the Wik 10 Point Plan, it sought to extinguish native title on pastoral leases.</td>
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<td>3 Oct 1998</td>
<td>PM John Howard’s government is re-elected and 'practical' reconciliation declared a priority.</td>
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<td>3 Nov 2000</td>
<td>Council of Australian Governments (COAG) commits to addressing Indigenous disadvantage.</td>
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<tr>
<td>April 2002</td>
<td>COAG commissions the Productivity Commission to prepare a report against key indicators of Indigenous disadvantage.</td>
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<tr>
<td>13 Nov 2003</td>
<td>The Overcoming Indigenous Disadvantage: Key Indicators 2003 report is released.</td>
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<tr>
<td>23 Mar 2005</td>
<td>ATSIC ceases to exist (as of midnight 23 March).</td>
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<tr>
<td>14 July 2006</td>
<td>COAG agrees to long-term, generational commitment to overcome Indigenous disadvantage and actions identified in the Overcoming Indigenous Disadvantage: Key Indicators 2003 report.</td>
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<tr>
<td>8 Aug 2006</td>
<td>Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse was appointed by the NT Government.</td>
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<tr>
<td>30 April 2007</td>
<td>Ampe Akelyerneman Meke Mekarle - Little Children are Sacred: A Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, 2007 chaired by Rex Wild, QC and Patricia Anderson, is handed to the NT Government.</td>
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<tr>
<td>15 June 2007</td>
<td>Ampe Akelyerneman Meke Mekarle “Little Children are Sacred” report is publicly released.</td>
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<tr>
<td>21 June 2007</td>
<td>The Northern Territory Emergency Response (NTER) is announced and NT Government informed same time as PM Howard and Minister Brough address media. Some measures begin almost immediately including compulsory child health checks and, six days later, the deployment of military personnel to remote communities under ‘Operation Outreach’.</td>
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<tr>
<td>July 2007</td>
<td>Commonwealth Government announces it will abolish the Community Development Employment Program (CDEP) in remote communities in the NT as part of the NTER.</td>
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7 Aug 2007 NTER legislation introduced into federal parliament, five Bills pass House of Representatives on the same day.

8 Aug 2007 The Senate Legal and Constitutional Committee conduct an inquiry into NTER legislation and reports five days later, 13 August, following one public hearing. Authors of the *Little Children are Sacred* report not invited to give evidence. They provide a lunchtime briefing to interested parties.

17 Aug 2007 All five NTER Bills pass through the Senate and operation of the *Racial Discrimination Act 1975* is suspended. Measures include: compulsory five year leases and removal of permit system on Aboriginal land, blanket Income Management for people on welfare support and living in ‘prescribed areas’, widespread prohibition of alcohol and pornography, removal of customary law as a mitigating factor for sentencing and bail conditions, and appointment of government business managers in the 73 prescribed communities.


Sept 2007 Financial responsibility for outstations handed over to NT Government by the Commonwealth with allocation of $20 million.

14 Sept 2007 The NTER legislation is amended to exempt tourists from alcohol restrictions.

24 Nov 2007 The Australian Labor Party (ALP) wins the Federal election and Kevin Rudd becomes the Prime Minister.

Dec 2007 & Mar 2008 All governments agree to COAG targets for closing the gap between Indigenous and non-Indigenous Australians across urban, rural and remote areas.

12 Feb 2008 PM Kevin Rudd delivers apology to the Stolen Generations for their ‘profound grief, suffering and loss’.

April 2008 Modified version of CDEP reinstated in NT remote communities.

6 June 2008 NTER Review Board appointed.

1 July 2008 New NT local government arrangements introduced with 8 shires replacing 63 local councils.

2 Oct 2008 All States and Territories commit to the National Indigenous Reform Agreement and new Overcoming Indigenous Disadvantage reporting that is aligned with the seven COAG Building Blocks and six closing the gap targets.

13 Oct 2008 The independent NTER Review Board recommends reinstatement of the RDA, voluntary income management, better coordination of services, greater response to unique community characteristics, better participation and engagement with Aboriginal people and the continuation of the NTER.

29 Oct 2008 NT Government releases a discussion paper Territory 2030 - Fresh Ideas, Real Results, and appoints a steering committee to development a 20 year overarching plan with measurable targets.

Dec 2008 National Partnership Agreement (NPA) on Closing the Gap in Indigenous Health Outcomes worth $1.6bn over four years is agreed to.
27 April 2009  The Territory 2030 - Fresh Ideas, Real Results steering committee draft strategy is released by the NT Government recognising education as a key to the NT’s future success.

20 May 2009  NT Government releases Working Future policy listing 20 Territory Growth Towns

June 2009  Legislation introduced setting up a Tribunal giving clients on Income Management a right of appeal.

1 July 2009  CDEP is replaced by Jobs Services Australia (JSA) in regions with ‘established economies’ and previous participants labelled as ‘grandfathered’. New participants ineligible for CDEP wages, instead receive Centrelink payments.

2 July 2009  The NIRA (Closing the Gap) is signed and first wave of NPAs rolled out.

The Closing the Gap in the Northern Territory NPA is signed replacing the NTER NPA. It provides continuation of a number of measures, including income management and alcohol prohibitions until 30 June 2012.

27 Aug 2009  Statement by visiting UN Special Rapporteur Prof James Anaya says the NTER’s Income Management, compulsory leasing and bans on alcohol and pornography ‘overtly discriminate against aboriginal peoples, infringe their right of self-determination and stigmatise already stigmatised communities.’

9 Dec 2009  A Board of Inquiry is appointed by NT Chief Minister to review the NT child protection system following a number of tragic instances and complaints about inadequate responses of child protection services.

Dec 2009  The Territory 2030 - Fresh Ideas, Real Results strategy is released. It contains 128 targets under six themes: education, society, economic sustainability, health and wellbeing, the environment, and knowledge, creativity and innovation.

24 Feb 2010  A report from UN Special-Rapporteur Prof James Anaya finds the NTER breaches Australia’s international obligations.

21 June 2010  Revised NTER legislation is passed. Effective from 1 July, it sees Income Management expanded, an option for IM exemption and removal of suspension of the RDA.

18 Oct 2010  NT Government is handed the report from child protection Board of Inquiry, ‘Growing them strong together’ containing 147 recommendations.

31 May 2011  A revised version of the Closing the Gap in the NT NPA is signed by NT Chief Minister (April) and PM Julia Gillard (May) and is valid until December 2011.

22 June 2011  PM Julia Gillard releases Stronger Futures (SF) in the Northern Territory discussion paper and consultation on future plans to tackle Indigenous disadvantage in NT.

28 June 2011  Minister for Indigenous Affairs, Jenny Macklin and the Minister for Indigenous Health, Warren Snowdon, visit Tennant Creek for the first Stronger Futures community meeting.

29 June 2011  Commonwealth Government announces a review of remote participation and employment services for Indigenous and other remote job seekers.

15 July 2011  Panel appointed to review Remote Employment Services and a schedule of consultations released.
18 Oct 2011 FaHCSIA report on Stronger Futures consultations lists: getting children to school, more local jobs and reduced alcohol-related harm as top priorities, parents to take responsibility for regular school attendance of children, more effective and reliable services from all levels of government including greater availability of police and night patrols/good teachers/better enforced alcohol restrictions/more specialist health services, improved housing, and to work better with government. An independent assessment of the consultations by the Cultural and Indigenous Research Centre Australia (CIRCA) is also released.

14 Nov 2011 Stronger Futures measures announced including amendments to the Social Security Act to expand Income Management (in relation to school attendance (SEAM) and alcohol abuse) and increased alcohol restrictions.

14 Nov 2011 A $19.1m jobs package announced to deliver 50 new ranger positions in NT, a new ‘Local Jobs for Local People’ traineeships for up to 100 people to fill local service delivery jobs, a job guarantee on completion of Year 12 for students in NT Growth Towns, jobs brokers and extension of Indigenous Business Australia (IBA) program.

23 Nov 2011 Stronger Futures legislation introduction into Parliament including measures to extend current alcohol restrictions, develop alcohol management plans and increase penalties for grog running; expansion of store licensing and SEAM. The bills are referred to the Senate Community Affairs Committee for inquiry.

20 Feb 2012 The Senate Community Affairs Committee inquiry into the NTER and Stronger Futures Bills begins public hearings in Ntaria. Over the next few days it will conduct hearings in Alice Springs, Maningrida and Darwin, and then two hearings in Canberra in early March.

13 Mar 2012 Open letter from 28 prominent Australians, including former PM Malcolm Fraser, is extremely critical of Stronger Futures and the ‘consultations’ and calls for the Bills to be abandoned and appropriate and agreed mechanism to set up to enable the Elders and Aboriginal Leaders to participate on equal terms in decision making.

14 Mar 2012 The Senate Community Affairs Committee tables its report into the Stronger Futures bills noting ‘with serious concern the degree of confusion, and frustration expressed in relation to the Stronger Futures consultations.’ The eleven recommendations include: request government use expertise of land councils and Australian Human Rights Commission framework for future consultation.

8 Mar 2012 Former PM Malcolm Fraser launches Listening but not Hearing: A response to the NTER Stronger Futures Consultations, a report by Jumbunna Indigenous House of Learning based at University of Technology Sydney (UTS). It finds the ‘consultations’ and Stronger Futures measures do not ‘accord with the evidence of what is required for Indigenous peoples to achieve their social, cultural, economic, and political aspirations.’

24 Mar 2012 The second shire elections are held since new local government arrangements were introduced in 2008.

28 Mar 2012 Stronger Futures 10 year funding of $619 for remote policing, night patrols and legal assistance services; and $221m (Commonwealth Government) and $15m (NT Government) for municipal and essential services for outstations and homelands.

29 Mar 2012 Stronger Futures ten year funding of $719m for health and $443m for children, youth and families announced.
28 Mar 2012 Stronger Futures ten year funding of $221m (Commonwealth Government) and $15m (NT Government) for municipal and essential services for outstations and homelands announced.

2 April 2012 Stronger Futures ten year funding of $583m for education, includes $85.6m for expansion of SEAM, support for 200 teachers, professional development for Aboriginal teachers and construction of up to 100 teacher houses in remote areas.

24 April 2012 Yolngu Nations Assembly statement calls on Senate to reject Stronger Futures bills.

26 April 2012 $1.5 b Remote Jobs and Communities Program announced. From 1 July 2013 it includes a single, permanent job services provider in remote regions, community action plans, a $240m Community Development Fund, 'no show no pay' rules, a new Remote Youth Development and Leadership Corps and 'grandfathered' CDEP participants (before 2009) to receive wages for the first five years (until June 2018).

8 May 2012 Federal Budget delivers Stronger Futures ten year funding of $427m to support Aboriginal interpreting services, employ more Indigenous Employment Officers (IEOs) and undertake governance and leadership programs.

16 May 2012 The National Congress of Australia’s First Peoples presents a statement to the UN Permanent Forum on Indigenous Issues saying Stronger Futures subjects Aboriginal people ‘to ‘blanket’ prohibition of alcohol, ‘blanket’ income management regimes and government takeover of their lands, while the non-Indigenous people around them are free from these very same laws’.

22 May 2012 Office of the High Commission for Human Rights (OHCHR) Regional Office for the Pacific, highlights to Stronger Futures legislation by UN's global human rights watchdogs, the Human Rights Committee, the Committee on Economic, Social and Culture Rights, the Committee on Racial Discrimination, and the Special Rapporteur on the Rights of Indigenous Peoples.

25 May 2012 Australian banking industry and two major independent automated teller machine (ATM) companies announce free transactions at 76 ATMs in Indigenous communities following recommendations from a Treasury/Reserve Bank of Australia Taskforce investigation into ATM fees and access in remote areas.

29 June 2012 Stronger Futures legislation passes parliament with amendments requiring a review of the roll out of Stronger Future measures within three years, and requiring measures to comply with the Reform and Development Agenda (RADA).
2. Background and demographic profile

2.1 Census 2011: A snapshot

2.1.1 History

On 21 June 2012 the first data from the 2011 Census of Population and Housing were released. The 2011 Census marks the 40th anniversary of the inclusion of Aboriginal and Torres Strait Islander peoples in the Census counts, which occurred after the 1967 Constitutional Referendum, and the 100th anniversary of the national Australian Census. Between Federation in 1901 and 1967, the Commonwealth Constitution Act, Section 127, stated that:

\[
\ldots \text{in reckoning the numbers of the people of the Commonwealth [. . .] aboriginal natives shall not be counted.}
\]

During the lead up to the first national Census in 1911, the Commonwealth Attorney-General stated that persons of half or less Aboriginal or Torres Strait Islander descent should be included in the population figures\(^1\).

The successful 1967 Referendum followed ten years of public campaigns to ensure full civil rights for all Aboriginal and Torres Strait Islander people. By removing Section 51 of the Constitution, it gave the Commonwealth government the power to make laws regarding Aboriginal and Torres Strait Islander people, previously held by the States, and by removing Section 127, required that Aboriginal and Torres Strait Islander people be included in official population estimates.

In 1971 some Aboriginal communities and pastoral properties with Aboriginal workers, in remote areas of the NT were included in the Census count for the first time.

2.1.2 Preliminary findings

The recent release of preliminary Census 2011 data and future release of significant statistical data such as Labour Force Participation, means only a superficial analysis of key indicators is possible at this time. More detailed consideration of data including changes since the 2006 Census will be provided later this year and in early 2013.

The following are highlights regarding Aboriginal Territorians\(^2\) comparing 2006 and 2011 Census data. The total NT population is noted in brackets:

- Overall population growth was 5.8% (9.9% for NT total)
- The population of people 45-64 years increased 17.2% (13.6%)
- The population of people over 65 years increased 11.0% (30.3%)

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1 Australian Bureau of Statistics (ABS) Census 2011, Reflecting a Census: Aboriginal and Torres Strait Islander Peoples and the Census After the 1967 Referendum, publication website 2071.0.

2 Adjustments will be made to the Estimated Resident Population as under-enumeration is estimated and the data for people who did not answer the question on Indigenous Status are allocated. However, the numbers for each of the population characteristics, such as educational attainment, will remain the same.
• The population of 0-4 year olds fell from 11.2% to 10.8% of the Aboriginal population.

While the overall growth in the Aboriginal population is lower than the NT total there has been a marked increase in the 45-64 year age group, particularly among men where there has been an 18.9% increase. In the over 65 age group it is clear that more non-Indigenous people are choosing to retire in the NT. With the rise in the over 45 age group, the relative percentage of 0-4 year olds has dropped slightly, although there were actually 107 more 0-4 year olds than in 2006.

**Age distribution, Northern Territory**
**Indigenous and non-Indigenous populations Census 2011**

2.1.3 Population regional towns

• Tennant Creek Aboriginal population grew 12.0% from 2006 to 2011 and now outnumbers the non-Indigenous population which was stable.

• Katherine Aboriginal population grew 18.3% while the non-Indigenous population grew 10.0%.

• Alice Springs Aboriginal population grew 4.3% while the non-Indigenous population grew 5.7%.

• Darwin Aboriginal population grew 8.2% while the non-Indigenous population grew 14.4%.

Strong growth was estimated in the Aboriginal populations of Katherine and Tennant Creek while the Aboriginal population in Darwin increased at a higher rate than the NT population as a whole. There are now more Aboriginal people in Tennant Creek than non-Aboriginal people. Alice Springs also recorded growth but at a lower level for each population sector than across the NT as a whole.
The population changes in the Territory Growth Towns (TGT) since the last Census are very difficult to interpret given the large fluctuations in both directions. The population estimates used by the Commonwealth Coordinator-General in his first report, and that used by FaHCSIA and the NT Government for the baseline demographic study, are included for reference as they highlight the enormous difficulties faced in estimating populations in Aboriginal towns.

The total Indigenous population of all TGTs grew at around double the rate of the Indigenous population of the NT between 2006 and 2011, at 11% compared to 5% for the NT. The combined usual resident population (with those not stating Indigenous status redistributed) of TGTs was 18,374 or 29.9% of the Indigenous population of the NT, up from 16,423 (28.2%) in 2006.

Growth rates for the Indigenous population in TGTs were dwarfed by an almost doubling of the non-Indigenous population who regarded a TGT as their place of residence in 2011 (the official definition of place of residence in the Census is to live or intend to live at a place for six months or more)\(^3\).

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2.1.4 Language

- People speaking English only at home fell from 19,089 to 18,242 (-4.4%).
- People speaking an Australian Indigenous language at home rose from 28,973 to 34,084 (+17.6%).
- People speaking an Australian Indigenous language and speaking English well or very well rose by 22.9%.

The number of Aboriginal people speaking an Indigenous language at home has risen substantially while the number speaking English is decreasing. The number of people proficient in English but speaking their own language is also increasing.

2.1.5 Education

- 0-4 year olds attending an educational institution rose by 34.3%.
- 5-19 year olds attending an educational institution rose by 23.7%.
- People over 20 attending an educational institution rose by 13.5%.
- 9.0% of Aboriginal people had completed Year 12 (41.7% NT non Indigenous), a 73.2% increase since 2006.
- People who had not attended school fell from 2,518 to 1,730 (-31.3%).
- 4.6% of Aboriginal people were attending a university or technical college (23.2% NT non Indigenous).

The increase in educational engagement and attainment continue to improve with a marked increase in the number of students completing year 12. Although the achievements are off a very low base (5.5% in 2006 and 4.6% in 2001) the investment in secondary education in remote areas has contributed to a doubling in year 12 attainment in the last decade. Tertiary enrolments for Aboriginal people are less than 20% of that for the balance of the NT population.

Further analysis of the improvements in remote educational engagement and attainment will be required to assess the real impacts of investments.

2.1.6 Housing

- People living in an improvised dwelling (including tents, humpies, etc.) fell from 1,050 to 682 (-35.0%).
- People living in a separate house fell from 46,215 to 45,103 (-2.4%).
- People living in other private dwellings (flats, units, apartments, caravan, etc.) rose from 3,790 to 4,340.
- Average household size fell from 4.5 to 4.2 (2.6 non-Indigenous).
- Occupancy fell from 1.8 persons per bedroom to 1.7 (1.1 non-Indigenous).
- 20.1% of people reported owning their own home (with or without a mortgage) against 52.6% for non-Indigenous households.
- 71.7% rented against 43.6% for non-Indigenous households.

While there has been a decrease in the number of people living in improvised dwellings there does not appear to be an increase in the number of people living in houses or units. Only slight improvements are seen in the numbers of people per dwelling.
and per bedroom occupancy. The NT level statistics obviously include very different circumstances for urban and remote Aboriginal populations and further analysis will be required to determine relative progress.

2.1.7 Income

- 9,682 people earned less than $200 per week, with 3,060 recording no income.
- Median total personal income per week rose from $215 to $269 (25.1%) and for the non-Indigenous population from $712 to $925 (29.9%), however the difference is now $656 per week up from $497 in 2006.
- Median household income rose from $837 to $1,098 (31.2%) compared to 40.0% in the NT as a whole.
- Median household income for Aboriginal families is now 60.6% of the non-Indigenous median household income, falling from 63.2% in 2006.
- Median weekly rent rose 25% (74.4% NT total).

While the personal and household income of Aboriginal people rose strongly the gap between Aboriginal and non-Aboriginal people rose by $159 per week. Household income also rose by $261 per week compared to the non-Aboriginal NT population as a whole which rose by $487 per week. Again the change of the rental payments for urban and remote populations will require further analysis.

2.1.8 Disability support

- 2,334 people reported requiring assistance, up from 1,750 in 2006 an increase of 33.3%.
- 18.1% of women and 13.1% of men provided unpaid assistance to a person with a disability, approximately one sixth of people responding to this question, 34% higher than 2006.

The numbers of people with a disability and the number of people providing unpaid support to a person with a disability both rose sharply.

2.1.9 Internet

- 54.1% of households had no internet access compared to 14.5% for non-Indigenous households

Unsurprisingly people with lower incomes, lower level of English literacy and living in more remote localities are less likely to have a computer and internet access.

2.1.10 Family composition

- 19.5% of all families were single parent families (7.7% non-Indigenous)
- 19.9% were multiple family households (1.7% non-Indigenous)
- 12.0% were lone person households (24.3% non-Indigenous)

The high number of Aboriginal people living in multiple family households, at over 11 times the rate of the rest of the NT population, is an indication of the critical shortage of housing and the severe overcrowding evident in most Aboriginal towns, town camps and rental accommodation.
2.2 Census methodology and a mobile population

Census population counts are a key element in calculating Commonwealth and NT Grants Commission allocations, and are used in calculating key indicators such as birth rates, levels of morbidity and literacy/numeracy rates, unemployment rates, etc.

The high levels of variability in Census population counts means there is a high probability of inequitable distribution of resources and incorrect comparisons between populations.

Ongoing issues with Census under-count estimated at 19% across the NT in the 2006 Census, means remote areas are adversely affected with the under-count likely to be much higher than 19%. This particularly affects highly mobile age groups, such as 15-24 year old males. It is therefore likely that urban communities in the NT will continue to receive a greater allocation than they are entitled to and remote (under-counted) towns and communities will receive less.

The Australian Bureau of Statistics (ABS) has invested additional funding in the NT with tens of millions of dollars spent over the past fifteen years in an attempt to improve the Census count of the remote Aboriginal population.

It is doubtful whether a one day Census taken in August, which is a time of high mobility for Aboriginal Territorians with Dry Season in the Top End and travel associated with community and sports carnivals occurring in the south. A better option would be to develop a more consistent and rigorous system of collecting administrative data from agencies such as Centrelink, NT Housing and other service providers to more accurately estimate numbers.

There is no reason the Census could not continue to be conducted in the standard manner to meet the ABS’s statutory responsibilities as well as allocating additional resources to develop a methodology that better captures the NT’s mobile remote area population characteristics. This is a key recommendation of this report (refer to Recommendation 1 - Population and mobility).

2.3 Local Government - Shire Councils

At self government in 1978, the NT had just four local governments in the major urban areas of Darwin, Alice Springs, Katherine and Tennant Creek. By the year 2000 there were six municipal councils, 68 recognised local governing bodies including 32 community government councils and 29 association councils, as well as one special purpose town council.¹

The most recent major reform of local government came into effect on 1 May 2008, reducing the number of councils from about 60 to 16. The Local Government Act (the

¹ Saunders, W., Local Governments and Indigenous Interests in Australia’s Northern Territory: History, Demography, Areas and Finances.
Act) divides the NT into three regions - Northern, Big Rivers and Central Australia and refers to two forms of council, municipal and shire. ‘Local government areas are classified according to the density of population and the degree of urbanisation.’

2.3.1 Northern Territory local government areas

As at 30 June 2012 there are eight shires servicing the NT’s Aboriginal towns and communities. These are MacDonnell, Central Desert, Barkly, Roper Gulf, Victoria Daly, East Arnhem, West Arnhem and Tiwi Islands Shires. The average area of these shires is 165,000km², ranging from 7500km² to 322,500km² with an average population of 6,500 of which 82% are Aboriginal. The shires manage around 10,000 km of roads with the Central Desert Shire Council alone responsible for over 2,100 km of roads.

Shires are responsible for providing an effective system of local government that recognises diversity and promotes the social, cultural, economic and environmental wellbeing of member communities. They play a central role in the provision of services to Aboriginal towns and communities, often being the primary provider of services in remote areas, and their performance significantly impacts upon the quality of life of residents.

Shire head offices are located in the NT’s five urban centres with services delivered locally through 60 operations centres based in remote and regional areas.

2.3.2 Core services

Shires deliver what are termed ‘core’ local government services from operational funding and their own source revenues, although there is no guarantee under the Act that any particular services will be delivered. The notion of a ‘core service’ is unique to NT local government. These services are defined through a collaborative

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2 NT Local Government Act, 1 March 2011, section 8.
Role, functions and objectives of Councils

Local Government Act Part 2.3

Section 11: Principal role of council
The role of a council is to:
(a) act as a representative, informed and responsible decision-maker in the interests of its constituency; and
(b) develop a strong and cohesive social life for its residents and allocate resources in a fair, socially inclusive, and sustainable way; and
(c) provide and coordinate public facilities and services; and
(d) encourage and develop initiatives for improving quality of life; and
(e) represent the interests of its area to the wider community; and
(f) exercise and carry out the powers and functions of local government assigned to the council under this Act and other Acts.

Section 12: Functions of a council
(1) The functions of a council include the following:
(a) plan for the future requirements of its area for local government services;
(b) provide services and facilities for the benefit of its area, its residents and visitors;
(c) provide for the interests and well-being of individuals and groups within the council area;
(d) carry out measures to protect its area from natural and other hazards and to mitigate the effects of such hazards;
(e) manage and develop council facilities and services in its area in a sustainable way;
(f) manage and develop for the benefit of its area all the resources available to the council;
(g) other functions assigned to the council under this or any other Act.
(2) The functions of a council may (if the council chooses to exercise them) include:
(a) promote its area as a location for appropriate industries or commerce or as an attractive tourist destination;
(b) establish or support organisations or programs that benefit the council area.

Section 13: Objectives of a council
A council has the following objectives to:
(a) provide open, responsive and accountable government at the local level;
(b) be responsive to the needs, interests and aspirations of individuals and groups within its area;
(c) cooperate with Territory and national governments in the delivery of services for the benefit of its area;
(d) seek to ensure a proper emphasis on environmentally sustainable development within its area and a proper balance between economic, social, environmental and cultural considerations;
(e) place a high value on the importance of service to the council’s constituency;
(f) seek to ensure that council resources are used fairly, effectively and efficiently;
(g) seek to provide services, facilities and programs that are appropriate to the needs of its area and to ensure equitable access to its services, facilities and programs;
(h) generally act at all times in the best interests of the community as a whole.
process of negotiation between the shire councils and management and the NT Government and listed in Regional Management Plans lodged every four years.

Identified core local government services are delivered to most of the larger remote communities and the 2008-12 Regional Management Plans list 29 of these including local infrastructure, environmental health, civic services, community engagement and administration. The Central Desert Shire\(^3\) covers nine communities and its current core services are:

- Support of Local Advisory Boards
- Asset management
- Cemetery management
- Fleet and plant management
- Library and cultural heritage
- Lighting for public safety, including street lighting
- Local emergency management
- Local road maintenance
- Maintenance and upgrade of council-controlled buildings, facilities and fixed assets
- Maintenance and upgrade of council-controlled parks, reserves and open spaces
- Traffic management on local roads
- Waste management (including litter reduction)
- Weed control and fire hazard reduction.

Identification of core services to be provided by the shires was an important part of the NT Government’s commitment that no services would be lost as part of the local government reform.

It is difficult to assess the quality and comprehensiveness of services and how well they meet community expectations as minimum service delivery standards and performance indicators have not been developed.

### 2.3.3 Agency and commercial services

Shires also deliver a range of services—aged care, night patrols, child care, housing repairs and maintenance, postal, youth, sport and recreation—funded by multiple mainstream government agencies. It was expected the shires would be fully funded to provide these services, including an administration fee to cover associated costs. It is unknown whether administration fees charged adequately cover the actual costs associated with service delivery.

It was anticipated that commercial activities such as infrastructure repairs and maintenance (such as airstrips and upgrade of non-council roads), essential service (power, water and sewerage) maintenance, employment and training, visitor

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accommodation, etc. would be undertaken by the shires on a contractual basis with the intention that profits would cross-subsidise core service delivery to communities.

The following is an example of agency and commercial services managed by the Central Desert Shire:  

- Housing repairs and maintenance
- Outstations
- Child care
- Aged care
- Night patrol
- Postal services
- CDEP
- Centrelink
- Sport and recreation
- Essential services (power, water and sewage)
- Learning centres
- Airstrips
- Family mediation
- Community media

2.3.4 Local government financial viability

In the general Australian community the capacity of local government to deliver services relies on the ability to raise funds sourced from rates and charges. These revenues are supplemented by the per-capita Financial Assistance Grants from the Commonwealth Government and NT Operational Grants. As rates are a form of taxation there is no direct requirement for a council to return a specific level of service to an individual ratepayer commensurate with the level of rates paid. Rather they are a means for raising general revenue.

While the Local Government Act does not specifically require council rates to be levied equitably, one of the accepted principles of taxation is that rate payers should contribute according to their capacity to pay. The use of land values in the NT (the Unimproved Capital Value) as a basis for determining rates reflects the view that land values provide a reasonable proxy for ‘capacity to pay’. This capacity to pay is balanced with the ‘benefit principle’—that is, those who receive the greatest benefit from council services should pay a greater share, which allows councils to structure rates in a way that achieves an appropriate balance.

At the time of the 2008 reform, the NT Government capped shire rates for the three years to June 2011 and later extended this to mid-2012. In addition, the imposition of Conditional Rating, which must be approved by the Minister (and exempts Crown and Community lands, land owned by religious, educational and health institutions)

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4 Central Desert Shire website, accessed May 2012.
has constrained the shires’ capacity to derive revenue from rates. Further exemptions provided to mining tenements and pastoral properties have added to the serious inability of the shires to raise adequate own-source revenue. Without a substantial rate base councils have limited capacity to provide services commensurate with the needs of their constituency.

A key goal of the 2008 reforms was to ensure shires would achieve reliable levels of own source revenue, similar to proportions collected by municipal councils, while at the same time ensuring a minimum burden on any particular group of residents/rate payers. Generally local government councils elsewhere generate 85% of their revenues from rates, fees and charges and do not receive such a high proportion of their revenues from government.

The result of these limitations on own-source income has been a growing dependence on government grant funding (which now approaches 80% of overall shire revenue⁵) and the resulting multiple annual service agreements. Only East Arnhem Shire has been able to raise more than 20% of total revenue from rates and charges, with most shires’ rates and charges under 10%.⁶ This short term funding from government, together with government restrictions on income, inhibits the shires’ ability to plan beyond the current financial year and is counter to the three year planning demanded under the Act.

The graph below shows per capita rate revenue for NT shires, the Darwin City Council and selected other councils in SA and Queensland, and demonstrates the scale of the discrepancy of local government revenues in other jurisdictions.

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6 Ibid, p. 25.
7 2009-10 Annual Reports, NT Grants Commission Annual Report; Municipal Association of Victoria.
Comparison of rates and charges - NT local governments versus Victorian average 2009-10*

<table>
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<tr>
<th>Council</th>
<th>Total Rates/Charges $</th>
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Deloitte recently completed a review of the financial sustainability of the shires for DHLGRS and made a number of recommendations to improve the current financial status and governance arrangements. It is yet to be determined whether these recommendations will be accepted by the new NT Government and what steps will be taken to ensure the financial sustainability of the local government sector in the NT.

Former Local Government Minister, Malarndirri McCarthy announced a Shires Financial Sustainability Review Taskforce to oversee the implementation of the 32 recommendations outlined in the Deloitte Shire Sustainability Review to be co-chaired

FINANCIAL ASSISTANCE GRANTS ALLOCATIONS - NT GRANTS COMMISSION

- The general purpose component of the local government Financial Assistance Grants is distributed between jurisdictions on a per capita basis. This is a provision of the (Commonwealth) legislation.
- However, the distribution between councils within a jurisdiction is on the basis of relative need as assessed by grants commissions in each state and the NT, subject to every council receiving at least the minimum general purpose grant per capita (30% of the per capita grant). In the larger states, substantial proportions of the population live in councils receiving the minimum per capita general purpose grant or in councils that receive less than the per capita general purpose grant. This frees up substantial funding that can be directed to more needy rural and remote councils.
- In the NT, although Darwin City Council receives the minimum per capita general purpose grant and five other councils receive less than the per capita share, the amount freed up is minor compared to the amounts from the larger cities in other states. This means that the per capita share of the more needy NT councils is much closer to the national per capita level than the more needy councils in other jurisdictions. This is to be expected as the NT has the smallest population of any jurisdiction.
- The NT receives a much larger share of the roads component of Financial Assistance Grants, but this is distributed on a fixed basis between jurisdictions.

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by Mr Tony Jack, Mayor of the Roper Gulf Shire Council and Ms Barb Shaw, President of the Barkly Shire Council. The NT Coordinator-General for Remote Services was appointed as a member of the Taskforce.

The NT Government will need to balance the shires’ financial sustainability with the financial risks to Government and promote a more collaborative relationship with the local government sector. The NT receives by far the highest per capita funding from GST of any jurisdiction due to its relative disadvantage, which gives the NT Government much greater scope to increase its own assistance to local government.

2.3.5 Employment

Shire councils employ around 2,500 staff of which 1,850 (72%) are Aboriginal. This is much higher than the average level of Indigenous employment in other Australian local governments. In 2008 DHLGRS entered into a matched funding agreement with the Commonwealth Government under reform initiatives to convert CDEP positions to ‘real’ jobs to support full time positions in the shires.

The NT Government 2011-12 budget includes a three-year commitment of $8.4 million per year to support Aboriginal employment in the shires’ core services, including $0.5 million per year for local area traffic management works in Territory Growth Towns to be delivered by local work crews. The Commonwealth Government also committed $1.6 million per year for three years to support workplace mentors in shire councils.

Indigenous Jobs Development grants provide up to 50% of wage and on-costs for mainly entry-level employees delivering core services. At June 2012, 475 positions were supported by this program. All shire councils accepted funding for workplace mentoring services in 2011-12, with 20 mentors employed. The Shire Indigenous Workforce Package provides $3 million a year to maintain and upgrade NT Government infrastructure. The Department of Construction and Infrastructure is working closely with shires to establish service contracts in addition to the agreement with Remote Housing NT to deliver remote housing maintenance and tenancy support services.

The financial viability of local government is extremely fragile and yet there are plenty of necessary but unfunded employment opportunities in a range of social services including women’s centres, early childhood and family and youth services.

Without a sufficient rates base, and with the low average income of the constituents, it is highly unlikely that the shires themselves will be able to fund adequate service provision for their towns and communities.

2.3.6 Local Government elections and representation

Prior to local government reform in the NT there were over 700 (mostly Aboriginal) councillors on remote Community Government Councils and councils incorporated under the Aboriginal Councils and Associations Act. Since the reform this number is now less than 100. Shire Council elections are held every four years with the most recent elections held on 24 March 2012. Elections took place in 40 wards and ten vacancies
in six wards did not receive any nominations and these wards had supplementary elections on 17 May 2012.

Two wards (in Barkly and East Arnhem) received no nominations and four wards (in Barkly, Central Desert, McDonnell and West Arnhem) did not receive enough nominations to fill all vacancies. Of the 105 new members declared elected, 45% (47) were sitting members and 55% (58) are new members. New mayors were elected in Barkly and Victoria Daly Shire Councils.

Prior to the elections, 48% of elected members in the NT were Indigenous. DHLGRS is currently determining the proportion of newly elected Indigenous and non-Indigenous members. Of the 105 current elected members in the shire councils, 34% (36) are female and 66% (69) male. This proportion is the same as prior to the elections.

Recent changes to the *Local Government Act* to prohibit shire employees from standing for election have substantially diminished the number of Aboriginal people elected and directly involved in local government decision-making.

These recent amendments disqualify large numbers people as the shires are by far the largest employers in remote communities. The Darwin City Council (DCC) employs only 0.004% of the total Darwin population, whereas MacDonnell Shire employs 5.5% over 125 times that of DCC.9 As one Shire CEO commented:

> We were one of the shires where we had five previously elected members not re-stand because they elected to keep their jobs with the shire.10

This reform continues a trend which started with the demise of the Aboriginal and Torres Strait Islander Commission (ATSIC), where, despite considerable funding for Indigenous governance, fewer and fewer Aboriginal people have decision-making roles in government-funded institutions.

### 2.3.7 Local Government Boards

Under the *Local Government Act* Local Boards can be established by shire councils. There are currently 56 local boards established across the Territory with varying levels of activity.

The DHLGRS, in agreement with the Commonwealth Government, engaged a consultant in mid-2010 to undertake a review of the performance these boards and their effectiveness in council decision making.

Based on consultations with shire councils, the Local Government Association of the NT (LGANT), the Commonwealth Government and regional NT departmental staff, the final report, *Assessment of Shire Councils’ Local Boards*, was submitted in December 2010. A number of strategies and actions are currently being implemented including support for local shires to:

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10 Dianne Hood, Chief Executive Officer, MacDonnell Shire, ABC Radio, May 2012
apply for Closing the Gap funding to develop good practice models for engaging with their communities through local boards; and

develop and implement a model for local boards appropriate to their shire that will achieve effective engagement with communities while meeting the requirements of the Act.

Local boards are seen to be more effective in communities where the Shire Service Managers and councillors are proactive. In some shires, including Barkly, Roper Gulf, Central Desert and East Arnhem, communities make requests to their shire through their local board and these requests are then considered at council meetings. However, as with many constructs aimed at improving engagement with residents in remote towns these boards are advisory and have no decision making role.

At the 2008 shire elections the exhaustive preferential system resulted in some anomalies with candidates from larger communities dominating and some of the smaller communities that had no representation at all. In the recent 2012 shire elections an amendment to the Local Government (Electoral) Regulations changed the vote counting system from a single transferable vote to proportional representation which was expected to improve the representation of smaller communities on the shire councils.

The issues of community governance, the proliferation of advisory boards and reference groups, and the diminishing number of Aboriginal people elected to local government positions in the NT are all matters of considerable concern and are covered in this report in Section 5.9 Governance and Leadership.

The former NT Government recently released a discussion paper, Strong Local Boards, Strong Shire Councils, calling for public feedback on strengthening Local Boards. The role of local boards in enhancing communication between the shire staff and the communities is critical. In some shires the marginalisation of the local board, or in some cases their absence, has been a weakness in the implementation of the local government reform process.

 Residents of remote towns and communities have been calling for increased opportunities to play an active role in decision making and are asking that shires listen to them, not simply to improve communication and engagement, but to ensure that people have a real say in the future of their communities.

2.3.8 Elected member training and governance

It is acknowledged that the representative and administrative roles of the shires’ elected members are substantially more complex and diverse than those of the previous community government councils. Shire councils are required to provide training and support to elected members as a part of their core local government services.

Some shires have established governance frameworks and training programs for
elected members. The Closing the Gap in the NT NPA for 2011-12 has a $700,000 component for council governance and capacity building initiatives and this will increase to $1 million in 2012-13.

2.3.9 Working Future

The former NT Government committed $25.2 million over three years (2011-12 to 2013-14) to support entry level and near-entry level positions in the shires.

2.3.10 Country Liberal Party (CLP) Government policy

The CLP shire reform policy, Local Voice and Better Services\(^\text{11}\) indicates there is likely to be a major reorganisation of local government. Key promised reforms include:

- establishment of regional councils where they are supported by a majority of residents and contingent on financial sustainability;
- regional councils to give a greater say to local people on where money is spent and how services are delivered in their region;
- service managers to live in the regions they are responsible for; and
- greater opportunities to tender for government contracts and increased local employment.

Reliable and accurate population data is fundamental to allocating funding and resource. This does not currently exist and obtaining information, especially for remote communities and mobile populations, is highly problematic. A major opportunity to improve this situation will be the completion of the NT Housing Tenancy Management System (TMS) database which for the first time will provide an extensive source of administrative and other data covering 73 remote NT communities.

**Recommendation 1 - Population and mobility**

That the Commonwealth and NT Governments jointly commission credible research on Aboriginal demographic trends, patterns of mobility and migration, including the motivation for and period of relocations into, out of and between communities and regional services centre (Alice Springs, Tennant Creek, Katherine and Darwin), and the long term aspirations (particularly for youth) to identify current and future service needs.

3. **Indigenous policy overview**

The past fifteen years has seen a marked shift nationally in Indigenous policy. The movement towards rights-based principles and self-determination has been replaced by a ‘whole-of-government’ mainstreaming of services to Aboriginal and Torres Strait Islander people, approaches based on ‘mutual responsibility’, and a push against ‘welfare dependency’ towards engagement, participation and responsibility.¹

In 2011 researcher Patrick Sullivan noted,²

> ...this era has turned its back on the vision of a semiautonomous, de-colonised and modernised discrete realm for Aboriginal and Torres Strait Islander people, where they would largely manage themselves in culturally appropriate ways. The new era is characterised by the intention to re-engage the state with its Indigenous peoples, and normalise their relations within their communities and with the wider population. Normalisation is the term used ... deliberately, though the policy is not officially called normalisation. The present government prefers ‘closing the gap’.

There has also been a marked shift away from local decision-making in the NT with the introduction of the shire system of local government. The daily administration of remote communities is now centralised in large rural towns, most not even within the boundaries of the shire, but located many hundreds of kilometres from the remote communities they serve.

3.1 **Overcoming Indigenous Disadvantage**

In April 2002 COAG asked the Australian Government Productivity Commission to report regularly against key indicators of Indigenous disadvantage. The first report was released in November 2003 and recommended major areas for action that went on to form the basis of the Closing the Gap building blocks endorsed by all governments through the National Indigenous Reform Agenda (NIRA) in 2006.

The latest (August 2011) *Overcoming Indigenous Disadvantage: Key Indicators* report includes targets to:

- close the gap in life expectancy within a generation;
- halve the gap in mortality rates for Indigenous children under five within a decade;
- ensure all Indigenous four year olds in remote communities have access to early childhood education within five years;
- halve the gap in reading, writing and numeracy achievements for Indigenous children within a decade;
- halve the gap for Indigenous students in year 12 equivalent attainment by 2020; and

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• halve the gap in employment outcomes between Indigenous and non-Indigenous Australians within a decade.

In December 2007 COAG agreed to improve the transparency in reporting on expenditure on services to Aboriginal and Torres Strait Islander people, and the first Strategic Review of Indigenous Expenditure report was released in February 2011. It provides comprehensive and comparable information and estimated that expenditure on services related to Aboriginal and Torres Strait Islander people was just under $22 billion, averaging $40,228 per person in 2008-09, or about 5.3% of all government expenditure.³

3.2 COAG and the National Indigenous Reform Agenda

In 1992 COAG reported that it wanted to ‘ensure that Aboriginal and Torres Strait Islanders receive no less a provision of services than other Australian citizens.’ By 2009 this requirement was expanded in COAG’s National Indigenous Reform Agenda (NIRA) to include the following:

Remote Indigenous communities and remote communities with significant Indigenous populations are entitled to standards of services and infrastructure broadly comparable with that in non-Indigenous communities of similar size, location and need elsewhere in Australia.⁴

COAG agreed to a new framework under the Inter-Governmental Agreement on Federal Financial Relations including cooperative federalism to ensure all levels of government are responsible for delivering policy outcomes and to support and encourage collaboration.⁵

The National Indigenous Reform Agreement provides links to COAG agreements that include elements aimed at closing the gap, and a set of principles to guide reform and ensure consistency across national partnerships. The principles guide the design and delivery of Indigenous-specific and mainstream government programs and services as well as the development and negotiation of NPAs and reform proposals. They are:

Priority Principle – Programs and services should contribute to closing the gap by meeting the targets endorsed by COAG while being appropriate to local community needs.

Indigenous Engagement Principle – Engagement with Indigenous men, women and children and communities should be central to the design and delivery of programs and services.

Sustainability Principle – Programs and services should be directed and resourced over an adequate period of time to meet the COAG targets.

Access Principle – Programs and services should be physically and culturally accessible to Indigenous people recognising the diversity or urban, regional and remote needs.

⁵ COAG 2010 Report on Progress, Executive Summary.
**Integration Principle** – There should be collaboration between and within governments at all levels and their agencies to effectively coordinate programs and services.

**Accountability Principle** – Programs and services should have regular and transparent performance monitoring, review and evaluation.

The Integration Principle was adopted to address or solve complex and ‘wicked’ problems associated with location-based inter-generational poverty and disadvantage. The aim was to ‘join-up’ services to ensure improved access by marginalised and disadvantaged groups residing in metropolitan, urban and regional centres where services are available.

### 3.3 National Partnership Agreements

The Inter-Governmental Agreement on Federal Financial Relations established new cooperative working arrangements by reducing Commonwealth Government prescriptions and providing state and territory governments with increased flexibility in the way they deliver services.

The roles and responsibilities of each level of government are now clearer through a series of national agreements and National Partnership Agreements (NPAs) that are more focussed on accountability leading to better outcomes and better service delivery. National Partnership Agreements that relate specifically to Aboriginal people in the NT include:

- Closing the Gap
- Remote Service Delivery
- Indigenous Health
- Indigenous Early Childhood Development
- Indigenous Economic Participation
- Remote Indigenous Housing
- Remote Indigenous Public Internet Access.

Details of funding can be found in this report in Section 4 Financial Arrangements.

While NPAs provide greater clarity about roles and responsibilities they can also be too prescriptive and inflexible and lack responsiveness to improved understanding of issues, for instance the crisis response to child protection rather than early childhood development and family support.

### 3.4 Northern Territory Emergency Response (NTER)

The NTER was announced by the Howard Coalition Government on 21 June 2007 in reaction to the findings of the NT Government initiated review of Aboriginal child safety, *Ampe Akelyernemane Meke Mekarle - Little Children are Sacred* report.

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In the spirit of the dramatic interventions in the Solomon Islands and East Timor, the then Minister for Families, Community Services and Indigenous Affairs, the Hon. Mal Brough, announced the emergency response and a three-phase strategy of ‘stabilisation’, ‘normalisation’ and ‘exit’:

- stabilisation, for first year to 30 June 2008;
- normalisation of services and infrastructure; and
- longer term support to close the gaps between these communities and standards of services and outcomes enjoyed by the rest of Australia.

The NTER had seven key priorities: reform welfare and employment programs; promoting law and order; enhancing education; supporting families; improving child and family health; housing and land reform and improving coordination. Additional measures introduced to support these priorities included welfare quarantining (or income management), health checks for children, banning of alcohol consumption and sale in remote areas, restricting the sale and possession of pornographic materials, increased police presence (with a new role for the Australian Federal Police) and changes to land tenure arrangements with the application of five year leases over all remote Aboriginal towns and removal of the permit system.

The dramatic and immediate nature of the intervention allowed the suspension of the *Racial Discrimination Act 1975* and other collaborative community development measures in place at the time. The short timeframes for implementation of the emergency measures and the requirement of the NT Government to comply with Commonwealth Government initiatives was a major disruption to the norms of inter-government relations. It also created a need for Commonwealth Government agencies to enhance their role in coordination and governance at the community level.

The Commonwealth Government committed $587.3 million to the stabilisation phase in 2007-08, made up of:

- $15.5 million in logistics support (Defence)
- $7.4 million for police deployment (Australian Federal Police)
- $13.9 million for staff housing (FaHCSIA)
- $34.3 million for short-term staff accommodation (FaHCSIA)
- $25.7 million for police deployments, police stations and housing (FaHCSIA)
- $71.4 million for the NTER Taskforce Operations Centre, Government Business Managers and volunteers (FaHCSIA)
- $25.9 million for infrastructure upgrades (FaHCSIA)
- $14.5 million for child protection workers (FaHCSIA)
- $41.9 million for Outback Stores (Indigenous Business Australia)

While some precedents for the approach of the NTER could be found in Australia’s international activities, such as the Regional Assistance Mission to the Solomon Islands (RAMSI), there were few domestic precedents on which FaHCSIA could draw to develop appropriate administrative arrangements. Further, improving whole-of-government coordination is not a straightforward objective, as existing public sector institutions were, by and large, not designed with a primary goal of supporting collaborative inter-organisational work.
- $10.1 million for staff deployment (Centrelink)
- $14.3 million for improved IT capacity (Centrelink)

More than half of the funding ($320.8 million) was for departmental expenditure and capital expenses to meet the costs of increased personnel, staff accommodation, infrastructure upgrades and improving the IT capacity across agencies.

A total of $266.4 million was set aside to implement the welfare reform measures, child health checks, follow up medical care, drug and alcohol response teams, to improve childhood support services, increased teacher workforce capacity and classrooms, and to fund legal services and night patrol services.

A key feature of the NTER was the emphasis on a whole-of-government response and coordination from all Commonwealth Government agencies to deliver an integrated set of programs. A whole-of-government operations centre was established and Government Business Managers (GBMs) were employed by the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) and located in designated NTER communities.

The NT Government appears to have had little influence on the design and implementation of the initial NTER measures even though it has primary responsibility to deliver core services in health, education, housing, local government and policing. Additional resources for remote police, teachers, child protection workers and staff housing were core elements of the NTER and are welcomed.

It is disappointing, however, that the current and future investments in prevention and early intervention initiatives remain seriously under-funded relative to government outlays in crisis and tertiary responses to vulnerability and safety. These issues are addressed in further detail in Sections 5.3 Early Childhood and 5.5 Youth.

### 3.5 Closing the Gap in the NT

The most recent Closing the Gap in the NT NPA was signed in May 2011 and covers the period from 2009 to 30 June 2012, with the exception of a component covering additional teachers' which expires on 31 December 2012. The Agreement commits the Commonwealth and NT governments to working together towards the Closing the Gap targets and to 'resetting the relationship with the Aboriginal communities in the NT'.

This Agreement changed the original NTER to a three year development program aimed at building on existing measures while placing a greater emphasis on community engagement and partnership. It was also intended to build capability and leadership within Indigenous communities.

The objectives specific to this Agreement were to:
- ensure the protection of women and children;
- reduce violence and improve family and community safety including through restrictions on alcohol and pornography, enhancing compliance and community education;
• improve the quality of education, increase school participation and employment outcomes;
• improve health and wellbeing, particularly for children;
• promote positive behaviours among Indigenous youth; and
• promote personal responsibility.

3.6 National Partnership Agreement on Remote Service Delivery

The NPA on Remote Service Delivery (RSD) signed in 2009 was designed to improve the delivery of services across 29 remote Indigenous communities in the NT, Western Australia, Queensland, New South Wales and South Australia.

RSD sites in the NT include Angurugu, Galiwin’ku, Gapuwiyak, Gunbalanya, Ntaria (Hermannsburg), Lajamanu, Maningrida, Milingimbi, Wurrumiyanga (Nguiu), Ngukurr, Numbulwar, Wadeye, Yirrkala, Yuendumu and Umbakumba.

The agreement has five main objectives to:
• provide simpler access and better coordinated government services for Indigenous people in identified communities;
• improve the access of Indigenous people to a full range of suitable and culturally inclusive services;
• raise the standard and range of services delivered to Indigenous families to be broadly consistent with those provided to other Australians in similar sized and located communities;
• improve the level of governance and leadership within Indigenous communities and Indigenous community organisations; and
• increase economic and social participation wherever possible, and promote personal responsibility, engagements and behaviours consistent with social norms.

The Commonwealth Government acknowledged the need for an effective coordination of government services in remote communities and in 2009 established a statutory office of Coordinator-General for Remote Indigenous Services. The Commonwealth Government Coordinator-General has the legal authority to work across government departments to cut through red tape and make sure that services are delivered effectively.

The NT Government also appointed an independent Coordinator-General for Remote Services. Both these roles monitor, report and provide the leadership needed to carry out RSD reforms.

3.6.1 Government Business Managers (GBMs)

GBMs were initially deployed by the Commonwealth Government as part of the NTER. Their role was to be the ‘single government interface’ at the community level, mainly to help Aboriginal people work with NT and Commonwealth Government agencies,
shire councils, not-for-profit organisations and others who deliver services to remote communities. The intention was for the GBM to be the key focal point for coordination of service delivery at the local level and to assist and support community consultations, planning and negotiation. At the end of March 2012 there were 60 GBMs servicing 72 communities at a cost of approximately $28 million per year.

Commonwealth Government staff from all agencies were required to ‘carry out their work under GBM guidance in order to optimise the timing, sequencing and connections with other initiatives . . . and ensure effective and orderly engagement with the community.’ Discussions with community members and GBMs make it clear that this is not always happening. At a recent workshop in Darwin, GBMs reported that programs are still being approved by Commonwealth Government agencies, often Canberra based, without consulting GBMs. Various reports and evaluations of the NTER and reviews of the role and functions of GBMs have highlighted the significant differences in the skills, competence and suitability of some GBMs and their ability to work effectively with communities.9

In 2010 the Australian National Audit Office (ANAO) investigated the role of the GBMs and reported on the administrative effectiveness of FaHCSIA's management of the GBM initiative and how much this has improved community engagement and government coordination.10 The report stated:

\[\ldots\text{over time, as the NTER has moved beyond the initial implementation phase, GBMs' coordination efforts have come to be hampered by the persistence of vertical, single-agency approaches to service delivery and by other agencies' waning recognition of GBMs' coordination role in communities.}\]

At the end of 2008, the NTER Review Board observed that there remained 'a major gap between the laudable intention of whole-of-government management and the reality of its implementation on the ground.'11 Many GBMs agreed with this view at at the recent workshop and expressed ongoing frustration at the lack of adequate response from FaHCSIA's central office about concerns related to Indigenous Coordination Centres, Regional Operations Centres and FaHCSIA's NT State Office. The ANAO pointed out the difficulty in finding out whether whole-of-government coordination activities have been effective and emphasised the importance of monitoring short-term progress.

Given the considerable investment in establishing the GBM positions, their administrative support, remote offices, accommodation and other infrastructure there needs to be a more rigorous and transparent approach to assessing their performance and the cost effectiveness of the role. While the ANAO acknowledges GBMs offer an innovative approach, it also noted their performance needs to be measured properly to make sure that better decisions about these kinds of costly reforms and the allocation of resources can be made in the future.12

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8 FaHCSIA, Government Business Managers Statement of Roles and Responsibilities.
10 ANAO Audit Report No.18 2010–11 Government Business Managers in Aboriginal Communities under the NTER
11 Ibid, p. 85.
12 Ibid p. 23.
In addition to funding the GBMs the Commonwealth Government also agreed to establish a fund of about $11 million each year for GBMs to implement specific projects in communities. This fund has been known variously as the Flexible Funding Pool, the Community Capability Fund and the Local Priority Fund.

**Annual budget for the GBM initiative**

<table>
<thead>
<tr>
<th>Year</th>
<th>GBM initiative ($m)</th>
<th>Local priority funding ($m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007–08</td>
<td>75.9</td>
<td>11.6</td>
</tr>
<tr>
<td>2008–09</td>
<td>30.9</td>
<td>11.5</td>
</tr>
<tr>
<td>2009–10 to 2011–2012 (three years)</td>
<td>84.1</td>
<td>(2009–10 only) 11.3</td>
</tr>
<tr>
<td>Subtotal</td>
<td>190.9</td>
<td>34.4</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$225.3 m</td>
<td></td>
</tr>
</tbody>
</table>

Source: FaHCSIA Portfolio Budget Statements

Largely as a result of community criticisms about the incapacity of GBMs to engage effectively with communities, FaHCSIA created Indigenous Engagement Officer (IEO) positions to work with the GBMs. IEOs are usually language-speakers recruited from local communities. Many have a number of key representative roles, such as membership of school or store management committees or as shire councillors, which can compromise the independence of their IEO role and ability to be involved in community affairs, governance and decision making.

In an interesting aside, many people living in remote communities in the southern half of the NT refer to the Government Business Manager as the Ginger Bread Man – a reference to Grimm's runaway biscuit that at first seems quite smart and very energetic but ends up being eaten by a wily fox.

### 3.6.2 Regional Operations Centres (ROCs)

A Regional Operations Centre was established to support on-the-ground operations and staffed by Commonwealth and NT Government officers. The Darwin ROC was co-located with the NT Government’s Service Delivery Coordination Unit.

Advice from the Commonwealth Government indicated that the ROC in Darwin was to be disbanded and new administrative arrangements put in place under the Stronger Futures legislation. Currently it appears that this decision is being reconsidered.

### 3.6.3 Local Implementation Plans (LIPs)

LIPs for each RSD site are developed in negotiation with Local Reference Groups (LRGs), all levels of government and other stakeholders to guide and inform planning and service delivery for each of the 21 Territory Growth Towns. It is intended that access to services will be improved by changes in the way they are delivered including the enhancement of the cultural competence of service providers through the use of interpreters and translation services.
Each LIP sets out locally agreed priorities, actions, responsibilities and commitments. Comprehensive baseline studies were conducted in late 2009 for each of the 15 RSD sites to provide benchmarks for subsequent performance monitoring and this information informed the development of agreed LIP actions. The baseline studies provide detailed demographic, historical and socio-economic data, including infrastructure and service gaps and needs, and identify service and infrastructure gaps in each RSD site providing a benchmark against a town of comparable size and remoteness. While there has been some criticism of the data regarding its accuracy and reliability, it is a useful tool but needs to be updated and revised as Census 2011 and other data become available.

Overall the baseline reports aim to provide the comprehensive documentation that will allow government and community members to negotiate future infrastructure or service requirements for each RSD site. The NT Department of Housing, Local Government and Regional Services (DHLGRS) has entered into a four year partnership with Charles Darwin University's Northern Institute to replicate some of the baseline mapping measurements, and to assess the most important indicators for measuring progress locally and comparing this to a similar sized non-Aboriginal town.

To improve government coordination the ANAO recommended that FaHCSIA take steps to ensure that agencies reaffirm and sustain their recognition of GBMs’ roles, responsibilities and authority in NTER communities. The ANAO also recommended that FaHCSIA expand the local implementation planning being undertaken in priority communities to other NTER communities.

Concerns have been raised that the initial LIP negotiations were more concerned with process and planning rather than actual services and did not allow for communities to set their own priorities, resulting in the production of unnaturally homogenous LIPs.

The setting aside of many items to Schedule D (second tier priorities), maintained by the ROC but not considered in the first LIP, tends to suggest that governments have filtered community objectives with a very close eye on current budgetary allocations. While this is understandable, it misses the opportunity to begin long term planning where all actions are considered, community and stakeholder priorities examined, realistic timeframes set, and negotiations regarding community commitment to these priorities can commence. To be effective tools the LIPs need to be relevant, place or region specific and to be all encompassing, that is outlining current commitments, medium term options and opportunities, and long term objectives.

### 3.6.4 Base-line mapping

The ROC and Service Delivery Coordination Unit (SDCU) are currently delivering on a 12 month plan to update the LIPs (the LIPs Refresh) based on a three-stage approach:

**Stage 1:** Agency inputs to update information and initiatives undertaken as part of the LIP;
Stage 2: Community inputs and feedback, to confirm community priority; and
Stage 3: Consolidation and analysis of all inputs/feedback; liaison with agencies; and finalisation of LIP documentation

The communities of Lajamanu, Ngukurr, Ntaria, Numbulwar, Milingimbi, Gunbalanya, Wurrumiyanga, Yirrkala and Gapuwiyak have received agency feedback and are on track to meet Stage 2 timeframes.

There is an opportunity in the current refresh process for the refining of the plans to be more relevant and focus on real community priorities and long term objectives.

In some towns where progress has been slow there has been a desire for the LIP to become a regional plan rather than specific to a community. This would appear to align closely with meeting the longer-term government objective of developing a 'hub-and-spoke' model of service delivery, where the RSD sites are central to the coordination of services to smaller outlying towns and potentially homelands and outstations. Building and supporting functional and representative LRGs has been a priority for GBMs and the changeover of GBMs and disruption to regular LRG meetings has delayed progress in a number of towns.

3.7 NT Government

3.7.1 Closing the Gap

The *Closing the Gap of Indigenous Disadvantage: a Generational Plan of Action* was released by the NT Government in August 2007 and included performance targets to be met over five, ten and 20 years. In November 2008 all States and Territories committed to the NIRA and its associated performance reporting against the seven COAG Building Blocks.

In 2009 the NT Government approved the integration of its Closing the Gap targets into the COAG’s Closing the Gap targets and measures as part of the Working Future package of Indigenous policy, with cross-agency coordination by the Department of the Chief Minister. Coordination of the ongoing monitoring and reporting to Cabinet was consistent with the COAG reporting framework. NT Government targets and measures not included in the COAG reporting framework, such as the NT’s child protection and safety targets are managed separately and require continued reporting.

The five year targets for *Closing the Gap of Indigenous Disadvantage: a Generational Plan of Action* outlined in the key areas of Safety, Health, Housing, Education, Jobs, Culture and A Better Way of Doing Business were due in 2012. Those relevant to the COAG *Closing the Gap* building blocks are included in this report in Section 5 Building Blocks.

3.7.2 A Working Future

The former NT Government’s A Working Future policy outlined a vision formulated around government and local people working together to make remote towns and communities better places to live. A Working Future is closely aligned with the COAG
NIRA recognising improved outcomes for Aboriginal people requires the adoption of a multi-faceted approach directed across the seven key building blocks: Early Childhood, Schooling, Health, Economic Participation, Healthy Homes, Safe Communities, and Governance and Leadership.

A Working Future was the Territory Government’s plan for improving the lives of remote Territorians with the former Chief Minister, Paul Henderson, describing it as . . . one of the most important and profound policy reforms since self-government. This is about establishing today, and into the future, 20 functioning towns throughout the NT whereby we would expect to see, over time, towns of between 2,000 and 5,000 people having the same economy, the same facilities, the same level of education and economic outcomes as we would expect to see in similar towns throughout the NT of the same size.13

As many of the funding streams are delivered in partnership with the Commonwealth Government there is much duplication in the identification of programs under the policies and programs of both governments.

The NT Government focussed its attention on four key areas:

1. Getting children to school to get a good education
2. Tackling alcohol abuse
3. Providing improved housing
4. Building strong local economies and increasing job opportunities

The NT and Commonwealth Governments are maintaining their funding commitments to continue the progress made in important service delivery areas.

3.8 Stronger Futures

Legislation associated with the Commonwealth Government’s Stronger Futures in the NT legislation was passed by Federal Parliament on 29 June 2012. While progress has been made in improving Aboriginal people’s lives, the situation in the NT demands a long term commitment. After extensive, although widely criticised, consultation with Aboriginal people in the NT, the Commonwealth Government's commitment under Stronger Futures provides $3.4 billion over the next 10 years.

This commitment includes funding for health and food security; getting children to school and supporting families to give children the best start in life; tackling alcohol abuse and keeping communities safe for vulnerable women and children; providing housing; increasing job opportunities and supporting people to get jobs; and supporting the delivery of municipal and essential services in outstations and homelands.

The following is an initial analysis of Stronger Futures, the 2011 consultation process, and key criticisms and lessons learned since the emergency measures of 2007 which they replace.

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There is no doubt that the $3.4 billion Stronger Futures ten year funding package, secured during a time of fiscal restraint, is a commendable government commitment that should allow long-term planning and service delivery previously unknown in the NT. Underpinning this investment in programs and services, Stronger Futures provides a foundation for working with Aboriginal people to address urgent and problematic issues that have been identified in consultations with the Commonwealth over recent years.

While this funding will in many cases be a ‘catch up’ for the years of under funding of Aboriginal services, the challenge ahead is to ensure these resources are spent in a rigorously transparent and accountable manner that achieves the best possible outcomes. For this to occur there needs to be real and active engagement with Aboriginal Territorians. This means genuine partnerships and planning that invests in the capacity of individuals, families and Aboriginal organisations.

In recent years there has been a growing reliance by governments on bureaucrats and the non-Indigenous not-for-profit (NFP) sector to deliver services in Aboriginal towns/communities. While some NFPs are very capable, most do not have the capacity, cultural competency and local relationships and understanding to deliver these services as effectively as a well-resourced and properly supported Aboriginal organisation could deliver.

The commitments in the 2012/13 Federal Budget\(^{14}\) provide the initial allocations under a $3.4 billion, ten-year package which include the following:

- $713.5 million for primary health care, and better access to allied health services;
- $40.9 million for food security;
- $694.9 million to improve the safety of communities and help communities tackle alcohol abuse;
- $583.4 million to continue to improve children’s access to quality education;
- $442.4 million to strengthen the safety and wellbeing of Aboriginal children, youth and families;

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\(^{14}\) *Closing the Gap in the NT Monitoring Report*, pp. 7, 8.
A Working Future*

**Territory Growth Towns**
The Territory’s largest remote communities will become proper towns, with services, infrastructure and facilities like any other country town in Australia and become the economic and service delivery centres for their regions.

**The 20 Territory Growth Towns**
Maningrida, Wadeye, Borroloola, Wurrumiyanga (Nguiu), Galiwin’ku, Milingimbi, Ngukurr, Angurugu, Umbakumba, Gunbalanya, Yirrkala, Numbulwar, Yuendumu, Ntaria (Hermannsburg), Ramingining, Gapuwiyak, Daguragu/Kalkarindji, Lajamanu, Papunya, Elliott and Ali Curung.

**Outstations and Homelands**
- government will keep funding services outstations and homelands;
- government will ensure that money gets to residents for things they really need;
- Outstations are mostly on private Aboriginal land, so government will concentrate on helping residents and traditional owners to look after their own houses, bores and generators in future;
- government will not be building any new outstations.au

**Remote Service Delivery**
- The Australian and Territory Governments will work together to provide services local people need.
- staff from both governments will work together and have a ‘one-stop shop’ in remote towns.
- both governments will look at how they can work better to provide long-term funding so that communities can plan for the future with certainty.

**Employment and Economic Development**
- Towns and communities need private investment to work properly including local people owning their own businesses and homes to build their wealth.
- if we want private investment, we need to make sure that people and companies can get a long-term, secure lease for their shop, office, workshop or house. With this lease they can borrow money, build their businesses and sell their assets to make a profit.
- government will help local people plan for the future of their local economy and put in place strategies to attract and support new businesses. A long-term Indigenous Economic Development Strategy will help provide the right pathway.

**Remote Transport Strategy**
- People in smaller communities need regular and affordable transport to get to jobs, schools, clinics, shops and other services in larger towns.
- government will work with local people on a Remote Integrated Transport Strategy to help make sure people can get to the larger towns and home safely.

**Closing the Gap Targets and Evaluation**
- Governments need to prove they are achieving real results.
- governments in Australia have agreed to a set of targets to ‘close the gap’ of Indigenous disadvantage, especially in remote areas.
- Territory Government reports against the closing the gap targets every year.

It will also have special evaluation of remote service delivery – to make sure it is really helping remote towns and communities achieve A Working Future.

* A Working Future is the former NT Government policy on Indigenous development
• $206.4 million to support the continuation of basic municipal and essential services for up to 9,000 Aboriginal people living in outstations and homelands;

• $19.1 million to create 50 extra Aboriginal Working on Country ranger positions in remote NT communities over the next four years. In addition, up to 100 Indigenous traineeships will be offered to ensure local people can fill jobs available in their communities;

• $427.4 million to place more local Aboriginal people in Indigenous Engagement Officer jobs, ensure local services are effective, support governance and leadership and local planning, and continue to support interpreting services;

• $283.5 million to improve remote Indigenous housing, and remove asbestos from houses and community buildings. This will complement the substantial investment we are already providing for housing; and

• $13.7 million to continue the family and social support services as part of the Alice Springs Transformation Plan which began in 2009 with over $150 million investment.

There has been no firm commitment to independently review Stronger Futures within the next three years.

3.8.1 Stronger Futures - consultations

The Stronger Futures in the NT discussion paper released on 22 June 2011 outlined ‘policy areas for action’ and set the legislative and policy framework to follow the cessation of the NT National Emergency Response Act 2007 on 18 August 2012.

A series of ‘consultations’ were conducted by FaHCSIA based on the eight pre-determined themes of school attendance and education, employment and economic development, alcohol, community safety and child protection, health, food security and stores, housing and governance. FaHCSIA held meetings between June and August 2011 in almost 100 communities and town camps, including public meetings and over 370 separate engagements with residents and local stakeholders in remote communities and town camps.

While many appreciated the opportunity to talk directly to government and a broad range of issues were raised, not all were directly associated with Stronger Futures. Many people wanted to talk about the problems associated with the local government reforms and the lack of jobs.

There has been considerable and widespread criticism regarding the way these meetings and discussions were conducted, as indicated by submissions to the Senate Standing Committee on Community Affairs inquiry into the Stronger Futures legislation.

15 Stronger Futures in the NT, Report on Consultations, October 2011, p. 5.
16 Closing the Gap in the NT Monitoring Report, Part 2, July to December 2011, p. 95.
Key concerns include the haste in which the meetings were organised, publicised and conducted; their prescriptive use of the eight themes for discussion; the fly-in-fly-out nature of the visits; the inconsistent skills of facilitating staff; and the quality and veracity of notes taken by FaHCSIA staff, leaving open the possibility of missed comment and incorrect nuance.

While the NT Aboriginal Interpreter Service was employed throughout these consultations, not enough time was allowed to ensure there was full and appropriate understanding and engagement that is required for effective and meaningful consultation. They were conducted with a need to meet well known legislative, administrative and budgetary cycles related to the cessation of the NTER legislation on 18 August 2012, and this deadline, rather than proper engagement, became the priority.

It is therefore more fitting and accurate to describe what has been termed by the Commonwealth Government as the Stronger Futures ‘consultations’ as a series of discussions and information sessions.

As outlined in the submission by the Australian Human Rights Commission to the Senate Committee inquiry into Stronger Futures, proper consultation requires a sufficient time frame that respects representative and decision making structures.

<table>
<thead>
<tr>
<th>Key elements of Stronger Futures</th>
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<tbody>
<tr>
<td>The Stronger Futures laws repeal the Northern Territory National Emergency Response Act 2007, however key measures introduced with the NTER—including those associated with the Social Security Act and NT Aboriginal Land Rights legislation—will continue. These include:</td>
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<tr>
<td>• Existing alcohol restrictions.</td>
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<td>• Income management.</td>
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<td>• Bans on the possession of pornographic material within prescribed areas.</td>
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<tr>
<td>• Exclusion of customary law or cultural practices in consideration of bail applications or sentencing.</td>
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<tr>
<td>• Australian Crime Commission powers to investigate ‘Indigenous violence or child abuse’ and the National Indigenous Violence and Child Abuse Intelligence Taskforce to remain.</td>
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<tr>
<td>• Removal of permit system for ‘common areas’ of 52 communities including airstrips and access roads with permits needed for remaining Aboriginal land.</td>
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</tbody>
</table>

Stronger Futures will also see:

• Increased penalties for grog-running that align with NT laws prior to the NTER, an emphasis on Alcohol Management Plans and ability to act on ‘rogue’ licensees.
• The cessation of compulsory five year leasing with a move to negotiated long-term leases and changes to enable town camps and Community Living Areas to use land for purposes such as economic development.
• The expansion of store licensing and regulation.
• People referred for income management by alcohol tribunals.
• Exemption in order for customary law and cultural practices to be considered in matters concerning protection of cultural heritage, cultural sites and cultural objects.
and allows relevant information to be provided in a timely and accessible way. The recommendation to improve on this in the future is supported.\(^\text{18}\)

Statements given to the Senate Committee inquiry when it visited Ntaria, Alice Springs, Darwin and Maningrida in February 2012 highlight the continued widespread confusion and misinformation regarding the Stronger Futures measures (and the NTER) among the very people targeted by the legislation. This is due in part to the simultaneous changes to local government and CDEP that took place as the NTER was being rolled out. However, FaHCSIA must take responsibility for the high level of confusion and mistrust that is being generated over Stronger Futures due to a lack of adequate information and materials targeting Aboriginal Territorians. This has been compounded by the publicity given to often incorrect criticism of the measures in the media. This lack of adequate information and consultation directly counters government pronouncements regarding its relationship with Aboriginal people, which include:

> The Government has acknowledged the hurt and confusion experienced by Aboriginal people in the Territory in the way NT Emergency Response was implemented by the previous government. That’s why the process for developing the Stronger Futures legislation has been very different from the initial NT Emergency Response.\(^\text{19}\)

> The consultations have been another important step in forging a real partnership between the Australian Government and Indigenous Territorians. Since this Government came to office, we have been committed to building a relationship with Aboriginal people that is based on mutual respect, cooperation and responsibility.\(^\text{20}\)

A graphic-based booklet used during the 2011 discussions that outlined the eight themes was reportedly well received, as was a FaHCSIA DVD translated into key NT Aboriginal languages released in February 2012. However by the time the Stronger Futures legislation was passed FaHCSIA had not produced any new materials in almost five months. The variable skills of the GBMs, supported by IEOs, have been used as the key source of government information on Stronger Futures measures to people in prescribed communities, an approach often rejected by community members as information sessions that either ignore or do not allow full community input.\(^\text{21}\)

### 3.8.2 Stronger Futures - concerns

An amendment made to the Stronger Futures Bill aims to ensure nothing within the legislation suspends or limits the application of the *Racial Discrimination Act 1975*. However the Australian Human Rights Commission asserts that international human rights conventions may continue to be contravened by some aspects of the Stronger Futures legislation, such as the expansion of the school enrolment attendance


21 FaHCSIA Remote Staff workshop, Darwin 5-6 June 2012.
measures (SEAM) and obligations under the Convention on the Rights of the Child.\textsuperscript{22}

It was envisaged that initial measures introduced under the NTER were to follow a staged transition from ‘crisis’ management to ‘normalised’ arrangements, yet some of the more punitive elements continue to this day, five years later, and will do so under Stronger Futures.

Elements of Stronger Futures that are of most concern include:

- the continuation of income management and its expansion nationally according to post code;
- the expansion of SEAM through Welfare Reform even though an evaluation of trials show it to be ineffective in improving school attendance and enrolment;\textsuperscript{23}
- the continuation of the ‘star chamber powers’\textsuperscript{24} of the Australian Crime Commission introduced in 2008, which removes the right to silence in order to gain specific intelligence on violence, child abuse and offences related to substance abuse and pornography in Aboriginal communities; and
- the continued prevention of customary law and cultural practice to be considered in sentencing and bail applications.

There is still a high level of resentment by many Aboriginal people about what is perceived as the Commonwealth Government’s top down approach to policy and program development. Many Aboriginal people feel that their input is not valued and they have been ignored while large amounts of funding are allocated to programs that affect their lives.

As reiterated throughout this report, only by truly engaging with Aboriginal people on the ground, strengthening the capacity of their organisations and ensuring government, their staff and agents have adequate skills and social and cultural understanding of their clients will there be a significant closing of the gap in Indigenous disadvantage.

3.9 Key issues and comments

3.9.1 Overcoming Indigenous Disadvantage Report 2011

In the 2011 Overcoming Indigenous Disadvantage (OID) report, the Chairman of the Productivity Commission, Gary Banks remarked that:

Nine years after this series was commissioned, there is still a considerable way to go if we are to fulfil COAG’s commitment to close the gap in Indigenous disadvantage. Wide gaps in average outcomes remain across most indicators. Of the 45 quantitative indicators in the report, for example, available data show

\begin{itemize}
\item \textsuperscript{22} Australian Human Rights Commission, Submission to the Senate Community Affairs Legislation Committee, Inquiry into Stronger Futures in the NT Bill 2011 and two related Bills, p. 34.
\item \textsuperscript{23} Recent briefings provided by DEEWR advise penalties imposed under SEAM will only be applied as a ‘last resort’.
\item \textsuperscript{24} Paterson, J., Chief Executive Officer, Aboriginal Medical Services Alliance of the NT, \textit{Hansard}, 24 February 2012 p. 47.
\end{itemize}
improvement in outcomes for only 13 indicators — including in employment, educational attainment and home ownership. For 10 there has been no real improvement, while for another seven, including social indicators such as criminal justice, outcomes have actually deteriorated.

The ongoing issue of the provision of good quality data is raised again, with Banks commenting that in one third of the indicators in this edition adequate data were not available to measure changes over time. Despite Banks's reflection that ‘all governments have committed to improving data availability and quality’ this has been a major issue since COAG first gave priority to improving Indigenous health data in 1992. In regard to the most recent findings, improved outcomes were noted in these areas:

- the mortality rate for Indigenous people declined by 27% between 1991 and 2009, leading to a narrowing (but not closing) of the gap with non-Indigenous people;
- Indigenous young child (0–4 years) and infant (0–12 months) mortality rates declined by over 45% between 1991 and 2009 (in WA, SA and the NT where data were available);
- nationally, Indigenous home ownership has increased; and
- Indigenous people are achieving better outcomes in post-secondary education, employment and income.

However, outcomes in these areas have also improved for non-Indigenous people, leading to little or no closing of the gap. As increasing numbers of urban residents with greater access to services identify as Aboriginal in the Census, the national improvements mentioned are not occurring in remote Aboriginal communities which have always identified as Aboriginal.

Nationally there appears to have been less progress with little change in literacy and numeracy levels, most health indicators and overcrowded housing. The situation is deteriorating in the rates of child abuse and neglect and adult imprisonment for Indigenous people, although with some recent improvement in juvenile detention rates.

After consulting with Aboriginal people and government agencies the report highlights a number of factors that contribute to successful program design, delivery and implementation, namely:

- cooperative approaches between Indigenous people and government—often with the not-for-profit and private sectors;
- community involvement in program design and decision-making—a 'bottom-up' rather than 'top-down' approach;
- good governance—at organisation, community and government levels; and
- on-going government support—including human, financial and physical resources.
While these factors have been stressed countless times over the last few decades it is still difficult to see how they are being incorporated in the current ‘top-down’ approach to Indigenous development. The OID report notes that ‘the lack of any of these factors can result in program failure.’

3.9.2 Whole-of-government

The Commonwealth Government has adopted a whole-of-government approach to Indigenous policy, program and service delivery (e.g. COAG Whole-of-government Trials, NTER) in an effort to improve access to services and to address Indigenous disadvantage. While various local and regional initiatives have been pursued the results are highly variable and successful outcomes are often contingent on the quality and leadership capabilities of key personnel and the relationships that they are able to foster between governments and across agencies.

Innovative approaches within government are needed to respond more effectively to new and changing community expectations in a complex operating environment. The underlying principles are to develop a ‘joined-up approach’ to service delivery, reduce or avoid duplication and to improve cooperation and collaboration across and within agencies to break down program and agency silos.

There is no doubt that much has been learned about what does not work and there is also a growing awareness and understanding of the necessary pre-conditions for effective whole-of-government approaches for improving coordination and service delivery to Indigenous Australians including the need for:

- sound understanding and knowledge of local/regional context (historical, cultural, political and social factors as well as detailed knowledge of existing service delivery arrangements, service gaps, and needs);
- time and timeliness – investing in sufficient time to develop relationships while simultaneously maintaining progress on critical outcomes and not just processes;
- genuine community engagement, local ownership and trust;
- clarity and agreement on processes and intended outcomes;
- measurable performance indicators and timely delivery on agreed commitments;
- effective and appropriate communications (between community and government agencies);
- well designed project management frameworks including participatory planning;
- accountability (within and between agencies and between governments and beneficiaries);

25 OID, August 2011, p. 9.
• flexible, pooled funding;
• streamlined reporting.

While there is a commitment by the Commonwealth Government to a whole-of-government approach, it is also necessary to ensure effective partnership with NT Government agencies that have primary responsibility for delivery of core services (health, education, community safety, emergency services) is established and maintained.

There is some evidence of poor inter-governmental relationships developing through mistrust, changes in key personnel and a perception that each level of government lacks knowledge, expertise and capacity. This was particularly evident during the initial phase of the Strategic Indigenous Housing and Infrastructure Program (SIHIP) where there was enormous public and political pressure to deliver quickly on a large, complex project that required appropriate planning and lead time. There was a strongly held view by the Commonwealth Government that the NT Government lacked the necessary capacity to deliver timely outcomes within the agreed budget.

Clear and measurable performance indicators set out in the LIPs under the NPAs are important developments in monitoring the progress of desired outcomes. However the Commonwealth Government and the COAG Reform Council regularly express concerns about the timeliness, reliability and accuracy of data from jurisdictions to properly assess what changes are being made and what outcomes are being achieved.

Some of these issues and concerns are addressed through the NPA on Remote Service Delivery that has established governance mechanisms for its implementation and operation. However, similar structures have not been established for other NPAs, which will limit opportunities for improved collaboration and coordination between governments.

There is concern and frustration at all levels about the lack of sustained improvement in school attendance despite the many and varied initiatives (school liaison officer, truancy officers, SEAM, ‘Every day, Every Child’, Parents and Community Engagement (PaCE) program) to improve student attendance. Improved outcomes in health, education and child/family wellbeing are likely to take some time before sustained progress and improved outcomes in this area are realised.

The fragmentation, duplication and inadequate service provision of the array of Indigenous-specific and mainstream government programs are significant impediments to coordinating service delivery at the local and regional level.²⁶

Despite numerous reports and recommendations (far too many to list) there is no evidence that there has been a rationalisation of programs, any reduction in ‘red-tape’ or streamlined reporting. Few examples of government agencies responding to community requests for pooled funding to meet identified needs can be found. Where this has occurred, it is directly as a result of negotiations conducted under Regional

²⁶ Refer appendices at the end of Chapter 4.
Partnership Agreements where Aboriginal organisations have invested their own resources in the provision of public infrastructure such as roads (e.g. Groote Eylandt Regional Partnership Agreement).

There are significant opportunities for reform within government to provide accountable, efficient and flexible, multi-year, block funding aligned to closing the gap building block targets. Re-negotiation of priorities identified in LIPs in RSD sites provides the opportunity for the practical demonstration of whole-of-government coordination, collaboration and a genuine partnership with Aboriginal communities.

3.9.3 Current situation

On recent visits to NT RSD sites during the LIP refresh process it was apparent that there is still substantial work to be done in effectively coordinating a whole-of-government approach particularly in the areas of early childhood, family and youth program services.

In his May 2011 report the NT Coordinator General, Bob Beadman, noted that there were ‘240 direct services delivered in the 15 RSD priority towns (an average of 16 in each site) with a further 45 indirect services impacting on children or families’. He gave the example of 25 services in Wurrumiyanga. By February 2012 little had changed. Members of the Local Reference Group (LRG) reported that multiple agencies were acting in virtual competition for children to attend their service with many programs delivered by staff not resident in the community and commuting from Darwin at great expense.

Beadman further noted ‘the dearth of universal services’ and the ‘complex funding and bureaucratic service environment.’ He concluded that services such as crèches and playgroups were still being delivered alongside newer, more innovative and potentially more effective programs such as Families as First Teachers and the Indigenous Parent Support Service. The result is that numerous NFP organisations are funded by Commonwealth Government agencies (through FaHCSIA, DOHA and DEEWR) and NT Government departments (through DET, DCF and DoH) with little apparent coordination, high levels of duplication of effort and at considerable expense.

Similar issues were raised in Maningrida concerning the lack of coordination in the planning for the new early childhood centre. Despite ongoing discussions within government, the LRG were unclear about who would be managing the development and were concerned at the lack of any meetings with community members or with local organisations. The LRG also expressed concern about early childhood program staff arriving in the community without prior notice, operating in isolation and not engaging with the community. Community members were also concerned about the impact of this new program on the existing well-functioning crèche run by local women. In the area of services for youth the issues are remarkably similar.
3.9.4 Service delivery coordination

The underlying assumptions inherent in the policy approach to service delivery in NT remote communities often fail to take account of the legacy of the profound neglect by past governments. The approach does little to ensure the appropriate level of investment necessary to provide the basic essentials necessary for the enjoyment of a healthy and fulfilling life and equal citizenship entitlements. It is the responsibility of government to provide a standard of services for health, education, water and sanitation for all citizens regardless of where people live, in the same manner as the universal obligations for postal services and telecommunications.

There are not only massive pre-existing service gaps but also a serious lack of high quality, evidence-based program and service development particularly in youth, early childhood, aged care and disability services. This lack of long-term strategic vision means governments have spread resources as widely as possible in a ‘scatter-gun’ or ‘confetti’ approach. This results in partially funding community initiatives for short periods with no long term strategy for how the positions created or initiatives undertaken will be sustained. The examples are many and include:

- Provision of 50% of a salary for youth workers for one year when a full-time permanent position is required if youth centres and programs are to continue to engage disaffected and disengaged youth for a significant period; or
- Delivering mobile and visiting early childhood education programs that are likely to have limited benefit rather than adopting planned, appropriately resourced services and programs that have a sound evidence base for achieving improved outcomes for vulnerable and disadvantaged populations.

In November 2008 the COAG endorsed a new NPA on Early Childhood Education. Under the agreement, the Commonwealth and Territory governments committed to ensuring... that all children have access to a quality early childhood education program by 2013, delivered by a four-year university-trained early childhood teacher, for 15 hours a week, 40 weeks a year, in the year before formal schooling. The Australian Government’s commitment of $970 million over five years included $955 million to states and territories to support their implementation of the Universal Access initiative.\(^{27}\)

However, there is nothing approaching universal access with the NT’s early childhood programs provided through random grant funding for a small percentage of the overall population of four year old children. Total preschool enrolment in the Territory Growth Towns in 2007 was 646 but by 2011 had fallen to 500 despite the growth in the Aboriginal population.\(^{28}\)

With the fragmentation of Aboriginal funding into hundreds of discrete programs and the duplication of programs at single locations, it is obvious that it is a long path forward for government to improve its own ability to coordinate and integrate

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common policy and program objectives. On Groote Eylandt there are seven separate activities being funded by DEEWR focussing on school/community engagement, all at the same location, undertaken by multiple providers, and none of which are integrated.

### 3.9.5 Governance and engagement

It is unfortunate that the current LIP refresh process is failing to engage key community organisations. Meetings are being held where there are no NT Government staff present and where, for example, a GBM relays messages from NT Government clinic staff about a change of LIP actions without any discussion with the Local Reference Group. Similarly, issues related to the shires, housing and youth services are discussed in the absence of shire staff, the Housing Reference Group and housing staff, or staff of the NGOs providing youth services. Perhaps a better approach may be to have fewer meetings tailored to specific issues and interest groups, rather than trying to cover such a wide range of issues in each meeting.

The Assessment of Governance and Community Engagement (AGCE) research project, commissioned by DHLGRS, examined the functioning of Local Reference Groups, Local Government Boards, Housing Reference Groups and other community engagement groups. While governance and leadership support is being provided to build the skills and capacity of LRGs in response to the AGCE report, there is a serious issue arising regarding the proliferation of advisory committees established by various government departments that are neither able to make decisions nor allocate resources.

The report notes that community leaders across all RSD sites expressed concern about the fragmentation of former community and organisation governing structures. In submissions to the Stronger Future Senate Committee hearings it was stated that:

> Aboriginal people also need to have appropriate levels of resourcing and access to independent professional and technical assistance to enable communities to make informed decisions when they are participating in [those] negotiations. I think it would also be helpful for government to pay much more attention to the question of capacity development.

What is termed engagement by governments is often a largely passive, information session that does not allow sufficient time to engage communities in meaningful participatory planning or decision-making. Dissemination of information does not constitute informed decision-making by Aboriginal people and is not consultative.

### 3.9.6 Non-Indigenous not-for-profit (NFP) sector

The Commonwealth Government does not directly engage in service delivery itself, instead relying on the disbursements of Commonwealth Own Purpose Expenditure (COPE) grants, contracts and tenders to external third party (not-for-profit) organisations to deliver early childhood, youth, employment, literacy and numeracy, family support, financial literacy/household budgeting and sport and recreational programs.

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29 Langford, Assessment of Governance and Community Engagement, 2011
Since the introduction of the NTER in 2007, direct source, multi-year, multi-site funding to non-Indigenous not-for-profit (NFP) organisations appears to have become the preferred model for the delivery of services in remote Aboriginal communities.

Concerns by government about Indigenous governance and organisational capacity, and the desire to ‘mainstream’ has resulted in an increased reliance on non-Indigenous NFP organisations that are seen as less risky. Paradoxically, in 2008 COAG committed to investing and supporting the service delivery capacity of Indigenous organisations under the NIRA to promote opportunities to work in partnership to achieve Closing the Gap reform targets.

The Aboriginal community sector has grown significantly since the 1970s and plays a crucial role in delivering a diverse range of primarily Commonwealth Government funded services as well as supporting local and regional employment initiatives, governance and advocacy. Many Aboriginal organisations operate in an uncertain environment lacking a secure funding base and the necessary professional and technical support needed to strengthen and improve their capacity to deliver sustainable, high quality programs and services.  

The Commonwealth Government’s direct source procurement process has actively driven the proliferation of non-Indigenous NFP organisations in remote service delivery often in direct competition with local community-based organisations.

There is no contractual requirement for third party contractors to enter into formal partnerships with, or develop and strengthen the capacity of Aboriginal organisations. This is a short-sighted approach and does little to ensure long-term viability of Aboriginal organisations and their potential to create permanent employment opportunities for people living in remote areas and to deliver culturally appropriate services.

Many NFP organisations have had little or no prior experience of working with Aboriginal people, nor do they necessarily have any sector expertise yet they have been contracted to provide an array of specialist services (Women's safe houses, financial literacy, early childhood and youth services). Despite the lack of prior relationships, cultural competence, sector expertise and an absence of a permanent presence in Aboriginal communities, NFPs have become the preferred providers of government funded services in remote communities with high costs associated with a ‘fly-in-fly-out’ or ‘drive-in-drive-out’ service delivery.

The Commonwealth Government recently announced under Stronger Futures that the Communities for Children (C4C) program will be expanded into 19 communities in the NT. They have recently included in this program an enhanced role for Aboriginal organisations and that includes support the Aboriginal service sector and communities to deliver services and building capacity in their own communities.

A ‘facilitating partner’ model of service delivery is appropriate in locations where there are a number of existing, complementary service providers that may operate

in isolation from each other. This is not the situation in remote Aboriginal towns and communities where these services are either non-existent or are poorly developed. The cultural competency of the providers is questionable, as is the cultural appropriateness of services provided, cost effectiveness and efficacy of this model of service delivery. Recent advice from FaHCSIA confirms the redesigned C4C service delivery approach will be adopted in remote communities.

There is a growing body of evidence demonstrating the efficacy and benefits of well-managed, community-based and controlled organisations that can provide culturally appropriate and responsive services. For example, Aboriginal community controlled health services have played a significant role in providing primary health care services, having sound local knowledge, cultural competence and experience in delivering a diverse range of complementary health programs.

The notion that mainstream NFPs can deliver a superior and more cost effective service than local Aboriginal organisations is highly questionable. Program evaluations of youth and early childhood services delivered by mainstream NFPs highlight the challenges faced by these organisations in their work in remote communities. The following snapshots are real examples of NFPs contracted by the Commonwealth Government to deliver services in Aboriginal communities in the NT.

**Example 1:** Y organisation received a total $7.5 million from three Australian Government agencies over three years to deliver an integrated youth services project in Central Australia where there are two existing regional Aboriginal service providers with local knowledge and experience. The local Aboriginal organisations were not invited to submit a competitive tender nor were they invited to partner with the preferred contractor who experienced substantial difficulties in delivering effective youth programs.

An evaluation of the program noted serious flaws in its design and implementation and observed the lack of any demonstrated, sustainable outcomes for the investment over the term of the contract.

**Example 2:** Z organisation was contracted to deliver a multi-million dollar youth program ($5 million over 3 years) to be delivered in five Top End communities. They were contracted to provide one qualified youth worker and two youth trainees per site. A mid-term evaluation of the program revealed serious deficiencies. One community actively declined engagement.

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with the NFP, in another community, senior community members wrote to
the organisation expressing their frustration and disappointment that had
effectively ‘taken’ funding that was previously provided directly to them for
youth programs, and in a third site, the community and GBM continuously
expressed dissatisfaction with the program and conduct of staff employed by Z.

Despite poor performance this organisation has been invited to submit a
proposal for the continuation and expansion of early childhood, youth and
family services under Stronger Futures.

Recent experience in the NT has seen some non-Indigenous NFO organisations
successfully tender for government grants only to find themselves in a position
where they are unable to deliver. While some recognised this inability and returned
substantial funding others do not acknowledge their limitations and services have
been poorly targeted and inappropriate.

A robust accreditation and quality assurance process is urgently needed to assess the
capabilities and cultural competence of mainstream NFP organisations.

The existing approach by Government to NFP contractual arrangements needs to be
overhauled and redesigned to include:

- a national accreditation scheme for NFPs, similar to AusAID NGO
  accreditation and a robust quality assurance framework;
- development of a partnership toolkit so both parties (non-Indigenous NFP and
  Aboriginal organisations) are clear about the rationale for partnerships, what
  each party can bring to the arrangement, and examples of governance, decision
  making, accountabilities, reporting, etc.;
- multi-year contracts requiring NFP organisations to strengthen and enhance
  the organisational capacity of local Aboriginal community organisations or to
  facilitate their establishment when necessary;
- a mandatory Capacity Development Plan to be assessed with a weighting
  scale to demonstrate it is an essential requirement of the funding agreement;
- a schedule of approved/accredited non-Indigenous NFPs (similar to the
  approved consultants register) and details of their particular expertise or
  specialisation, e.g. education, health. This would help communities to have
  access to information about a pool of NFPs and what they have to offer; and
- a sustainability plan to detail how services will be funded to continue and
  who will deliver these services post the NFP contract.

### 3.9.7 Capacity development

Capacity development requires an ‘enabling’ environment – that is, a political and
policy environment that is coherent and consistent in its approach and supports
development of both individuals and organisations.
International experience further suggests the most successful approach to capacity development needs to be systematic with a long-term outlook, flexible and responsive to suit local circumstances, and strategic in addressing capacity at multiple levels that includes the operating environment and organisational and individual capacity.

Some capacity development initiatives for Indigenous organisations began in the late 1980s to overcome management deficiencies in Aboriginal organisations. However, these initiatives have tended to focus on corporate compliance and governance, leadership programs and certificate level training (often without the guarantee of a job at the completion of the training) as the response to workforce development.

These piecemeal approaches to capacity development are extremely limited. They do not address the need to establish the foundations necessary for sound management and administration that includes the development of policies, procedures, finance, HR and IT systems, strategic and business planning. As noted previously, there is little consideration given by government to addressing the disabling factors at play in the current operating environment including bureaucratic red tape and the administrative burden associated with program and financial reporting.

The ANAO audit report, *Capacity Development for Indigenous Service Delivery*, notes there are mixed views within senior management of government agencies about ‘whether the government or a service provider has primary responsibility to ensure sufficient capacity to deliver services, where it was funded to do so.'

More attention and effort is required by governments to achieve the commitments made under the NIRA to support the Indigenous service sector. Long-term partnerships and collaboration are needed rather than the continued contracting of the non-Indigenous NFP sector.

Government initiatives intended to improve outcomes for Indigenous Australians must adopt a strengths-based approach that actively engages and genuinely partners with communities, target groups and intended beneficiaries.

Currently there is no overarching policy, strategy or coherent approach to Indigenous organisational strengthening and capacity development. Aboriginal organisations would benefit enormously from an adequately resourced dedicated program designed to provide access to professional, technical and systems development, support for professional development (management, business, etc.) and strategic and business planning.

A stable, consistent policy and operating environment together with triennial or quadrennial funding would help create stronger, more viable Aboriginal organisations that are able to provide secure employment opportunities for local people to deliver much needed services.

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32 63% of Senior Executive Service (SES) officers surveyed considered capacity development is the responsibility of the contracted service provider and was not a primary responsibility of government. (ANAO Report No. 26, 2011-12).
3.9.8 Income Management

The introduction of income management in September 2007 was, and continues to be, one of the most controversial elements of the NTER. Aboriginal people living in ‘prescribed communities’ who were recipients of Centrelink income support payments and Veterans Affairs benefits were subjected to compulsory income quarantining. The policy applied regardless of individual circumstances and included people without dependents, aged pensioners, people on disability support benefits, non-drinkers, responsible parents and carers of children.

Income management was intended to ensure that welfare payments were spent on essential items only and to reduce ‘humbugging’. It is intended to promote socially responsible behaviour, particularly in relation to the care of children.

Fifty percent of a person’s income support and family assistance payments, and 100% of advances, lump sum payments and the Baby Bonus were quarantined by Centrelink and Veterans Affairs to ensure that the priority needs of people, particularly children, could be met through the proper expenditure of income support money. The managed funds are available through a Basics Card that can only be used to purchase priority goods and services – food, rent, utilities, clothing, health and education. Managed funds cannot be used to purchase prohibited goods such as alcohol, gambling products, tobacco or pornography.

Income management was initially limited to 73 prescribed communities in the NT including Town Camps, outstations and homelands. In mid-2010 it was progressively expanded across the whole of the NT and more recently, into other locations across Australia where specific groups of Centrelink customers are considered to be at high risk of social isolation and disengagement, poor financial literacy and engaged in ‘risky behaviours’.

Target groups for income management are:

- Disengaged youth – Centrelink recipients aged 15-24 years who received Youth Allowance, Newstart, Special Benefits or Parenting Payments for 3 of the last 6 months; and

- Long-term welfare payment recipients aged 25 years or more who received Youth Allowance, Newstart, Special Benefit or Parenting Payments for more than 1 year of the last 2 years.

In March 2009, approximately 15,000 people in the NT were subject to Income Management. The most common payment types of income managed Centrelink clients were Newstart (approximately 38%), Disability Support Pension (20%), Parenting Payment Partnered (14%) and Parenting Payment Single (12%) with Aged pensions and other payments making up the balance.

While some Aboriginal people have strongly supported the introduction of income management, there are others who have been highly critical of it. It is important
to understand the broader context in which income management was introduced. Unlike the Queensland Cape York Welfare Reform trial where income quarantining is a measure of last resort, in the NT it was universally applied to all Aboriginal people living in prescribed communities and in receipt of Income Support payments.

Prior to the NTER in the absence of banking and financial services in remote communities many Aboriginal welfare recipients used the voluntary Centrepay deduction scheme to manage their financial affairs. The take up of voluntary periodic Centrepay deductions had been increasing as people became aware of this service.

Aboriginal organisations such as Tangentyere Council in Alice Springs also provided a voluntary financial management arrangement for their clients where people favoured using purchase orders rather than handling key cards or cash. In Wugularr the women’s centre had a long established school nutrition program run and managed by local women and funded through voluntary Centrelink deductions from Family Benefits payments. These are just a small number of examples of individuals, organisations and communities that were exercising financial responsibility.

From July 2010 the income management program was mainstreamed and applied to:

- people aged 15 to 24 who have been in receipt of welfare payment for more than 3 of the last 6 months;
- people aged 25 and above on welfare payments such as Newstart Allowance and Parenting Payment for more than 1 year in the last 2 years;
- people referred for income management by child protection authorities; and
- people assessed by Centrelink social workers as requiring income management due to vulnerability to financial crisis, domestic violence or economic abuse (vulnerable welfare payment recipient); and

An additional $350 million over 4 years was committed by the Commonwealth Government for the expansion of the program in the NT. A report by the Australian Institute of Health and Welfare on the evaluation of Income Management was ‘dependent on the views and perceptions of stakeholders’ about the outcomes of income management. It would have been useful if this evaluation also looked at the program’s efficacy through empirical evidence, particularly its cost and actual benefits.

**Program costs**

FaHCSIA estimates that the average cost of delivering the income management program is between $5,000 and $5,500 per person per annum. This is a substantial

administrative cost when considering Centrelink benefits for Youth Allowance for a single person under 18 years with no children and living at home is $220.40 per fortnight or $5,730 per annum; the Newstart Allowance for a single person with no children is $489.70 per fortnight or $12,732 per annum; the Newstart payment for a single person with a dependent child is $529.80 per fortnight or $13,774 per annum; and the Parenting Payment for a sole parent family is $648.50 per fortnight or $16,861 per annum.  

There is little available national or international evidence of the efficacy of externally imposed income management programs to modify people's behaviour or engender financial responsibility. Appropriately designed and delivered financial literacy programs can no doubt contribute to building people's knowledge and understanding of banking, credit management and savings. However, it is also recognised that acquisition of competencies in household budgeting and financial management tend to be more a function of what individuals learn from families and friends – people teach each other!

**Exemption from Income Management**

To be eligible for exemption from the income management scheme people in the identified categories who do not have dependent children must satisfy Centrelink that they are undertaking approved activities. They must be engaged in full time study or have worked a minimum of 15 hours per week for at least 6 of the last 12 months and been paid at least the minimum wage.

People with dependent children must also satisfy Centrelink that:

- there were no indications of financial vulnerability in the last 12 months before they applied for an exemption (the financial vulnerability test);
- each school-aged child is enrolled in, and attending school for the past 2 terms with no more than 5 unexplained absences in a school term, and
- each child under school age participates in age-appropriate childhood services and activities.

Applicants with dependent children seeking an exemption from income management must first pass a ‘financial vulnerability’ test. Centrelink must be satisfied that there were no indications of financial vulnerability in the 12 months before the person applied for the exemption.

Indicators of financial vulnerability include:

- **Financial exploitation** - that the person has sole control over their Basics Card and PIN number; that the person can decline/refuse requests for money by other family members, and that Basics Card transactions have not declined due to insufficient funds.

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• **Priority needs** – what the priority needs of the person and the person’s dependants were during the 12 months prior to the application for exemption, and whether during that period the person applied appropriate resources to meet some or all of those priority needs;

• **Money management strategies** – what strategies the person used to manage their financial resources and whether it is likely that the person will continue to use those strategies or similar strategies to manage their financial resources in the foreseeable future;

• **Urgent payments** – whether the person received more than one payment in relation to their social security entitlement in any fortnight during the preceding 12 months; and how many times a person requested a change to their usual social security payment payday in the last 12 months and the reasons for the requested change.

Many people have experienced difficulties seeking an exemption from the Income Management scheme. It is clear from the financial vulnerability assessment criteria that many Aboriginal people would fail this test for many reasons that are not necessarily justifiable. Declined transactions are not always an indicator of financial vulnerability given the difficulties many people experience in obtaining a balance on their Centrelink Basics Card. Cultural and family obligations to kin and extended family should not automatically be considered by Centrelink staff to situations of ‘financial exploitation’.

The recent report[^36] by the Acting Commonwealth Ombudsman observed that the relevant legislation (*Social Security Act*) did not explain how long a financial vulnerability exemption refusal decision would be in effect. It appears that a person could re-apply for an exemption as soon as a refusal decision was made and as often as they wished.

The Acting Commonwealth Ombudsman’s review of Centrelink Income Management decisions in the NT also found numerous examples where customers’ requests for exemptions had not been actioned, that decisions to reject applications for exemptions may have been incorrect, and that clients were incorrectly advised that they could not re-apply for an exemption for 12 months after they had failed the financial vulnerability test.

The Ombudsman’s report also noted that from August 2010 to April 2011 1,075 customers were granted financial vulnerability exemptions, 180 had been refused and from 16 April 2011 to October 2011 there had been 754 exemptions granted. The vast majority of Centrelink clients seeking exemptions from income management are Aboriginal people (80%) who were likely to require the assistance of an interpreter. However, of the cases reviewed by the Ombudsman’s office, there was evidence that an interpreter was employed in only two cases.

The Commonwealth Ombudsman’s office will continue to monitor and review progress on the recommendations made to Centrelink regarding implementation and decision-making associated with income management.

One-stop shop Business Centres

It is well understood that people resident in remote areas of the Northern Territory experience considerable difficulty in accessing critical government services which would allow them a greater level participation in mainstream society than is currently possible. Simple procedures for urban dwellers, such as obtaining a birth certificate, renewing a driver’s licence, paying a power bill or a fine, are completely unavailable to remote residents.

Over the last three years proposals have been developed for the creation of “one-stop shop” Business Centres or RSD Shopfronts in each of the Remote Service Delivery (RSD) towns and Territory Growth Towns (TGT). These centres honoured a commitment under the COAG’s National Indigenous Reform Agenda and the Remote Service Delivery NPA to establish,

“the same standards of and access to government services in these growing remote population centres to that which was currently available in similar size centres across Australia”.

A number of NTG agencies submitted proposals for establishing permanent and direct services to RSD/TGT. The RSD sub-committee of Chief Executives’ Coordination Committee was charged with the development of an implementation plan for the roll out of these Business Centres. The establishment of these centres was a priority item, identified by communities and their Local Reference Groups, in the Local Implementation Plans of the RSD/TGT towns and this commitment was supported by both the Commonwealth and (previous) Territory governments.

The Business Centres offer a number of positive advantages to the Territory government in improving its response to service delivery in remote areas. The service model, for example, would allow the employment of local Indigenous multi-disciplinary staff to provide access to a potentially large range of government services. In addition, these centres would greatly improve the access for people living in remote areas to a range of services currently only available in urban centres.

The development of these centres would also provide a central administrative hub in the RSD/TGTs which could be used to facilitate the training, mentoring and development of community based staff to manage and support the operation of government services, for example, in providing property and tenancy management for the Department of Housing. This would allow the development of remote area NT Public Service positions, further enhance employment opportunities and promote the development of transferable skills.

As a party to the agreement to establish these centres the Commonwealth could (and does) subsidise the operational costs as is currently the case for Centrelink agencies.
in major communities. There is a high potential for the Commonwealth to expand its investment as a means of improving access and support for Government Engagement Coordinators.

The development of a purpose built IT and communications system could also allow the use of a web-based interface and provide a consistent and quality service framework for the central monitoring transactions. This would both reduce the need for high level computer skills in these remote towns but also lessen the requirement for NTG staff to travel to and from urban centres with such frequency. The saving from this initiative alone would contribute substantially to the operational costs of the centres while significantly improving access to services.

Considerable work has been undertaken to date to identify the most appropriate trial sites (with three proposed), the appropriate structure for a central Business Support Unit and IT requirements, and individual NTG agencies have begun consideration of their interaction with the centres. An initial roll out to the three trial sites, using manual systems to commence, would allow an analysis of the number and complexity of transactions and the further refinement of a suitable cost-effective business model.

**Recommendation 2 - One-stop shop Business Centres**

That improved access to government and other services is provided in RSD sites and TGTs through the progressive establishment of Business Centres. Consideration should also be given to the inclusion of additional shop front facilities to promote private sector business opportunities, e.g. pharmacy, general retail and specialist services.

Initially Business Centre core services should include:

- Births, Deaths and Marriages (birth certificates, proof of identity)
- Motor Vehicle Registry
- Court and Fines Recovery
- Postal services
- Banking and financial services
- Housing (tenancy, repairs and maintenance services)
- PAWA – customer service
- Office and ancillary facilities for visiting service providers (legal, NT Ombudsman, etc.)
- Centrelink
- Employment services
4. Financial Arrangements

In recent years Australian governments have committed significant amounts of money in response to the entrenched disadvantage experienced by many Indigenous Australians. Despite numerous reports (Australian National Audit Office, the Productivity Commission’s Indigenous Expenditure Report, and COAG Whole-of-Government trial evaluations) there continues to be a lack of transparency about this expenditure across all levels government.

Funding for programs and services for Indigenous Australians are highly fragmented, complex and administratively burdensome for recipients of government grants.

As the ANAO have stated:

The overarching delivery framework for Indigenous programs is complex and dispersed. The total number of programs is high, for example, the Strategic Review of Indigenous Expenditure, undertaken in 2009, identified 232 separate funding items, worth $3.5 billion in 2008–09. This expenditure was delivered by over 50 government departments with most of the programs identified having expenditure less than $5 million per annum. In 2010, over 100 separate commitments in support of the Closing the Gap initiative were funded by the Australian Government. Analysis of Australian Government Portfolio Budget Statements for 2010–11 indicated that across all portfolios there were over 100 different Indigenous-related objectives and over 200 related deliverables and indicators that could be identified. It is very difficult to assess whether the existing level of expenditure is sufficient to remediate the level of disadvantage or to accurately determine whether existing investments are making real progress in 'closing the gap'. It is not possible to assess the impact and effectiveness of this resource allocation and determine whether reported expenditure is in fact ‘value for money’.1

For more detail on Commonwealth Government expenditure under mainstream programs please refer to the appendix at the end of this section, Australian Government Indigenous Expenditure – Indigenous Specific Component of Mainstream Programs 2010-11.

This overview of financial arrangements, partnership agreements, Indigenous specific programs and NT Government revenue, attempts to provide an insight into the nature and level of current investments. These summaries do not capture all Indigenous-specific funding in the NT (e.g. Department Employment Education and Workplace Relations, Department of Health and Ageing and direct source grants to not-for-profit organisations).

4.1 Inter-governmental Agreement on Federal Financial Relations

Funding for Indigenous programs and services is provided through various arrangements including:

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Commonwealth own purpose expenditure (COPE) for mainstream and Indigenous specific programs;

- GST funds that are re-distributed by the Commonwealth Grants Commission to states and territories;
- State/Territory own-revenue expenditure through mainstream programs; and
- Specific Purpose Payments (SPPs) to state and territory governments that may be for the benefit of Indigenous people.

The Intergovernmental Agreement (IGA) on Federal Financial Relations sets out these Commonwealth/State financial arrangements as a result of national taxation reforms removing inefficient state taxes and the introduction of the GST collected by the Commonwealth. As a result the Commonwealth Government raises more revenue than it requires for its own direct expenditure, while as a general rule the State Governments raise about half of the revenue they need for their expenditure responsibilities (vertical fiscal imbalance).

The role of the Commonwealth Grants Commission is to advise the Commonwealth Government on the distribution of GST revenue and health care grants to the states and territories. The distribution of GST revenue grants is determined in accordance with the principle of horizontal fiscal equalisation (HFE) that:

State governments should receive funding from the pool of GST revenue such that, after allowing for material factors affecting revenues and expenditures, each would have the fiscal capacity to provide services and the associated infrastructure at the same standard, if each made the same effort to raise revenue from its own sources and operated at the same level of efficiency.²

The general principle is for all states and territories to have the same fiscal capacity to deliver services to their populations after the distribution of the GST and taking into account their capacity to raise revenue from their own sources. HFE takes account of the different costs faced by States in providing services and their differing capacities to raise their own revenues.

Equalisation however does not produce the outcomes that are sometimes mistakenly attributed to it. It does not mean that the same level of services are actually provided because the services actually delivered in each state reflect their own policies. NT Treasury states the ‘aim is to equalise the fiscal capacity of states to provide services and acquire associated infrastructure, rather than equalise outcomes.’³ Historically, the two most populated states, New South Wales and Victoria, have the strongest fiscal capacity while South Australia, Tasmania and the NT have the weakest.

The key differences driving the distribution of the GST include mining royalties, Indigenous disadvantage, population dispersal and socio-economic status. Largely as a result of the mining boom, Western Australia and Queensland as well as Victoria

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³ NT Government Treasury power point presentation, 2011-12.
and New South Wales, now receive less than an equal per capita share of the GST. The change for Western Australia in particular, is significant. The Commonwealth Grants Commission’s 2012 update report is available at www.cgc.gov.au.

### Impact of Grant Commission’s 2012 Update Recommendations

<table>
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<th>Relativity (a)</th>
<th>Impact on GST of change in relativity (b)</th>
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<th>$ per person</th>
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(a) A state’s relativity represents its share of GST grants as a proportion of its population share.
(b) These estimates are calculated using 2012-13 State Budget parameters.

The NT has the lowest assessed fiscal capacity because of its above average assessed expenses due to the proportion of Indigenous population, geographic remoteness and diseconomies of scale. In 2012 the NT received 5.5 times more GST per capita than the national average – just under $5,000 per person largely due to Indigenous disadvantage.

### 4.2 National Partnership Agreements

The National Indigenous Reform Agreement was established to frame the task of closing the gap in Indigenous disadvantage and is linked to National Agreements and NPAs across COAG. A major outcome of the IGA has been the rationalisation of the number of Specific Purpose Payments (SPPs) from 90 to five. They are healthcare, schools, skills and workforce development, disability services and affordable housing that provide an additional $7.1 billion in funding to state and territory governments over five years to improve services for all Australians.

Funding provided under the NPAs are additional to these five SPPs. A key feature of the NPAs is a commitment to better reporting against specified indicators and benchmarks together with the COAG National Framework for Reporting on Expenditure on Services to Indigenous Australians.

Annual national Indigenous Expenditure Reports are intended to provide governments with a better understanding of the level and patterns of expenditure on services to Indigenous Australians and to assist policy makers to target policies to close the gap on Indigenous disadvantage.

Further Commonwealth investment in the NT is provided through COPE which are mainly fee-for-service arrangements (tied funding) payable to either government or non-government organisations.
COPE funding is outside the remit of the Intergovernmental Agreement on Federal Financial Relations and is not included as a revenue stream in the NT budget.

The following tables summarise key funding commitments under Indigenous specific National Partnership Payments to the NT and additional COPE commitments set out in the following Partnership Agreements:

- Closing the Gap in the NT (continuation of NTER measures)
- Closing the Gap: Indigenous Early Childhood Development
- Closing the Gap in Indigenous Health Outcomes
- Remote Service Delivery
- Indigenous Economic Participation
- Remote Indigenous Internet Access

National Partnership Agreements funding 2009-12

Source: COAG website, www.coag.gov.au
*compiled from individual NPA documentation and may not include all funding allocations
### Closing the Gap/NTER measures 2009-2012 (Schedule M)

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<td><strong>Closing the Gap/ NTER Measures Commonwealth Own Purpose Expenditure TOTAL</strong></td>
<td>225.382</td>
<td>166.431</td>
<td>163.294</td>
<td></td>
<td>555.107</td>
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<tr>
<td><strong>Closing The Gap /NTER Measures National Partnership Payment TOTAL</strong></td>
<td>68.427</td>
<td>133.276</td>
<td>121.306</td>
<td>12.400</td>
<td>335.409</td>
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</table>
### Closing the Gap Indigenous Early Childhood Development

<table>
<thead>
<tr>
<th></th>
<th>2008-09 $m</th>
<th>2009-10 $m</th>
<th>2010-11 $m</th>
<th>2011-12 $m</th>
<th>2012-13 $m</th>
<th>2013-14 $m</th>
<th>TOTAL $m</th>
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<tbody>
<tr>
<td>Early Childhood Development – Commonwealth Own Purpose Expenditure</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Funding Allocation for Element One – Integrated Children and Family Centres</td>
<td>2.53</td>
<td>10.79</td>
<td>9.81</td>
<td>7.89</td>
<td>5.62</td>
<td>5.62</td>
<td>42.35</td>
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<td>Funding Allocation for Element Two – Antenatal Care, Pre-pregnancy and Teenage Sexual and Reproductive Health</td>
<td>0.00</td>
<td>2.55</td>
<td>3.40</td>
<td>3.91</td>
<td>4.08</td>
<td>4.25</td>
<td>18.19</td>
</tr>
<tr>
<td>Funding Allocation for Element Three – Increase access to, and use of, maternal and child health services</td>
<td>18.0</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>18.00</td>
</tr>
<tr>
<td>Early Childhood Development – Maternal &amp; Child Health National Partnership Payment - NTG</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Funding Allocation for Element Three – Increase access to, and use of, maternal and child health services</td>
<td>9.75</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>9.75</td>
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<tr>
<td>NPA – National Quality Framework</td>
<td>-</td>
<td>-</td>
<td>0.42</td>
<td>0.49</td>
<td>0.86</td>
<td>0.84</td>
<td>2.61</td>
</tr>
<tr>
<td>Budget Based Funding (National)</td>
<td>-</td>
<td>-</td>
<td>10.9</td>
<td>17.5</td>
<td>18.2</td>
<td>12.9</td>
<td>59.4</td>
</tr>
<tr>
<td>Universal Access to Early Childhood Education – National Partnership Payment - NTG</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Early Childhood Education</td>
<td>2.28</td>
<td>1.94</td>
<td>5.94</td>
<td>2.9735</td>
<td>2.9735</td>
<td>3.947</td>
<td>13.97</td>
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### Closing the Gap in Indigenous Health Outcomes

<table>
<thead>
<tr>
<th></th>
<th>2009-10 $m</th>
<th>2010-11 $m</th>
<th>2011-12 $m</th>
<th>2012-13 $m</th>
<th>TOTAL $m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Health Care Services</td>
<td>15.979</td>
<td>16.761</td>
<td>19.798</td>
<td>20.307</td>
<td>72.845</td>
</tr>
<tr>
<td>Fixing the Gaps &amp; improving patient journey</td>
<td>8.217</td>
<td>8.259</td>
<td>17.026</td>
<td>17.465</td>
<td>50.967</td>
</tr>
<tr>
<td>Healthy transition to Adulthood</td>
<td>7.374</td>
<td>11.508</td>
<td>9.008</td>
<td>9.240</td>
<td>37.130</td>
</tr>
<tr>
<td>Making Aboriginal Health Everyone’s Business</td>
<td>2.570</td>
<td>2.933</td>
<td>3.412</td>
<td>3.499</td>
<td>12.414</td>
</tr>
<tr>
<td>TOTAL:</td>
<td><strong>34.140</strong></td>
<td><strong>39.461</strong></td>
<td><strong>49.244</strong></td>
<td><strong>50.511</strong></td>
<td><strong>173.356</strong></td>
</tr>
</tbody>
</table>

### 4.3 Remote Service Delivery

The NPA on Remote Service Delivery does not aim to deliver services but rather to provide improved coordination of services by adopting a whole-of-government methodology in identified sites across Australia. A significant proportion of the funding is to resource the Department of Families, Children, Housing and Indigenous Affairs (FaHCSIA) to establish a governance and facilitation framework in 29 priority locations across Australia (15 of which are in the NT) through which services and programs can be delivered.

The Commonwealth Government’s funding of $187.7 million is distributed across 29 communities with state and territory governments contributing one-third of location based costs as a co-contribution to the National Partnership.
Remote Service Delivery funding

<table>
<thead>
<tr>
<th>Element of RSD proposal</th>
<th>Australian Govt funding $m</th>
<th>State funding $m</th>
<th>Total $m</th>
<th>Pro-rata Aus Govt allocation $m/each NT site</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baseline mapping, evidence base &amp; monitoring &amp; evaluation (COPE)</td>
<td>36.6</td>
<td>-</td>
<td>36.6</td>
<td>1.2 per community</td>
</tr>
<tr>
<td>Governance</td>
<td>128.1</td>
<td>73.7</td>
<td>208.1</td>
<td></td>
</tr>
<tr>
<td>Single Government Interface</td>
<td>77.1</td>
<td>38.6</td>
<td>115.7</td>
<td>3.99 over 6 years for GBM &amp; support</td>
</tr>
<tr>
<td>Local Implementation Plans (LIP)</td>
<td>5.9</td>
<td>12.5</td>
<td>18.4</td>
<td>0.630 for each LIP</td>
</tr>
<tr>
<td>Fixed costs per state/territory (based on 26 locations)</td>
<td></td>
<td></td>
<td>9.3</td>
<td></td>
</tr>
<tr>
<td>Locations based costs (over 26 locations)</td>
<td></td>
<td>8.8</td>
<td></td>
<td>0.338 per site over 6 yrs</td>
</tr>
<tr>
<td>Land Tenure</td>
<td></td>
<td>8.1</td>
<td>8.1</td>
<td></td>
</tr>
<tr>
<td>Cultural Awareness Training</td>
<td>3.3</td>
<td>2.9</td>
<td>6.1</td>
<td></td>
</tr>
<tr>
<td>Translation/interpreter services</td>
<td>19.8</td>
<td>18.9</td>
<td>38.6</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>187.7</td>
<td>103.5</td>
<td>291.2</td>
<td></td>
</tr>
</tbody>
</table>

*It is noted that the projected total of $291.2m the sub-totals for expenditure for Governance cost $18.1m more.

4.4 National Partnership on Indigenous Economic Development

This Agreement complements ongoing welfare payment reform being undertaken separately by the Commonwealth Government. Together, the Commonwealth, State and Territory Governments will invest $228.8 million over five years under this strategy. Unfortunately, neither the NPA documentation nor the Implementation Plan for the NT provides any detailed breakdown of funding commitments.

4.5 National Partnership on Remote Indigenous Public Internet Access

Commonwealth Government funding has been provided to maintain internet access and to provide train-the-trainer skills for library staff in 40 remote communities across the NT. Total funding for this initiative in 2011-12 is $680,229.

4.6 Accountability and performance reporting

Under the new framework for Commonwealth financial relations (IGA) public accountability and performance reporting by all levels of government on mutually agreed objectives and outcomes is intended to be simpler, standardised and more transparent, and underpinned by clearer roles and responsibilities.

The reporting framework is designed to focus on the achievement of results, efficient service delivery and timely provision of publicly available performance information. Under the NPAs individual Implementation Plans are developed setting out performance indicators, benchmarks, performance target dates and outputs.
The Steering Committee for the Review of Government Service Provision has overall responsibility for collating performance data. The COAG Reform Council is responsible for publishing performance data together with comparative analysis of the performance information.

The COAG Reform Council independently assesses whether pre-determined milestones and performance benchmarks have been achieved before incentive payments are made.

4.7 Northern Territory revenue

Commonwealth revenue to the NT is provided under the 2008 Inter-governmental Agreement on Federal Financial Relations and includes General Revenue Assistance Grants (mostly GST), Specific Purpose Payments (SPPs) and National Partnership Payments (NPPs) and own-source revenue (payroll tax, mining royalties).

Revenue from the Commonwealth in 2011-12 accounted for 81% of the total revenue for the NT. Of this General Revenue Assistance 54% is untied funding (GST), 20% is tied revenue, 19% is own source revenue and 7% is other Commonwealth revenue.

![Northern Territory Funding Sources 2011-12](chart)

<table>
<thead>
<tr>
<th>Commonwealth Grants Commission 2008-9 to 2010-11</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Northern Territory Assessment 2008-9 to 2010-11</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Source Category</th>
<th>2008-09 $m</th>
<th>2009-10 $m</th>
<th>2010-11 $m</th>
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</thead>
<tbody>
<tr>
<td>Welfare and Housing Services (Table S2-19)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assessed difference</td>
<td>459.0</td>
<td>430.6</td>
<td>800.7</td>
</tr>
<tr>
<td>Expenses – assessed</td>
<td>617.0</td>
<td>617.3</td>
<td>991.3</td>
</tr>
<tr>
<td>Expenses – actual</td>
<td>365.7</td>
<td>545.8</td>
<td>630.2</td>
</tr>
<tr>
<td>Services to Communities (Table S2-20)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Assessed difference</td>
<td>275.3</td>
<td>264.0</td>
<td>314.1</td>
</tr>
<tr>
<td>Expenses – assessed</td>
<td>337.5</td>
<td>329.5</td>
<td>383.0</td>
</tr>
<tr>
<td>Expenses – actual</td>
<td>359.6</td>
<td>259.0</td>
<td>322.2</td>
</tr>
<tr>
<td>Justice Services (Table S2-21)</td>
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<tr>
<td>Assessed difference</td>
<td>372.8</td>
<td>399.5</td>
<td>431.8</td>
</tr>
<tr>
<td>Expenses – assessed</td>
<td>507.8</td>
<td>545.5</td>
<td>588.3</td>
</tr>
<tr>
<td>Expenses – actual</td>
<td>381.7</td>
<td>382.7</td>
<td>407.1</td>
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<tr>
<td>Services to Industry (Table S2-24)</td>
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<tr>
<td>Assessed difference</td>
<td>26.6</td>
<td>27.5</td>
<td>29.3</td>
</tr>
<tr>
<td>Expenses – assessed</td>
<td>97.0</td>
<td>100.1</td>
<td>103.0</td>
</tr>
<tr>
<td>Expenses – actual</td>
<td>252.3</td>
<td>236.3</td>
<td>211.6</td>
</tr>
<tr>
<td>Education (Table S2-13)</td>
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<tr>
<td>Assessed difference</td>
<td>279.9</td>
<td>283.7</td>
<td>306.6</td>
</tr>
<tr>
<td>Expenses – assessed</td>
<td>645.5</td>
<td>680.0</td>
<td>718.4</td>
</tr>
<tr>
<td>Expenses – actual</td>
<td>627.4</td>
<td>658.8</td>
<td>734.9</td>
</tr>
<tr>
<td>Health –total (S2-18)</td>
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<td></td>
<td></td>
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<tr>
<td>Assessed difference</td>
<td>369.7</td>
<td>374.5</td>
<td>402.7</td>
</tr>
<tr>
<td>Expenses – assessed</td>
<td>767.3</td>
<td>803.2</td>
<td>860.1</td>
</tr>
<tr>
<td>Expenses – actual</td>
<td>724.5</td>
<td>805.6</td>
<td>937.0</td>
</tr>
</tbody>
</table>
Assessed expenditure estimates what a state would need to spend on a given service in order to provide national average levels of service, taking into account relevant disabilities. Assessments are based on average efficiency of service delivery whereas actual expenditure reflects actual efficiency.

The NT Government is under no obligation to spend these allocations in line with assessed costs to deliver services since Commonwealth transfers are in recognition of the voluntary surrender of states’ revenue-raising powers under the IGA on Federal Financial Relations.

4.8 Northern Territory Budget 2012-13

In 2011-12 Commonwealth grants and subsidies to the NT totalled $3,863 million and estimated revenue for 2012-12 is $3,637 million.

The table below summarises key funding commitments for the next financial year (2012-13) for Indigenous specific initiatives but note that the budget does include some commitments negotiated under Stronger Futures but not the total package that will be funded during 2012-13 financial year. The funding commitments under Stronger Futures are elaborated in Section 3.8.

| Key funding commitments for Indigenous specific initiatives 2012-13 | NT Government Budget |
|---|---|---|
| Indigenous grants and subsidies | | |
| **Department of Chief Minister** | | |
| National Indigenous Cadetship Program | 42 | 42 | |
| **NT Police Fire & Emergency Services** | | |
| Closing the Gap – Remote Policing | 30,747 | -30,747 | |
| Stronger Futures | 16,500 | 4,826 | -11,674 |
| Remote workforce development | 112 | 114 | 2 |
| Indigenous Employment Program | 93 | -93 | |
| **NT Treasury** | | |
| National Indigenous Cadetship Program | 14 | 14 | |
| **Department of Education and Training** | | |
| Low Socio-Economic Status School Communities | 17,530 | 17,010 | -520 |
| Improving Teacher Quality | 269 | 210 | -50 |
| Literacy & Numeracy NPP Reward Payment | 5,680 | 2,137 | -3,543 |
| Improving Teacher Quality NPP Reward Payment | 2,137 | 2,137 | |
| Closing the Gap – Additional Teachers | 37,870 | 37,870 | |
| Closing the Gap – Enhancing Education, Quality Teaching, Accelerated Literacy | 12,289 | -12,289 | |
| Early Childhood Education – Universal Access to Early Childhood Education | 5,940 | 5,947 | 7 |
| Indigenous Early Childhood Development – Children & Family Centres | 4,453 | 18,859 | 14,406 |
| Principals as Literacy Leaders with Indigenous Communities | 226 | 132 | -94 |
| **Commonwealth Grants (received by DET)** | | |
| Creating Real Jobs for CDEP | 4,322 | 3,811 | -511 |
| Families as First Teachers | 3,880 | 3,209 | -671 |
| Indigenous Education Agreement – Parental and Community Engagement | 2,050 | 65 | -1985 |
| Expanding Literacy & Numeracy Initiative | 1,186 | 890 | -296 |
| Indigenous Education Agreement – Preschool | 828 | 414 | -414 |
| Mobile Child Care Services | 558 | -558 | |
| Indigenous Education Agreement – Supplementary Recurrent Agreement | 450 | 450 | |
| Indigenous Cadets | 280 | 280 | |
### Indigenous grants and subsidies

<table>
<thead>
<tr>
<th>Program</th>
<th>2011-12 estimate $,000</th>
<th>2012-13 budget $,000</th>
<th>Variation $,000</th>
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</thead>
<tbody>
<tr>
<td>Australian Early Development Index</td>
<td>171</td>
<td>171</td>
<td></td>
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<tr>
<td>Indigenous Education Agreement – Stronger Smarter Sisters Academy</td>
<td>149</td>
<td>84</td>
<td>-65</td>
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<tr>
<td>National Alliance for Remote Indigenous Schools</td>
<td>620</td>
<td>620</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>1,266</td>
<td>670</td>
<td>-596</td>
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<tr>
<td><strong>Department of Housing, Local Government &amp; Regional Services</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Remote Indigenous Housing</td>
<td>389,880</td>
<td>121,502</td>
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<tr>
<td>Waste Water in Remote Communities</td>
<td>7,000</td>
<td>13,250</td>
<td>6,250</td>
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<tr>
<td>Closing the Gap – Field Operations</td>
<td>4,278</td>
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<tr>
<td>Stronger Futures</td>
<td>14,283</td>
<td>14,283</td>
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<tr>
<td>Alice Springs Transformation Plan</td>
<td>24,713</td>
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<td>-23,704</td>
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<td><strong>Commonwealth Grants (receipted by DHLGRS)</strong></td>
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<td></td>
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<tr>
<td>Community Development Employment Program</td>
<td>20,000</td>
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<td>-20,000</td>
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<tr>
<td>NT Jobs Package – Outstations – Municipal &amp; Essential Services</td>
<td>5,546</td>
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<tr>
<td>Aboriginal Interpreter Services – Closing the Gap: Law &amp; Order Measures</td>
<td>1,853</td>
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<td>Indigenous Economic Development Officers</td>
<td>404</td>
<td>386</td>
<td>-36</td>
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<tr>
<td>Milingimbi Roads Upgrade</td>
<td>513</td>
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<tr>
<td><strong>Department of Health</strong></td>
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<tr>
<td>Healthy Kids Health Checks</td>
<td>95</td>
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<td>-95</td>
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<tr>
<td>Indigenous Early Childhood Development</td>
<td>2,715</td>
<td>2,885</td>
<td>170</td>
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<tr>
<td>Closing the Gap – Hearing &amp; Oral Health</td>
<td>2,185</td>
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<tr>
<td>Stronger Futures</td>
<td>4,700</td>
<td>4,700</td>
<td></td>
</tr>
<tr>
<td>Improving Ear Health for Indigenous Australians</td>
<td>1,270</td>
<td>1,878</td>
<td>608</td>
</tr>
<tr>
<td>Reducing Rheumatic Heart Fever for Indigenous Children</td>
<td>810</td>
<td></td>
<td>-810</td>
</tr>
<tr>
<td>Alice Springs Transformation Plan</td>
<td>2,361</td>
<td></td>
<td>-2,361</td>
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<tr>
<td>Remote Workforce Development</td>
<td>270</td>
<td>276</td>
<td>6</td>
</tr>
<tr>
<td><strong>Commonwealth Grants (receipted by DoH)</strong></td>
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<td></td>
<td></td>
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<tr>
<td>Office for Aboriginal &amp; Torres Strait Islander Health – Primary Health Care Services</td>
<td>19,972</td>
<td>19,776</td>
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<tr>
<td>Stronger Indigenous Health Services</td>
<td>16,000</td>
<td>16,000</td>
<td></td>
</tr>
<tr>
<td>Reporting on Aboriginal Health key performance indicators</td>
<td>373</td>
<td></td>
<td>-373</td>
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<tr>
<td>National Indigenous Workforce Development</td>
<td>146</td>
<td></td>
<td>-146</td>
</tr>
<tr>
<td>Indigenous Cadetship Support</td>
<td>140</td>
<td></td>
<td>-140</td>
</tr>
<tr>
<td><strong>Department of Children &amp; Families</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Closing the Gap – Family Support Package</td>
<td>5,480</td>
<td></td>
<td>-5,480</td>
</tr>
<tr>
<td>Closing the Gap – Mobile Outreach Services Plus</td>
<td>2,230</td>
<td>691</td>
<td>-1,539</td>
</tr>
<tr>
<td>Sexual Assault Counselling in Remote NT Areas</td>
<td>1,229</td>
<td></td>
<td>-1,229</td>
</tr>
<tr>
<td>Alice Springs Transformation Plan</td>
<td>2,309</td>
<td>2,079</td>
<td>-230</td>
</tr>
<tr>
<td>Early Intervention Pilot – Tangentyere Youth Camps</td>
<td>70</td>
<td></td>
<td>-70</td>
</tr>
<tr>
<td><strong>Commonwealth Grants (receipted DCF)</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Indigenous Family Safety Program</td>
<td>6,155</td>
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<td>-6,155</td>
</tr>
<tr>
<td>Family Support Package</td>
<td>5,480</td>
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<td>-5,480</td>
</tr>
<tr>
<td><strong>Department of Justice</strong></td>
<td></td>
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</tr>
<tr>
<td>Closing the Gap – Substance Abuse</td>
<td>7,246</td>
<td></td>
<td>-7,246</td>
</tr>
<tr>
<td>Stronger Futures</td>
<td>3,971</td>
<td>3,971</td>
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</tr>
<tr>
<td>Closing the Gap – Food Security</td>
<td>220</td>
<td></td>
<td>-220</td>
</tr>
<tr>
<td><strong>Department of Natural Resources, Environment, the Arts &amp; Sport</strong></td>
<td></td>
<td></td>
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<tr>
<td>Caring for Country</td>
<td>3,687</td>
<td>3,687</td>
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</tr>
<tr>
<td>Remote Indigenous Public Internet Access</td>
<td>680</td>
<td></td>
<td>-680</td>
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<tr>
<td>West Arnhem Fire Management Agreement</td>
<td>2,063</td>
<td>1,200</td>
<td>-863</td>
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### Indigenous grants and subsidies

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### 4.9 General comments

#### 4.9.1 Commonwealth Grants Commission

A review of Commonwealth-State funding undertaken for New South Wales, Victoria and Western Australia by Professor Ross Garnaut and Vince Fitzgerald (Committee for the Review of Commonwealth-State Funding 2002) was particularly critical of the current horizontal fiscal equalisation system administered by the Commonwealth Grants Commission, noting:

> The system reflects what appears to be a particular Australian genius for almost infinite bureaucratic elaboration, usually in pursuit of a perceived concept of equity. Complexity has a number of adverse effects, even if the principles on which arrangements are being elaborated are sound including:

- increasing transaction costs in running the system
- difficulty in evaluating performance and efficiency
- weakening democratic accountability because it almost always limits public understanding of what is being done

... overall the current system of HFE implemented by the CGC is a mystery to almost the entire Australian Community. ⁴

Despite these observations in 2002 and similar observations made in more recent years by, among others, the NTER Review Board Report, Beyond Humbug by Dillon and Westbury and in Patrick Sullivan’s paper The Policy Goal of Normalisation,⁵ little has changed and the HFE system remains as it was in 2002.

Aside from the complexity of the HFE model there are also major difficulties with Commonwealth Grants Commission allocations because they do not take into account the lack of public infrastructure in Aboriginal communities. To be able to achieve equalisation of service standards, infrastructure backlogs must be addressed and, while disability factors are taken into consideration (disadvantage, geographic isolation

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and proportion of Indigenous population) GST revenue grants are untied and do not necessarily address infrastructure.

Other parts of Australia have had investment in essential infrastructure for the best part of 200 years and are able to use funds to maintain and upgrade infrastructure but this is not true of much of the NT.

Numerous reports including the NTER Review have highlighted these issues and made strong recommendations for a simpler, more streamlined and targeted funding model for regional and remote Australia, something that is now well and truly overdue.

4.9.2 Public accountability and transparency

While the intention of the IGA reform is to establish more streamlined funding and reporting arrangements under the terms and conditions set out in bilateral Implementation Plans (which detail key performance indicators, targets and output measures, timeframes and periodic reporting requirements) there is very little accounting for actual expenditure by service delivery agencies or third parties.

Despite the often onerous burden on recipients of public funding to provide reports, government agencies appear to be indifferent to their own obligations to Parliament and the broader community to account for their performance, not only by looking at how much has been spent, but more importantly, what has been achieved within communities by examining and evaluating outcomes in a transparent and accessible way.

Service delivery to remote communities (e.g. early childhood, youth and family support services) is now, in large measure, being outsourced to third party NFP organisations who do not receive the same level of scrutiny and accountability that might reasonably be expected of multi-million dollar, multi-year contracts. Third parties are not accountable to Parliaments and they also seem to be unaccountable to the communities they operate in.

Improved value for money, transparency and accountability were essential objectives set by COAG in terms of delivering services to Indigenous communities in remote Australia and should be the standard by which success or failure of programs is determined. In the absence of reliable and transparent evaluations, Parliaments and the wider community cannot be assured that myriad programs are meeting their objectives or whether Indigenous communities are benefiting from the expenditure of public funds.
Recommendation 4 - Accountability and transparency

That performance measures include verifiable outcome indicators (in addition to existing input, outputs and activities) and are evaluated and assessed in terms of value for money, impact and effectiveness.

That annual financial expenditure reports on Government investments in Indigenous specific programs and services includes breakdown of administrative costs (staffing, salaries, travel, etc.) and direct program or project expenses.
Appendix 1

Australian Government Indigenous Expenditure
Indigenous specific component of mainstream programs 2010-2011

KEY: Commonwealth Departments are BOLD
Subsequent Agencies are ITALICISED
DOT POINTS, indicate Indigenous Specific Components of Mainstream Programs

Agriculture, Fisheries and Forestry
• Community Networks and Capacity Building
• Farm Ready
• Fisheries Research and Development Corporation

Health and Ageing
• Aboriginal and Torres Strait Islander Pharmacy Scholarship Scheme
• Access to services for hard to reach population groups
• Access to targeted, effective and sustainable community-based programs
• Australian Hearing Specialist Program for Indigenous Australians & Indigenous Eligibility
• Child and Maternal Health
• Chronic Disease
• Closing the Gap – Indigenous Dental Services in Regional and Rural Areas
• Closing the Gap = quality assurance for the Aboriginal and Torres Strait Islander Medical Services pathology program
• Essential Vaccines
• GP Super Clinics Infrastructure
• Hearing Loss Prevention Program
• Improve Child and Maternal Health
• Indigenous Public Health Capacity Building Project
• Investment in Preventative Health – Environmental Health
• Medicare Item 715; Indigenous child health check for Aboriginal and Torres Strait Islander children 0-14 years
• Medicare Item 715: Indigenous child health check for Aboriginal and Torres Strait Islander people aged 15-54 years
• Medicare Item 715: Indigenous older person health check for Aboriginal and Torres Strait Islander people aged over 55 years
• Medicare Items 10987 & 81300 to 81360: Follow up items for an Indigenous person following a health assessment (10987) and follow up Allied Health items (Items 81300 to 81360).
• Medicare items 10988 & 10989: Aboriginal Health Worker immunisation and wound management
• National Bowel Cancer Screening Program Trial in Aboriginal and Torres Strait Islander Communities
• National Public Health Communicable Disease Control
• Practice Incentives Program
• Primary Care
• Puggy Hunter Scholarships – Dental
• Reduce prevalence of smoking
• Remote Services
• Rheumatic Fever
• Rural Primary Health Services
• Social and Emotional Wellbeing
• Supporting Early Cancer Detection and Prevention
• Tackling Obesity: Healthy guidelines for early childhood settings
• Target illicit drug use
• The Hearing Loss prevention Program
• The Quality Use of Medicines maximised for Aboriginal and Torres Strait Islander Peoples Program
• Visiting Optometrists Scheme – Expansion Indigenous Chronic Disease
• Workforce

Australian Institute of Health and Welfare
• Priority Investment into Aboriginal and Torres Strait Islander Health research

Cancer Australia
• Cancer Service Networks national program
• Cancers in Aboriginal and Torres Strait Islander Peoples Statistical Report

General Practice Education and Training Limited
• Indigenous Health Training Posts

Aboriginal Health Training

National Health and Medical Research Council
• Component name not provided

Attorney-General’s
• Closing the Gap in the Northern Territory Law and Order Measures
• Community legal Services Program
• The National Indigenous Intelligence Task Force and Supporting Indigenous Violence or
Child Abuse No.2 Special Operation
Australian Customs and Border Protection Service
- Border Protection and Enforcement
Australian Federal Police
- Indigenous Employment Strategy
- Program 1.2 International Deployments
Federal Court of Australia
- Federal Court Business
Administrative Appeals Tribunal
- Component name not provided

Families, Housing, Community Services and Indigenous Affairs
- Closing the Gap in the Northern Territory
- Community Development Employment Program
- Community Investment
- Family Support Program
- Financial Management
- Indigenous Capability and Development
- Indigenous Family Safety
- Longitudinal study of Indigenous Children
- Native Title and Land Rights
- Services for People with Disability
Indigenous Land Corporation
- Assistance in the acquisition and management of an Indigenous land base
Aboriginal Hostels Ltd
- Company-operated hostels

Broadband, Communications and the Digital Economy
- Indigenous Community Broadcasting
- Indigenous Community Program – Community Phones Element
Special Broadcasting Corporation
- Component name not provided

Finance and Deregulation
Australian Electoral Commission
- Indigenous Electoral Participation Program

Defence
- Defence Indigenous Development Program

Foreign Affairs and Trade
Australian Trade Commission
- Trade and Investment Development
Expert finance and insurance Corporation
- Component name not provided

Education, Employment and Workplace Relations
- Australian Apprenticeships Workforce Skills Development
  (COAG Skills Vouchers – Training Initiatives for Indigenous Adults in Regional and Remote Communities)
- Commonwealth Scholarship Program
- Indigenous Education Advisory Council
- Indigenous Employment Program
- Indigenous Flexible Funding Pool
- Indigenous Public Sector Employees
- Indigenous Staff Scholarships
- Indigenous Support Program
- Language, Literacy and Numeracy NTER
- National Programs
- Non-Government Schools National Support
- Schools Student Assistance
- Schools Support
- Support for the Child Care System

Innovation, Industry, Science and Research
- Program Support
Australian Institute of Aboriginal and Torres Strait Islander Studies
- Cultural collection development and management
- Dissemination of Research and information about Aboriginal and Torres Strait Islander histories, Knowledge and cultures
- Research
Australian Research Council
- Discovery Program
- Infrastructure and Transport
- Regional Aviation Access Program
- Road Safety

Treasury
Australian Securities & Investments Commission
- Indigenous Education
- Indigenous Outreach Program
Australian Taxation Office
- Component name not provided
Productivity Commission
- Component name not provided
Appendix 2

Australian Government Indigenous Expenditure
Indigenous specific programs 2010-2011

Agriculture, Fisheries and Forestry
- Northern Australia Beef Industry Strategy – Indigenous Pastoral Industry

Health and Ageing
- Aboriginal and Torres Strait Islander Pharmacy Scholarship Scheme
- Access to services for hard to reach population groups
- Access to targeted, effective and sustainable community-based programs
- Australian Hearing Specialist Program for Indigenous Australians & Indigenous Eligibility
- Child and Maternal Health
- Chronic Disease
- Chronic Disease – Self Management Support
- Closing the Gap – Indigenous Dental Services in Regional and Rural Areas
- Closing the Gap - quality assurance for the Aboriginal and Torres Strait Islander Medical Services pathology programs
- COAG Indigenous Chronic Disease Package
- Essential Vaccines
- Funds Divisions of General Practice
- Improve Child and Maternal Health
- Indigenous Public Health Capacity Building Project
- Investment in Preventative Health – Environmental Health
- Medicare Item 715; Indigenous child health check for Aboriginal and Torres Strait Islander children 0-14 years
- Medicare Item 715: Indigenous child health check for Aboriginal and Torres Strait Islander people aged 15-54 years; people aged over 55 years
- Medicare Items 10987 & 81300 to 81360: Follow up items for an Indigenous person following a health assessment (10987) and follow up Allied Health items (Items 81300 to 81360).
- Medicare items 10988 & 10989: Aboriginal Health Worker immunisation and wound management
- National Bowel Cancer Screening Program Trial in Aboriginal and Torres Strait Islander Communities
- National Public Health Communicable Disease Control
- PBS Co-payment measure
- Practice Incentives Program
- Primary Care
- Program 4.4 aims to provide and support they need to look after frail older people from culturally and linguistically diverse communities and Aboriginal and Torres Strait Islander communities
- Puggy Hunter Scholarships – Dental
- Reduce prevalence of smoking
- Remote Services
- Rheumatic Fever
- Rural Primary Health Services Program
- Social and Emotional Wellbeing
- Supporting Early Cancer Detection and Prevention
- Tackling Obesity: Healthy guidelines for early childhood settings
- Target illicit drug use
- The Hearing Loss Prevention Program
- The Quality Use of Medicines maximised for Aboriginal and Torres Strait Islander Peoples Program
- Visiting Optometrists Scheme – Expansion Indigenous Chronic Disease
- Workforce

Australian Institute of Health and Welfare
- Priority Investment into Aboriginal and Torres Strait Islander Health research

Cancer Australia
- Cancer Service Networks national program
- Cancers in Aboriginal and Torres Strait Islander Peoples Statistical Report

General Practice Education and training Limited
- Indigenous Health Training Posts
- Aboriginal Health Training

National Health and Medical Research Council
- Component name not provided

Attorney-General’s
- Closing the Gap in the Northern Territory Law and Order Measures
- Community Legal Services Program – Indigenous Women’s Program
- Family Violence Prevention Legal Services Program
- Indigenous Interpreter Services in the Northern Territory
Indigenous Justice Program
Indigenous Legal Aid and Policy Reform Program

Australian Customs and Border Protection Service
- Border Protection and Enforcement
  Australian Federal Police
  - Program 1.2 International Deployments
  - Indigenous Employment Strategy
Federal Court of Australia
  - Federal Court Business
Australian Crime Commission
  - The National Indigenous Intelligence Task Force and the supporting Indigenous Violence or Child Abuse No.2 Special Operation
Administrative Appeals Tribunal
  - Component name not provided.

Families, Housing, Community Services and Indigenous Affairs
- Closing the Gap in the Northern Territory
- Community Development Employment Program
  - Community Investment
  - Family Support Program
  - Financial Management
  - Indigenous Capability and Development
  - Indigenous Family Safety
  - Longitudinal study of Indigenous Children
  - Native Title and Land Rights
  - Services for People with Disability
  - Indigenous Land Corporation
  - Assistance in the acquisition and management of an Indigenous land base
Aboriginal Hostels Ltd
  - Company-operated hostels

Broadband, Communications and the Digital Economy
- Indigenous Community Broadcasting
- Indigenous Community Program – Community Phones Element
  - Special Broadcasting Corporation
    - Television
    - Radio
  - Australian Broadcasting Corporation
    - Component name not provided.

Finance and Deregulation
Australian Electoral Commission
  - Indigenous Electoral Participation Program
Defence
  - Defence Indigenous Development Program

Foreign Affairs and Trade
Australian Trade Commission
  - Trade and Investment Development

Education, Employment and Workplace Relations
- Australian Apprenticeships Workforce Skills Development (COAG Skills Vouchers – Training Initiatives for Indigenous Adults in Regional and Remote Communities)
- Commonwealth Scholarship Program (Chapters 1, 2 & 3)
- Indigenous Education Advisory Council
- Indigenous Employment Program
- Indigenous Flexible Funding Pool
- Indigenous Public Sector Employees
- Indigenous Support Program
- Language, Literacy and Numeracy NTER
- Non-Government Schools National Support
- Schools Student Assistance
- Schools Support
- Support for the Child Care System

Innovation, Industry, Science and Research
- Program Support
Australian Institute of Aboriginal and Torres Strait Islander Studies
  - Cultural collection development and management
  - Dissemination of Research and information about Aboriginal and Torres Strait Islander histories, Knowledge and cultures
  - Research
Australian Research Council
  - Discovery Program

Infrastructure and Transport
- Regional Aviation Access Program
- Road Safety

Treasury
Australian Securities & Investments Commission
  - Indigenous Education
  - Indigenous Outreach Program
Productivity Commission
  - Component name not provided
5 Introduction

One of the key developments of the 20th century was the recognition that individual human beings have inherent rights that derive originally from ‘natural law’ and universal moral principles. Human rights belong to all people by virtue of their humanity and ought to be recognised and protected in all societies.

Australia is a party (signatory) to all major human rights instruments¹ and yet is the only western nation that currently has neither a constitutional Bill of Rights nor a national Bill of Human Rights. By becoming a party to the various international human rights declarations, covenants and conventions, national governments give express recognition and acknowledgement of their obligations to give effect to those rights, and to protect their citizens and those people living within its borders from the infringement of their rights by governments, corporations and individuals.

It is governments that are responsible for the progressive realisation and enjoyment of human rights — civil and political; social, cultural and economic; the rights of women, children, Indigenous peoples, minorities and other vulnerable groups within society.

National commitments to addressing Indigenous disadvantage are set out in the COAG Building Blocks which are essentially human rights. This report does not attempt to analyse the progress in closing the gap from the perspective of international law, but highlights relevant human rights standards relevant to particular COAG Building Blocks.

5.1 Cultural and social determinants

Why, despite considerable effort and investment by governments to improve the wellbeing of Aboriginal people has there been seemingly little change? Why is the health of Aboriginal people so poor compared to that of other Australians? Is it simply a matter of poor lifestyle choices? What more can and should be done to close the gap in Indigenous disadvantage? These are frequently asked questions with seemingly no simple or obvious answer.

Progress is being made in some areas. For example, in remote housing gains have been achieved over the past few years in some of the larger communities where there are entire new residential subdivisions. Under the NPA on Remote Indigenous Housing (NPARIH) a total of 680 new houses and 2,397 refurbishments and rebuilds were completed by 30 June 2012.

The latest Census data (2011) indicates an increased attendance rate of 34.3% by 0-4 year Aboriginal children attending early childhood education. There is an increase in educational engagement and attainment with a marked increase the number of Aboriginal students completing year 12.

It must be acknowledged that progress in closing the gap in Indigenous disadvantage will be challenging and at times, difficult. It is important that there is a shared and common understanding of the underlying issues that governments and communities are attempting to address.

International research and findings by the World Health Organisation (WHO) clearly show that the health, wellbeing and life expectancy of all people, wherever they live, is affected by their living circumstances. Even within wealthy, developed nations such as Australia there are dramatic differences in health and other outcomes that are closely linked to social disadvantage.

People who live and grow in locations and communities that are impoverished and disadvantaged are more likely to have poorer health, lower educational attainment, higher rates of unemployment and lower life expectancy than those people who live in more affluent suburbs.

These inequities arise because of the circumstances in which people live, work and age and the systems and differing level of services available to them. These circumstances are shaped and determined by social, political and economic factors known as the

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**United Nations declaration on the Rights of Indigenous Peoples**

**Article 11**

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with Indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.
‘social determinants of health’. Many of these determinants are beyond the control of individuals.

While the profound impact of these social determinants on health and wellbeing is universal, the specific nature and expression of this impact is mediated by culture and cultural difference. This reflects the universal role of culture in providing meaning and value to people’s lives and in determining the distinctive behaviours and social institutions of cultural groups. Culture is itself an important underlying determinant of emotional, physical and spiritual wellbeing.

The WHO Commission on the Social Determinants of Health recognises the unique position of Indigenous Peoples ‘culturally, historically, ecologically, geographically, and politically’ and notes that their distinct status entails ‘specific needs relative to others’ that must be considered separately.’ This is reinforced by the articles of the United Nations Declaration on the Rights of Indigenous Peoples, which protect the maintenance and practice of Indigenous cultures (see box previous page).

In practical terms this means that improving Aboriginal lives through tackling social determinants requires carefully matching action to the different cultural circumstances of Aboriginal communities to whom programs are directed.

Within Aboriginal communities in the NT the expression and maintenance of cultural identity are pervasive underlying factors cross-cutting all aspects of community life and influencing people’s aspirations and choices. Cultural relationships and obligations underpin everyday lives and world views. These issues must be at the forefront of policy planning to ensure effective development and delivery of services. This appears to be recognised, at least at a superficial level, in COAG’s approach to Closing the Gap:

Cultural awareness and competency on the part of policy makers and people implementing government programs, the elimination of overt and systemic discrimination, and the development of programs that meet the cultural needs of Indigenous people will be an important part of the Closing the Gap initiatives.²

However, the reality of Closing the Gap initiatives is quite different. Current government programs addressing Indigenous disadvantage fail to sufficiently take into account the cultural context and needs of communities. Further, they fail to target or counteract the entrenched structural racism and exclusionary practices affecting the provision and delivery of services to communities. Rather, programs addressing social determinants largely reflect mainstream priorities and processes.

This provides an explanation as to why government investment towards ending Aboriginal disadvantage has been failing.

5.1.1 Tackling the social determinants

Aboriginal people living in remote and very remote communities are particularly disadvantaged compared to regional and urban populations. They have poorer access to services, live in overcrowded housing, have few employment opportunities and contend with

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² COAG 2008, National Indigenous Reform Agreement (NIRA), Schedule A.
an excessively high cost of living that practically precludes a healthy diet—fresh food can cost 150% to 180% more in remote communities than in capital cities.

Few of these factors are within the control or influence of individuals who are themselves often blamed for their circumstances. The underlying causes of ill health, inequality and disadvantage need to be addressed through a concerted effort across all levels of government.

The WHO Commission on Social Determinants of Health (the Commission) has outlined the key determinants of health (see below). As discussed, in the context of Aboriginal communities, the expression of and response to these determinants is mediated by culture and cultural difference and the related structural determinants of racism and the exclusionary practices of governments.

In order to provide guidance on how to tackle the social determinants, the Commission makes three recommendations to national governments on initiatives to close the gap on disadvantage. These are:

1. improve daily living conditions;
2. tackle the inequitable distribution of power, money and resources; and
3. measure and understand the problem and assess the impact of action.

These recommendations are particularly relevant to the current commitments made by the Commonwealth and NT Government to improve indigenous socio-economic wellbeing.

### 5.1.2 Improving daily living conditions

From the time of conception, Aboriginal babies in the NT are severely disadvantaged, evidenced through the persistently high rates of low birth weight (3,102 grams average in 2009) and the unacceptably high rates of ‘failure to thrive’ in children aged up to five. This has important implications for children’s growth, development and life outcomes and impacts on the broader society where an Aboriginal baby is twice as likely to die before the age of one as a non-Indigenous baby.

Healthy living conditions are a pre-requisite for healthy people. In the NT most Aboriginal children live in overcrowded housing. Overcrowded houses are more difficult to maintain and keep clean and can lead to the increased likelihood of infection and infectious diseases.

Safe and healthy environments together with universal access to early childhood education and health services have powerful effects on health equity. Importantly,
The World Health Organisation identifies
10 key determinants of health

1. ‘Social gradient’ – a person’s social and economic circumstances strongly affect their health throughout life. People with low socio-economic status will have an increased risk of serious illness and premature death compared with those with higher incomes and social status. Between the top and bottom, health standards show a continuous social gradient that reflects disadvantage.

2. Stress is harmful – the longer that people live in stressful economic and social circumstances, the less likely they are to be healthy and to have a long life. Anxiety, lack of control over daily life events, job and income insecurity all have a detrimental impact on people’s health. These psycho-social factors can lead to depression, susceptibility to infection and diseases such as diabetes, high blood pressure and heart disease. The closer people are to the lower end of the social scale, the more common these health problems are.

3. Early years of life - social determinants play a critical role before children are even born. Babies born with low birth weight have a much greater likelihood for developing coronary health disease in adulthood. Maternal nutritional intake is a critical factor affecting foetal health and birth weight. Poor nutrition is most frequently associated with poverty, little or no parental education, and job and income instability. Studies show that conception to school age is a critically important time in brain development affecting cognitive, sensory, muscular, emotional, behavioural and social outcomes. What happens to a child from 0 – 5 years will significantly determine life outcomes in health, education, employment and general wellbeing.

4. Social exclusion - people who are socially excluded include Indigenous peoples, ethnic minorities, people with disabilities and mental illness, refugees and homeless people. Social exclusion is harmful, creates misery and costs lives. Social exclusion is associated with unemployment and poverty, and the risk factors to health of being low on the social ladder.

5. Stress at work - people who have little control over their jobs with limited opportunities to use their skills, or are in jobs with high demand but few rewards carry special risks to health and wellbeing.

6. Unemployment, job and income insecurity – can lead to chronic stress which increases the longer the situation continues.

7. Social support – good support networks, family, friends and relationships can improve health and wellbeing.

8. Addiction - misuse of alcohol, drugs and tobacco is harmful to health but is often a response to stressful situations and social breakdown. Blaming people for substance misuse doesn’t solve the problem - the social and economic circumstances that contribute to substance abuse needs to be changed.

9. Food security - access, availability and affordability of healthy foods is critical to good health and is an important public health issue. It is not simply a matter of educating people about healthy eating – good quality affordable food must be available in the first place.

10. Transport – for people living in regional, rural and remote areas transport is vitally important to being able to access health and other services. For Aboriginal people, access to transport also provides a means to traditional bush foods and hunting.
their provision needs to take account of cultural considerations to realise these benefits or else risk program under-achievement or failure and wasted investment. For example:

- Housing is not a simple infrastructure issue but requires consideration of cultural practices, such as cultural ‘avoidance relationships’ that have implications for housing design and how space is used.

- Undergoing initiation can determine a ‘child’ of 15 years of age to be an adult with ceremonial obligations, making school ‘childish’ and demeaning. Specific strategies need to be developed with community elders to address such issues.

- Environmental health programs need to take account of cultural responsibilities, such as the inclusion of the traditional ‘dog dreaming’ in the West Arnhem Shire’s dog control program in Maningrida.

5.1.3 Tackling the inequitable distribution of power, money and resources

Inequity in the daily living conditions experienced by Aboriginal people in the NT is shaped by deeper social structures and processes. The current situation is a result of systemic under-investment and neglect by successive governments, particularly over the last 30 years, and their well-documented failure to ensure appropriate and adequate resources to meet housing, infrastructure and service needs.

Wadeye, Maningrida and Gailwin’ku do not enjoy the same standard and range of services available in similarly sized regional towns such as Nhulunbuy, Jabiru and Yulara – towns that service primarily non-Indigenous residents and tourists.

### Growth Assessment Action program

The Growth Assessment and Action (GAA) program was set up in the NT in the 1990s to monitor the growth of Indigenous children up to five years of age in about 80 remote communities and to take action if the growth rate seems to be falling.

The most recent review by the GAA in April 2007 measured the growth of 3,000 children aged less than five years (out of a total number of 4,064 children), living in rural and remote communities. The results showed:

- about one in ten of these children (11%) were considered ‘stunted’ (a long way below their expected heights).
- more than one in ten children (14%) were underweight.
- one in ten children (10%) were ‘wasted’, which means they weighed a lot less than they should have for their particular height.

According to the international organisation UNICEF (the United Nations Children’s Fund), wasting rates of 10% or more require urgent action. Other countries that have similar rates include Niger and the Central African Republic.

Although there are many factors involved in the poor rates of growth of Indigenous children, the most important appear to be living in overcrowded, unhygienic conditions, with repeated infections and poor nutrition. This highlights the fact that improved growth and getting rid of malnutrition in Indigenous communities requires these changes:

- better food supplies
- improved housing
- health and nutrition education
- better health care and medicines

As noted by the Aboriginal Medical Services Alliance of the NT (AMSANT) the social determinants that need to be addressed in order to close the gap in Indigenous disadvantage include not only key areas currently targeted by government such as education, employment and housing, but also more intangible but equally important factors, like control over life circumstances, social exclusion and cultural diversity. These determinants, broadly described as ‘control and culture’ have been either neglected or negatively affected by government.5

Changes to governance and administrative structures, representative bodies, agencies, policies and programs over the past eight years—including the axing of ATSIC and community government councils, the introduction of large ‘super’ shires, changes to CDEP and the rapid introduction of NTER measures in 2007—has seen increasing disengagement, powerlessness and marginalisation of Aboriginal Territorians, especially those living in areas prescribed under the NTER.

In October 2008 the NTER Review Board noted

\[...\] there has been a progressive disengagement by government agencies from Aboriginal communities. By this we mean that not only are there few government personnel located in communities but that decisions affecting the communities in a very direct way were seen by the communities to be made by unknown people ‘in Canberra’. This compounds the loss of power and respect that community leaders feel, especially in the face of the Intervention, local government changes and reforms to the CDEP and Work for the Dole. The notion of engagement is a distant memory.6

Disturbingly, despite the introduction of Indigenous Engagement Officers, little seems to have changed with similar sentiments voiced in the Stronger Futures consultations held in the latter part of 2011 and in the majority of submissions made to the inquiry into proposed Stronger Futures legislation by the Senate Standing Committee on Community Affairs earlier this year.

Of most concern is the seeming contravention of Article 19 of the *UN Declaration of Indigenous Rights*, endorsed by the Commonwealth Government in April 2009 (see this report, *Section 5.9 Governance and Leadership*)

Along with the loss of power and increased disengagement associated with the changes to local government has been the loss of local support for cultural maintenance activities. Community councils used to play a significant role in everyday maintenance of cultural practices and their integration with service delivery. This is no longer the case under the new shires, prompting criticism such as the comment that it is ‘difficult now to even get the shire to level ground for ceremony’.7 The impact of such a loss undermines the capacity of cultural practice and maintenance to contribute to health

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7 Olga Havnen, personal communication, October, 2011.

Inequity in the distribution of power, money and resources in communities includes the lack of employment opportunities and the significant benefits that employment provides in terms of financial security, self-esteem and increased control over a person's life.

Again, cultural factors need to be taken into account, including obligations that affect a person's availability for employment. Employment conditions may therefore need to include the ability for cultural absences, such as was provided by CDEP employment based on the ‘top up’ model. The phasing out of this option under the new Remote Jobs and Communities Program is an example of program ‘reform’ failing to meet cultural needs in remote communities, and contributing to disempowerment by removing opportunities for meaningful work.

Annual Productivity Commission Reports on Indigenous Disadvantage and COAG commitments to address socio-economic disparity through various NPAs on health, housing, education, Closing the Gap in Indigenous Disadvantage and other related measures, are relatively recent developments and while there is an abundance of data detailing the depth and extents of Indigenous disadvantage, it is difficult to accurately assess consistent, sustained progress in reducing inequality.

**Recommendation 4 - Prioritisation of investments**

In order to achieve agreed COAG targets on closing the gap in Indigenous disadvantage, that existing and future investments are re-focused, prioritising evidence-based preventative approaches in early childhood, community safety and violence prevention, strengthening families, youth and justice.

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\textit{Stronger Future Consultations}

‘We need more governance and leadership for the community members who want to make our community a good place to live and to encourage younger ones to run our community affairs before other people take over.’

‘The intervention has reduced the leadership in the community.’

‘The most important aspects of community governance are that the decisions are owned by community and there needs to be open consultation.’

‘This is our community and we get so much interference like what is the shire’s role here. They come in and do what they want but not what we want or is important to us.’

\textit{Stronger Futures in the Northern Territory Report on Consultations, October, 2011, page 75 (FaHCSIA)}
5.2 Community safety

Indigenous people need to be safe from violence, abuse and neglect. Fulfilling this need involves improving family and community safety through law and justice responses (including accessible and effective policing and an accessible justice system), victim support (including safe houses and counselling), child protection and also preventative approaches.

Addressing alcohol and substance abuse are critical to improving community safety as well as health.

5.2.1 COAG

Improving community safety is fundamental to achieving all six COAG Closing the Gap targets.

- Indigenous children and families are safe and protected from violence and neglect in their homes and communities.
- Alcohol and other drug abuse among Indigenous people is overcome.
- Breaking cycles of criminal behaviour and violence normalisation.

5.2.2 National Partnership Agreement

The Closing the Gap agreement was to transition from the NTER into a three year development phase to build on and enhance existing NTER measures placing a greater emphasis on community engagement and partnership and building capability. It includes substantial investment of $130.748 million to the NT Government to strengthen and enhance community safety through new infrastructure, police personnel and resources including:

- New permanent police complexes.
- Thirty additional NT police in 2009-10 and a further 30 in 2010-11.
- Eight Sworn Community Engagement Police..
- NT Child Abuse Taskforce – joint NT and Australian Government.
- Substance Abuse Intelligence Desk and Dog Operations Unit (SAIDs).

### Financial arrangements - Closing the Gap (2009-10 to 2011-12)

<table>
<thead>
<tr>
<th>Funding</th>
<th>2009-10 $m</th>
<th>2010-11 $m</th>
<th>2011-12 $m</th>
<th>Total $m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taskforce Themis Operational costs</td>
<td>13.883</td>
<td>14.071</td>
<td>14.588</td>
<td>42.542</td>
</tr>
<tr>
<td>Additional NT Police (60 recruits 2009-10) plus operational costs, training &amp; additional recruits in 2010-11 &amp; 2011-12</td>
<td>3.888</td>
<td>10.559</td>
<td>9.640</td>
<td>24.079</td>
</tr>
<tr>
<td>Commonwealth Own Purpose Expenditure</td>
<td>0.000</td>
<td>9.029</td>
<td>1.411</td>
<td>10.440</td>
</tr>
</tbody>
</table>

*The World Health Organisation defines violence as:*

The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either result in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation.
<table>
<thead>
<tr>
<th>Funding</th>
<th>2009-10 $m</th>
<th>2010-11 $m</th>
<th>2011-12 $m</th>
<th>Total $m</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NT Child Abuse Taskforce</strong></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Annual Operational costs</td>
<td>1.401</td>
<td>1.417</td>
<td>1.437</td>
<td>4.255</td>
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<td><strong>Substance Abuse Intelligence Desk and Dog Operations Unit</strong></td>
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<tr>
<td>Annual Operational costs</td>
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<td>2.080</td>
<td>2.163</td>
<td>6.243</td>
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<tr>
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<td>10.240</td>
<td>15.000</td>
<td>25.000</td>
<td>50.240</td>
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<td><strong>Sworn Community Engagement Police Officers</strong></td>
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<tr>
<td>Operational costs – 8 Officers</td>
<td>0.000</td>
<td>1.669</td>
<td>1.720</td>
<td>3.389</td>
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<td><strong>SUMMARY - Remote Policing Funding</strong></td>
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<td></td>
<td></td>
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<tr>
<td>Commonwealth Own Purpose Expenditure</td>
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<td>9.029</td>
<td>1.411</td>
<td>10.440</td>
</tr>
<tr>
<td>NTG - National Partnership Payment</td>
<td>31.404</td>
<td>44.796</td>
<td>54.548</td>
<td>130.748</td>
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<td><strong>Total</strong></td>
<td><strong>31.404</strong></td>
<td><strong>53.825</strong></td>
<td><strong>55.959</strong></td>
<td><strong>141.188</strong></td>
</tr>
</tbody>
</table>

5.2.3 Violence

Globally, in 2008 over 16 million cases of non-fatal violence-related injuries were severe enough to require medical attention. Beyond deaths and injuries, acts of violence have serious life-long consequences. The direct costs associated with dealing with the impacts and consequences of violence – health, justice and social services, are significant. The much larger indirect cost of violence due to lost productivity and lost investment in education can impede economic development, increase socio-economic inequality and erode human and social capital.

Violence is generally categorised according to the characteristics of those committing the violence:

- **Self-directed** is intentional personal harm (self mutilation, suicide);
- **Inter-personal** violence is usually divided into family and intimate partner violence (between family members often taking place in the home although not always) and community violence – between individuals who are not related and generally taking place outside the home; and
- **Collective** violence is usually committed by one group against another group defined by race, ethnicity, religion, etc.

5.2.4 Current situation

A key element of the NTER focussed on improving community safety through an increased community-based police presence. Since 2007 there has been a significant increase in resourcing more community-based police, child protection workers and safe houses in an endeavour to improve Aboriginal community and family safety. It is difficult to accurately assess whether these additional
The evidence – what works in violence prevention?

The World Health Organisation’s publication *Violence Prevention: The Evidence* sets out a series of evidence based interventions for the development and implementation of effective policies and programs to prevent interpersonal and self-directed violence. Key interventions include:

1. **Preventing violence through the development of safe, stable and nurturing relationships between children and their parents and caregivers.**
   
   Two of the most effective programs to prevent child maltreatment and positive child development are the Nurse-Family Partnership home visiting program and the Triple P Parenting Program.

2. **Preventing violence by developing life skills in children and adolescents.**
   
   Developing the life skills (social, emotional and behavioural competencies) in children and adolescents can reduce involvement in violence; improve social skills and educational achievement and job prospects.

3. **Reducing the availability and harmful use of alcohol.**
   
   Restricting the availability of alcohol (trading hours, days of sale and raising alcohol prices) together with short and long-term treatment programs for problem drinkers and improving the management of environments where alcohol is served (reducing crowding, increasing comfort levels, improving physical design and staff training) have been shown to reduce the harmful impacts of alcohol misuse.

4. **Reducing access to guns.**
   
   Limiting access to guns (restrictive legislation and lower ownership of guns) contribute to lower levels of gun related violence.

5. **Promoting gender equality and challenging gender norms and roles to prevent violence against women.**
   
   There is increasing evidence to support community education and awareness programs aimed at preventing violence against women (American and Canadian schools-based youth relations programs) have been found to be effective for reducing youth relationship violence.

6. **Changing cultural and social norms that support violence.**
   
   Some social and cultural norms can encourage and support violence. Programs that challenge social and cultural norms have been widely used in many countries however the evidence base for their effectiveness is not strong, however it is worth noting that there are some examples of particular programs (dating / sexual violence among teenagers and young adults) is supported by some evidence.

7. **Victim identification, care and support programs**
   
   There is emerging evidence of the effectiveness of interventions to identify victims of interpersonal violence (screening tools) and the provision of effective care and support are critical examples for protecting health and breaking cycles of violence from one generation to the next. Trauma counselling, cognitive behaviour therapy and protection orders are all important interventions to reduce repeat victimisation in intimate partner violence.

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1 Aboriginal and Torres Strait Islander Health Performance Framework 2010 Report, NT, AIHW, 2011, p. 25.
achieved. Security and safety are pre-requisites for development.

There is ample evidence showing strong relationships between levels of violence and potentially modifiable factors such as poverty, income and gender inequality, harmful use of alcohol and the absence of strong, nurturing relationships between parents and children.

The Aboriginal experience of violence is predominantly inter-personal, involving family and intimate partner violence which appears to be increasing, particularly assaults against Aboriginal women. From July 2006 to June 2008 in the NT assault was the most common cause of hospitalisation for both Aboriginal men and women at 8 and 69 times the rate of other Australian males and females respectively.²

Hospitalisation data for assault, July 2006 – June 2008
- NT Indigenous Males - 1,181 cases (19.4 per 1,000)
- NT Indigenous Women – 1,727 cases (26.2 per 1,000)
- National total – 10,321 cases (10.9 per 1,000)

In 2008, Aboriginal people comprised just under one third of the NT population but were victims of over half of all assaults, half of all sexual assaults and nearly two-thirds of all homicide and related offences. While members of the broader community and general public in Alice Springs, Katherine, Tennant Creek and Darwin appear to be increasingly fearful for their own personal safety it must be noted that the disproportionate impact of violent crime is borne by Aboriginal people – particularly Aboriginal women.

Clearly the unacceptably high level of violence and physical harm experienced by Aboriginal people warrants further urgent attention, in particular, gaining a better understanding of the underlying causes and contributing risk factors so that more effective solutions can be found.

World Health Organisation and other research confirms that risk factors for violence occur at multiple levels, ranging from individual factors (gender, history of violence, substance misuse) through to societal risks such as socio-economic inequalities. Social and cultural factors including jealousy, rivalry, traditional conflict, abuse of power and authority are also critical elements that contribute to contemporary Aboriginal family and intimate partner violence.

While there is a growing awareness of social and cultural factors contributing to Aboriginal inter-personal and community violence, there are no specifically tailored programs that challenge prevailing social norms condoning violence, nor are there appropriate conflict resolution and mediation services.

Socio-economic circumstances including high levels of overcrowding and poor housing, unemployment, poverty and alcohol/substance misuse all significantly contribute to family violence and high rates of homicide, assault and injury. The high level of stress

² AIHW 2011, op cit.
on households due to sustained overcrowding and poverty cannot be overstated.

No single risk factor is by itself sufficient to predict abuse or becoming an abuser, and therefore intervention and prevention strategies are most likely to be effective if they are designed to target multiple levels of risk simultaneously.

5.2.5 Police services

Prior to the NTER in 2007 many Aboriginal communities had been actively advocating for an increased police presence, permanently based in communities to address the unacceptably high rates of assault and family violence. Aboriginal communities experience different patterns of crime and offending behaviours to that of urban centres. While alcohol had long been banned by many Aboriginal communities alcohol-related disturbances and family violence were serious issues of concern especially in those communities that did not have a permanent police presence.

In 2007 there were 40 police stations located across the NT with about 900 full time equivalent officers and about 80 Aboriginal Community Police Officers (ACPOs). Under the NTER an additional 18 temporary police stations were established in 2008 in remote NT communities. An additional $6.243 million (2009-10 to 2011-12) was also provided by the Commonwealth Government for a Substance Abuse Intelligence Desk and Dog Operations Unit and Child Abuse as part of the law and order measures funded under the NTER.

Currently police services are managed regionally with three command regions – greater Darwin, Katherine and Northern, and Alice Springs and Southern command. These regional commands are further divided into operational service divisions which contain between one and 10 police stations. There are also two cross-border stations located in Western Australia which are jointly staffed by NT and WA personnel.

The location of police stations and staffing levels takes into consideration a range of factors including population size, socio-demographic features, crime rate, geographical proximity, occupational health and safety, and community expectations.

Each command region has operational plans that are specifically designed to address local priority issues based on analysis of local data and identified through community consultations.

5.2.6 Regional and remote community police services

Remote community policing is often difficult and expensive to deliver. Effective delivery of police services in the NT requires a sound awareness and understanding of the complex social and cultural needs of Aboriginal communities.

Police recruits are currently provided with a one-day cultural awareness course and a 3-day field visit to a remote community as part of their training. Each remote police station undertaking their own environmental scan and collects key community information (traditional owners, significant community members, family/clan
relationships, etc.) This information is provided to new staff as part of a formal handover of responsibilities.

### Comparison of population/policing services in some NT regional and remote towns

<table>
<thead>
<tr>
<th>Location</th>
<th>Population ABS Census 2011</th>
<th>*No. police officers (FTE) June 2012</th>
<th>*Station operating hours</th>
<th>*After hours calls (received by)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Katherine</td>
<td>9,187</td>
<td>90</td>
<td>24 hr x 7 days</td>
<td>Local station</td>
</tr>
<tr>
<td>Jabiru</td>
<td>1,129</td>
<td>14</td>
<td>Office hours</td>
<td>Diverted to 131444</td>
</tr>
<tr>
<td>Tennant Creek</td>
<td>3,061</td>
<td>40**</td>
<td>24 hr x 7 days</td>
<td>Local station</td>
</tr>
<tr>
<td>Nhulunbuy</td>
<td>4,072</td>
<td>***</td>
<td>18 hrs/day</td>
<td>Diverted to 131444</td>
</tr>
<tr>
<td>Wadeye</td>
<td>2,111</td>
<td>7</td>
<td>Office hours</td>
<td>Diverted to 131444</td>
</tr>
<tr>
<td>Maningrida</td>
<td>2,292</td>
<td>10</td>
<td>Office hours</td>
<td>Diverted to 131444</td>
</tr>
<tr>
<td>Galiwin'ku</td>
<td>2,124</td>
<td>4</td>
<td>Office hours</td>
<td>Diverted to 131444</td>
</tr>
<tr>
<td>Yuendumu</td>
<td>687</td>
<td>7</td>
<td>Office hours</td>
<td>Diverted to 131444</td>
</tr>
<tr>
<td>Alice Springs</td>
<td>25,186</td>
<td>***</td>
<td>24 hr x 7 days</td>
<td>Local Station</td>
</tr>
</tbody>
</table>

*Data supplied by Remote Policing NT 22.06.12  
** sourced NTPFES website–remote station profiles viewed 18.07.12   *** Data not supplied

Even with the additional resources deployed to remote communities, current staff rostering arrangements do not provide a local after-hours call service. In remote communities calls for police assistance to respond to domestic violence, road accidents and alcohol-related disturbances outside standard office hours are automatically diverted to a call centre many hundreds of kilometres away.

There have been several complaints from communities with a permanent police presence about the frustrations and difficulties in getting an appropriate and timely response to incidents that would usually be responded to by police in urban centres as a matter of urgency.

There have been three reports on policing and remote communities since 2009 and on 8 June 2012 the former Chief Minister Paul Henderson announced a further review into NT police operational capabilities. This review is to be completed by the end of the year.

What has often been raised in both community visits and in these reports is the high degree of variability in the quality and type of police services delivered. Some communities complain about police adopting a heavy handed approach and intrusive policing (house and vehicle searches) while other communities reported a high degree of satisfaction with their local police service.

Key findings of the Pilkington and Allen reports highlighted very similar issues and made many very similar recommendations including:

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3 Pilkington, J., ‘Aboriginal Communities and the Police’s Taskforce Themis: Case studies in remote Aboriginal community policing in the NT, October 2009’, The Allen Consulting Group Independent Review of Policing in Remote Indigenous Communities, April 2010, and a Review of the Substance Abuse Intelligence Desks (SAIDs) and Dog Operations Units (DOUs) in 2011.
• the vast majority of communities and majority of people want a permanent police presence in their community;

• remote community policing could be strengthened and enhanced by the recruitment and training of the ‘right’ people who can work effectively and respectfully with communities;

• the importance of police undertaking local cultural awareness training with community elders;

• the need for an active and visible police presence that delivers consistent, quality community policing services (service standards, protocols, MoUs and agreements with Night Patrol and other service providers);

• increased employment of Aboriginal people and female officers;

• providing driving tests and licences (vehicles, guns);

• timely and appropriate responses to requests for assistance particularly after hours (staff rosters for adequate resourcing and relief staff);

• consistency and support for community justice groups;

• police need to be engaged and involved in community activities (sport and recreation, youth, agency coordination meetings, etc); and

• Improved communications and community education.

5.2.7 Aboriginal Community Police Officers (ACPOs)

NT police recognise that delivery of an effective service to Aboriginal people is best achieved by working in a culturally respectful manner. The ACPO program provides an important link between Aboriginal communities and the police and complements and enhances mainstream policing by having personnel with language skills and cultural knowledge. ACPOs are not substitutes for mainstream policing but are complementary to police services.

5.2.8 Community safety facilities

Most communities run night patrols 5-6 nights per week as per funding arrangements but are flexible depending on the community's needs.

The following table is accurate at time the of collation, however fluctuations in the operation of safe houses, women's centres and men's safe places may mean premises are not open.
### Community safety facilities at May 2012

<table>
<thead>
<tr>
<th>Community</th>
<th>Pop’n Census</th>
<th>No. police officers</th>
<th>Nearest Police Station</th>
<th>Night Patrols per week</th>
<th>Women’s Safe House</th>
<th>Men’s Place</th>
<th>Women’s Centre</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year</td>
<td>2011 '09 '12</td>
<td>'12 '08 '09 '12</td>
<td>'12 '08 '09 '12</td>
<td>'12 '08 '09 '12</td>
<td></td>
<td></td>
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<tr>
<td>Ali Curung</td>
<td>535</td>
<td>4 4</td>
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<td>7</td>
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<td>X X X X X X X X</td>
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</tr>
<tr>
<td>Angurugu</td>
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<td>5-6</td>
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</tr>
<tr>
<td>Daguragu/Kalkarindji</td>
<td>536</td>
<td>2 2</td>
<td>D-3kms K-permanent</td>
<td>6</td>
<td>✓ ✓ ✓</td>
<td>X X X ✓ ✓ ✓ ✓</td>
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<tr>
<td>Gapuwiyak*</td>
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<tr>
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<tr>
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<tr>
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<td>permanent /upgrade</td>
<td>5</td>
<td>X X X X ✓ ✓ ✓ ✓ ✓ ✓</td>
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<tr>
<td><strong>Total</strong></td>
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<td></td>
<td>3 11 13 0 6 8 10 11 9</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

*new police facility due to open Nov 2012

** Not running since last month due to a funeral of elder. Should be up running again soon.

### 5.2.9 Crime statistics – NT

It has been difficult to obtain NT Police and Department of Justice community level data for various categories of crime and offences. The following data provide an overview of crime related data for NTER communities since 2007.
Domestic violence related incidents

<table>
<thead>
<tr>
<th></th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol related</td>
<td>387</td>
<td>651</td>
<td>988</td>
<td>939</td>
<td>1109</td>
</tr>
<tr>
<td>Total</td>
<td>829</td>
<td>1861</td>
<td>2660</td>
<td>2676</td>
<td>3315</td>
</tr>
</tbody>
</table>

Source: Northern Territory Government

Note: Data have been revised since the previous monitoring report when reporting systems were improved.

Confirmed personal harm incidents

<table>
<thead>
<tr>
<th>Personal Harm reports</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Armed Person</td>
<td>25</td>
<td>62</td>
<td>47</td>
<td>49</td>
<td>64</td>
</tr>
<tr>
<td>Assault</td>
<td>36</td>
<td>91</td>
<td>142</td>
<td>97</td>
<td>64</td>
</tr>
<tr>
<td>Assault - Aggravated</td>
<td>106</td>
<td>301</td>
<td>349</td>
<td>245</td>
<td>262</td>
</tr>
<tr>
<td>Assault - Indecent</td>
<td>7</td>
<td>11</td>
<td>19</td>
<td>16</td>
<td>8</td>
</tr>
<tr>
<td>Assault - Sexual</td>
<td>25</td>
<td>42</td>
<td>34</td>
<td>21</td>
<td>16</td>
</tr>
<tr>
<td>Attempt Suicide / Self Harm</td>
<td>57</td>
<td>123</td>
<td>165</td>
<td>183</td>
<td>261</td>
</tr>
<tr>
<td>Behaviour - Indecent</td>
<td>3</td>
<td>5</td>
<td>5</td>
<td>11</td>
<td>8</td>
</tr>
<tr>
<td>Mentally Ill Person</td>
<td>55</td>
<td>151</td>
<td>172</td>
<td>127</td>
<td>103</td>
</tr>
<tr>
<td>Missing Person</td>
<td>15</td>
<td>19</td>
<td>24</td>
<td>17</td>
<td>21</td>
</tr>
</tbody>
</table>

Source: Northern Territory Government

Sexual assault lodgements and convictions

<table>
<thead>
<tr>
<th></th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodgements</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NTER Communities</td>
<td>33</td>
<td>42</td>
<td>26</td>
<td>13</td>
</tr>
<tr>
<td>Northern Territory - Other</td>
<td>86</td>
<td>127</td>
<td>98</td>
<td>100</td>
</tr>
<tr>
<td>Convictions</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NTER Communities</td>
<td>12</td>
<td>13</td>
<td>17</td>
<td>12</td>
</tr>
<tr>
<td>Northern Territory - Other</td>
<td>43</td>
<td>45</td>
<td>31</td>
<td>40</td>
</tr>
</tbody>
</table>

Source: Northern Territory Government

An incident is confirmed once a preliminary investigation has been undertaken. For some incidents the category may change. In the Child Welfare Category 12% of incidents did not have a ‘confirmed incident’ status.

The level of suicide and self-harm among people in Aboriginal communities affected by the NTER is extremely alarming. It has risen by 360% in the five years since the intervention, from 57 to 261, and is now equivalent to the number of people involved in aggravated assault. Some funding has been provided for the provision of suicide prevention services to Indigenous youth, including support for existing service providers to incorporate suicide prevention training and education activities, and

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5 Ibid.
three additional service providers have been funded to support programs under the Youth in Communities initiative.

The NT Department of Justice provided data on lodgements in court for sexual assault across the NTER communities and other parts of the NT. The data reflects the number of recorded offences and is likely to understate the real level of violence and assaults. Under-reporting occurs for many reasons (reluctance to get police involved in family/domestic disputes, shame, fear of reprisals, etc.) and for many Aboriginal people there are often additional barriers to reporting assaults – the dispute may have been resolved or there may be pressure from family members not to involve the police.

National and NT data show that Indigenous homicides occurring between persons not known to each other are extremely rare, and a much larger proportion of Indigenous homicide victims are female than non-Indigenous victims. It is important that social and cultural factors are taken into account when trying to understand the causes of assault. Jealousy is a significant factor, particularly between partners where one has been incarcerated. In addition the large numbers of people (particularly young males who are not in the labour force or studying and may not be in receipt of any income) could play a role in causing the high level of reported violence.

It appears that much Aboriginal violence is among families and is often intra-familial. Alcohol and familial conflict are significant contributors to long term patterns of offending. Services and programs for culturally effective education and dispute resolution for families are crucial to defusing tensions that result in tragically high rates of assault and homicide. While alcohol is often a factor it is by no means the only significant factor in Aboriginal family violence.

Some critical questions which must be asked are:

- Are there any education and prevention programs around healthy relationships?
- What is available by way of culturally appropriate conflict resolution and mediation services?
- What impact has income quarantining and changes to welfare eligibility for youth had on levels of family violence?
- What analysis is taking place of the anecdotal evidence from women about domestic violence and the pressure they experience for cash or other financial support?
- Are the resources for suicide/self harm prevention appropriate to the scale and complexity of the issue?

### 5.2.10 Community Safety Plans

The 2011-12 Community Safety Planning Strategy identifies the Department of Justice as the lead agency for the development of Community Safety Plans (CSPs) in the seven Territory Growth Towns of Ali Curung, Lajamanu, Maningrida, Ntaria, Papunya, Wadeye and Yuendumu. NT Police are the lead agency in Angurugu and Umbakumba.
The Strategy identifies nine communities currently serviced by Community Engagement Police Officers (CEPOs) that will develop a CSP during the first half of 2012 and endorsed by the local Community Safety Committee, which is most cases will be the same as the Local Reference Group. CEPOs play a key 'on the ground' role in guiding the development of the CSPs in communities with the support of GBMs. The Department of Justice has a strategic role in facilitating and coordinating the various parties in developing the plans. The Community Safety Working Group, comprising senior representatives from the NT and Commonwealth Governments, provides high level oversight of the development of CSPs, and ensures that community safety actions identified by the community are 'driven' in their respective agencies.

To date only the draft Lajamanu Community Safety Plan has been developed and endorsed by the Community Safety Committee (which is a sub group of the Kurdiji Law and Justice Group). Drafts for Ntaria and Maningrida have been developed and will shortly be considered by their respective LRGs.

There have been varying degrees of progress in relation to the remaining CSPs in Angurugu, Umbakumba, Ali Curung, Papunya and Wadeye. In most cases there has been active progress and engagement with community groups on the CSP by the CEPO, and draft CSP Action Plans (which form the basis of each CSP) have been developed for Angurugu, Umbakumba, and Ali Curung. Key stakeholders have acknowledged that it is unlikely that Yuendumu will complete their CSP at this time due to ongoing community tensions.

Closing the Gap NPA funding provided to the Department of Justice for the development

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**Driving incarceration**

Since the NTER a greater police presence has resulted in dramatic increases in vehicle offences in remote NT communities. Research by Dr Thalia Anthony and Dr Harry Blagg from the University of Technology in Sydney found there has been a 250% increase in (mainly minor) driving offences since 2007 with no reduction in recidivism, road fatalities or injuries.*

In April 2012 the NT Government announced a new $5.78 million supported accommodation and program centre in Alice Springs, essentially to help cope with this increase in driving offences. The 20 bed unit is part of a $10 million upgrade to correctional facilities in the town. It will house court-ordered offenders and low-security prisoners, primarily from remote areas, who have low-level convictions such as driving an unregistered vehicle or driving without a licence.

The daily average cost of housing a prisoner in the NT is estimated at around $200 per prisoner, per day. For Juveniles it was estimated to be nearly $600 per day in September 2011.**

People living in remote areas want to comply with motor vehicle and driving laws. In the North East Arnhem Land community of Mapuru (population about 150) the number of adults licensed to drive at the start of 2012 was one. A concerted effort that included lessons in road laws and safety from local school teacher John Greatorex and support from NT Police based at Gapuwiyak, has led to 25 people passing their learner driver tests.

The biggest hurdle the people of Mapuru face in obtaining licenses is not being able to readily lodge and pay for car registration, drivers licences, etc. and having to rely on the generosity of police from another town. The other was the confusion over their names. Most individuals were registered with a different name by Medicare, Centrelink and the Australian Tax Office.

*Source: ‘NT’s tough love: helping hand or a heavy hand?’ The Age 7 July 2012
** Review of the NT Youth Justice System: Report September 2011, pg (v)
of CSPs ceased on 30 June 2012. The ongoing sustainability of CSPs in the absence of funding has been raised by the Department of Justice during the LIP Refresh process. It is unclear how the CSPs and the alcohol management plans will be continued or integrated. Under Stronger Futures, the Commonwealth Government will be responsible for work on alcohol management plans in prescribed areas in remote communities, while the NT Government will retain responsibility for this work in regional centres.

5.2.11 Night Patrols

Night patrols are funded by the Commonwealth Attorney-General’s Department and were generally the result of community-driven initiatives to control violence and property crime in Aboriginal communities. Although initially night patrols were entirely community operated, since the NT local government reforms, the shires have managed and operated night patrols on a cost-recovery basis with a more regional structure. The relative success of these two approaches is unclear although the regionalisation has in some cases limited the resources available to communities to decide and deal with their own issues.

The aim of night patrols was to prevent antisocial and violent behaviour through personal engagement in community safety incidents and by intervening to calm situations, transport people to places of safety and provide information and referrals. Before the NTER patrols operated in 23 communities and this was significantly expanded by the end of 2009 when they were operating in 80 locations, including 72 of the 73 NTER communities and this situation continued into 2011.

FaHCSIA noted that patrols assisted almost 60,000 people (some are assisted on multiple occasions) from January to June 2011, indicating a significant need for this service. It is considered that Night Patrols are most effective when they work closely with the police, although there are no formal agreements or MoUs in place at present. Work is currently progressing between NT Police and the Night Patrols to develop place-based training for new police officers on local cultural protocols and sensitivity in dealing with families.

5.2.12 Correctional Services

The NT Government announced a ‘New Era in Corrections’ reform which included new sentencing options; investment in community-based treatment; the trial of new supervision and surveillance tools; a greater emphasis on community reintegration; and new correctional facilities.

Designed to reduce the NT imprisonment rates by 15-20%, and reoffending rates by 10%, the reform placed stronger emphasis on reparation, rehabilitation, education and training, and reintegration.

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The reforms comprise five key elements:

- **New and enhanced Community Custody and Community-based orders – urban and remote**
  To give the courts the power to order offenders into rehabilitative initiatives, education and training, and work programs as an alternative to imprisonment.

- **Accommodation, treatment and program options as an alternative to custody**
  To introduce 26 more beds to rehabilitation facilities to direct offenders into treatment and break the cycle of re-offending. Supported Accommodation and Program Centres (SAPC) will be built in Alice Springs (20-bed) and in Darwin (48-bed).

- **Enhanced monitoring and surveillance capacity in the community**
  To allow more control over offenders serving their sentence in remote communities.

- **Increased community-based reintegration methods**
  To expand Elders Visiting Program role in offender reintegration through the introduction of mediation, conflict resolution programs and increased consultation. Reintegration Officers located in the East Arnhem, Katherine and Barkly regions to support elders and link in with the new Barkly Work Camp and the Katherine Prison Farm.

- **New correctional facilities**
  - 50-bed Barkly Work Camp in Tennant Creek and 170 bed prison farm in Katherine.
  - 800-bed Darwin Correctional Centre with capacity for an additional 200 beds;
  - 48-bed SAPC; and
  - 30-bed Secure Mental Health Behavioural Management Facility managed by the Department of Health.

NT Correctional Services are working to improve facilities, particularly for education, training and mental health programs, and improving the reintegration of offenders to society and reducing recidivism. However, the broader issues that could be questioned about the NT Government’s priorities are: why are the provision of improved corrections options for motor vehicle offenders put in place while there is no comprehensive driver education and licensing program in remote towns; and why are prison farms being built when there are fewer and fewer youth and recreation programs available in places like Tennant Creek?

The vast majority of people in jail are there for relatively short terms (3-6 months) and primarily for non-violent offences, which raises the question about the level of discretion of magistrates in sentencing options and greater need for community-based orders.
By massively increasing the NT’s overall prisoner capacity are we blindly expanding on what is the most expensive approach to addressing criminal and anti-social behaviour? The cost of incarcerating an individual for one year is now approaching $100,000. With the capacity of Darwin and Alice Springs prisons increasing to 1,450 and 400 respectively, the total cost will approach $200 million a year. Less expensive prison camps in other centres look set for similar expansion making the current approach unsustainable.

Alternatives such as the justice reinvestment program underway in Utah\(^9\) warrant serious consideration especially with costs of incarceration and construction of new facilities escalating. In Utah the state saved $20 million in the first year of operation by decreasing incarceration and exploring other means of penalising offenders.

### 5.2.13 Alcohol

The key facts about alcohol in the NT are:

- Per capita alcohol consumption is 40% higher than the national average.
- 60% of assaults and 67% of domestic violence incidents are alcohol related.
- Alcohol-related crime costs the Territory $642 million a year – or around $4,197 for every adult Territorian, compared to $944 nationally.\(^{10}\)
- Age-adjusted NT alcohol-attributable death rate for 2004-05 was 7.2 per 10,000 (15+ years) compared to 2.1 per 10,000 nationally. The death rate among NT Indigenous people was 18.6 per 10,000.\(^{11}\)
- Age-adjusted NT alcohol-attributable hospitalisation rate in 2005-06 was 135.4 per 10,000 persons (15+ years). NT Indigenous rate (379 per 10,000) was much higher than non-Indigenous rate (57.6/10,000 persons).
- From 2002/03 to 2006/07, an average of 10.4% of all NT road crashes were alcohol related. From 2000 to 2005, 48% of motor vehicle accident fatalities and 17% of serious injuries were alcohol related.
- From 2000 to 2002, alcohol was associated with 56% of suicides in the NT.

Per capita consumption of pure alcohol (PCAC) for both Aboriginal and non-Aboriginal people in the NT has been above 13 litres per year for many years, about 40% higher than for Australia as a whole.

During the 1990s, the PCAC among adult (15+ years) non-Aboriginal people in the NT was estimated at 13.83 litres of pure alcohol per year (1.43 times the national average) and the PCAC of Aboriginal adults was estimated at 19.05 litres (1.97 times the national average).\(^{12}\) The estimates provided in the *Medical Journal of Australia* paper\(^{13}\) (first table

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\(^{10}\) Alcohol and Crime and the cost to the community, NTG website, 30 August 2012.

\(^{11}\) NTG Website, A Healthy Territory Fact Sheet.


below) comparing the NT to national and Aboriginal to non-Aboriginal consumption with those provided by the Department of Justice (following table) vary slightly across the period but both indicate a decrease in PCAC over the last decade.

### Estimated annual per capita consumption of pure alcohol in litres per person aged 15 years and older - NT and Australia

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>34%</td>
<td>42%</td>
<td>41%</td>
<td>51%</td>
<td>53%</td>
<td>52%</td>
<td>45%</td>
</tr>
<tr>
<td>NT Aboriginal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15.2</td>
<td>15.3</td>
<td>15.8</td>
<td>16.6</td>
<td>16.9</td>
<td>16.8</td>
<td>16.1</td>
</tr>
<tr>
<td>13.0</td>
<td>13.1</td>
<td>13.6</td>
<td>14.2</td>
<td>14.5</td>
<td>14.4</td>
<td>13.8</td>
</tr>
</tbody>
</table>

### Per capita consumption of alcohol Northern Territory

<table>
<thead>
<tr>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consumption</td>
<td>14.36</td>
<td>15.17</td>
<td>15.27</td>
<td>14.75</td>
<td>14.70</td>
<td>14.35</td>
<td>14.00</td>
</tr>
<tr>
<td>PAC supply</td>
<td>2,427,044</td>
<td>2,616,018</td>
<td>2,688,663</td>
<td>2,706,671</td>
<td>2,748,430</td>
<td>2,733,794</td>
<td>2,751,916</td>
</tr>
<tr>
<td>Population</td>
<td>169,005</td>
<td>172,492</td>
<td>176,103</td>
<td>183,514</td>
<td>186,934</td>
<td>190,517</td>
<td>196,615</td>
</tr>
</tbody>
</table>

The Darwin/Palmerston region has increased 6% from 49% to 55% of total consumption since 2003, while Alice Springs has decreased 4% in that period.

### Regional Consumption as a percentage of total consumption

<table>
<thead>
<tr>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Darwin</td>
<td>40%</td>
<td>41%</td>
<td>41%</td>
<td>40%</td>
<td>42%</td>
<td>43%</td>
<td>43%</td>
</tr>
<tr>
<td>Palmerston</td>
<td>9%</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
<td>11%</td>
<td>12%</td>
<td>12%</td>
</tr>
<tr>
<td>Alice Springs</td>
<td>21%</td>
<td>19%</td>
<td>20%</td>
<td>19%</td>
<td>16%</td>
<td>15%</td>
<td>17%</td>
</tr>
<tr>
<td>Katherine</td>
<td>8%</td>
<td>8%</td>
<td>8%</td>
<td>7%</td>
<td>7%</td>
<td>6%</td>
<td>7%</td>
</tr>
<tr>
<td>Tennant Creek</td>
<td>3%</td>
<td>3%</td>
<td>2%</td>
<td>2%</td>
<td>2%</td>
<td>2%</td>
<td>2%</td>
</tr>
<tr>
<td>Nhulunbuy</td>
<td>3%</td>
<td>3%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>NT Balance</td>
<td>17%</td>
<td>17%</td>
<td>16%</td>
<td>17%</td>
<td>17%</td>
<td>17%</td>
<td>17%</td>
</tr>
</tbody>
</table>

### Consumption

Rates of alcohol consumption are significantly higher in the NT than in the rest of Australia, with 17% of the adult population drinking at a risky or high risk of long term harm, and 18% consuming alcohol at a rate which risks short term harm at least once each month. Just over half of the tangible costs of alcohol falls on households, with the NT government and businesses each bearing one quarter of the costs. Ninety three percent of the costs are estimated to arise from drinking by those consuming at risky or high risk levels.

15 Harms from and Costs of Alcohol Consumption in the NT, SA Centre for Economic Studies, September 2009, p. 17.
16 Ibid.
While there is a perception that problem drinking is an ‘Aboriginal problem’ it should be noted that Aboriginal people in the NT are less likely to consume alcohol than other Territorians. However those who do drink alcohol are more likely to drink at harmful levels, and in regional centres often in public spaces.

In 2007 it was estimated that 88.7% of NT non-Indigenous adults had consumed alcohol in the previous 12 months, compared with 84.6% of the rest of Australia. The 2008 National Aboriginal and Torres Strait Islander Social Survey reported only about half of NT Indigenous adults (49.2%) had consumed alcohol in the previous year. However, among Aboriginal adults who consumed alcohol, 30.1% reported drinking alcohol at a risky or high risk level compared to 17.1% in the non-Indigenous population.

Excessive alcohol consumption and heavy drinking is highly risky behaviour that impacts on the health and wellbeing of the individual and their family; on criminal activity and on education and employment. There has been a long standing prevailing view among the general community that:

- people in the NT do not believe that they should drink less and do not support measures to restrict the sale and consumption of alcohol;
- restrictions on availability of alcohol are often perceived as an infringement on individual rights and have a potential negative impact on tourism with little consideration of the public good (improved safety, reduction in crime, reduced burden on police and health resources);
- governments tend not to favour measures which reduce revenue, although it is questionable whether or not government revenues from alcohol sales create net gains or losses when health and justice expenditure are taken into account.

As was noted in the evaluation of the Alice Springs Alcohol Management plan:

... there is strong cultural resistance among the non-Indigenous population in Alice Springs to acknowledge that alcohol is a problem which affects both Indigenous and non-Indigenous people in the community. This perception adversely affects the non-Indigenous community’s willingness to engage in strategies to address the problem of alcohol in the community.

Health impacts

It was estimated that there were around 120 alcohol-attributable deaths in the NT in 2004-05-06. Alcohol-attributable deaths occur in the NT at about 3.5 times the rate they do in Australia generally; rates in non-Aboriginal people were about double the national rate, while they were 9–10 times higher for Aboriginal people.

There were 2,319 and 2,544 alcohol-attributable hospitalisations in the NT in 2004–05 and 2005–06 respectively, at corresponding rates of 146.6 and 157.7 per 10,000 population (more than twice the national rate).

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17 Crundall I., Northern Territory Alcohol Consumption and Related Attitudes: 2006 Household Survey, Northern Territory, Department of Justice, 2006.
19 Moving Beyond the Restrictions: The Evaluation of the Alice Springs Alcohol Management Plan Recommendations
For both Aboriginal and non-Aboriginal people the three most common causes of death, together accounting for 71% of all deaths that were attributable to alcohol, were alcoholic liver cirrhosis, road crashes and suicide.

The age-adjusted NT alcohol-attributable death rate for 2004-05 was 7.2 per 10,000 (persons 15+ years), compared to the national estimate of 2.1 per 10,000. The death rate among NT Indigenous people was 18.6 per 10,000.\(^\text{21}\)

Age-adjusted NT alcohol-attributable hospitalisation rate in 2005-06 was 135.4 per 10,000 persons (15+ years). NT Indigenous rate (379 per 10,000) was much higher than non-Indigenous rate (57.6 per 10,000 persons).\(^\text{22}\)

**Law and justice impacts**

From July to the end of December 2011, there was an overall decrease of 5.1% for recorded alcohol-related assaults across the NT compared to the same period in 2010. Preliminary estimates across the three quarters from 2010-11 to 2011-12 show an overall decrease in recorded alcohol-related assaults of 2.1%, with Darwin showing a decrease of 7.4%, Palmerston 13.5%, Alice Springs 4.4% and Katherine 7.6%.

However, Tennant Creek, Nhulunbuy and the balance of NT regions show a large increase in total recorded assaults for the three quarters from July to March 2011-12, compared with the same months of 2010-11.

Across the NT from July to March 2011-12, alcohol-related assaults not associated with domestic violence (DV) decreased by 9.5% compared with the same months in 2010-11, while alcohol-related assaults associated with DV increased by 3.0%. The increase in DV alcohol-related assaults may reflect initiatives implemented by police to encourage the reporting of DV and the improvement in the procedure of recording DV related assaults.

**Correctional Services impact**

NT Correctional Services\(^\text{23}\) advises that it does not collect comprehensive data on the imprisonment of Aboriginal people for alcohol-related crime in the NT although alcohol is widely understood to be a major factor in traffic and property crime and physical assault.

**Policy interventions**

Prior to the 2007 NTER many Aboriginal people had advocated for the introduction of community-driven measures aimed at reducing alcohol abuse, often experiencing sustained public and industry opposition. Examples include:

- In the mid-80s’ Julalikari Council, at the request of Tennant Creek town camp residents, applied for some camps to be declared ‘dry’ areas and from the early 1990s tried unsuccessfully for many years, to gain approval to trial additional

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\(^\text{21}\) NTG Website, A Territory Health Fact Sheet.

\(^\text{22}\) Ibid.

\(^\text{23}\) Advice from NT Department of Correctional Services.
alcohol management initiatives, e.g. ‘Thirsty Thursday’ which proposed banning takeaway sale of alcohol on Centrelink pay day;

- Abbotts town camp in Alice Springs, which had three liquor outlets nearby, sought unsuccessfully for six years from 1999 to be declared a ‘dry’ area. The application was finally approved in 2005;

- In 2003, Tangentyere Council in Alice Springs together with the National Drug Research Institute (Curtin University) and the Centre for Remote Health, conducted a survey on the views of town camp residents on alcohol. The research found that a majority of people wanted something done to address the misuse of alcohol. Camp residents supported existing restrictions and made numerous suggestions about additional measures that could help address the problem

- The Alice Springs People’s Alcohol Action Coalition (PAAC) has worked consistently over the last few years to lobby for the closure of alcohol outlets and for the implementation of proposals for a floor price for alcohol. PAAC does not seek prohibition on alcohol consumption, but supports the right to drink in a responsible and safe manner. PAAC’s aim is to work towards reducing alcohol-related harm, including through the following strategies:
  - developing constructive reforms to the sale of alcohol;
  - advocating controls on public consumption;
  - advocating responsible service of alcohol; and
  - promoting healthy lifestyles.

There is a strongly held view by the broader community in all regional centres that alcohol-related problems in the NT could simply be solved by the introduction of ‘wet canteens’ in discrete Aboriginal towns. There is a belief that Aboriginal people come to town primarily to drink and that such a strategy would substantially reduce the number of Aboriginal visitors. There is little evidence to support these underlying assumptions, or that people come to town primarily to drink.

The establishment of canteens in Aboriginal towns in the NT Top End and in North Queensland Indigenous towns has, unfortunately, contributed to a culture of heavy drinking in those towns. Police and health staff already bear an increased burden in dealing with the resultant problems and remote towns have very limited (if any) support services: no ‘dry-out shelters’, no rehabilitation programs and no treatment services. The introduction of canteens into Aboriginal towns would inevitably see an increase in problems associated with alcohol consumption, and furthermore, would be likely to increase the movement of non-drinking community members into town to avoid the problems associated with increased consumption of alcohol.

Research also indicates that the increased availability of alcohol in remote areas leads to increased alcohol consumption by those who previously were occasional or non-drinkers, particularly Aboriginal women.
Licensing

There were 493 licensed premises in the NT in 2010-11 (although the Department of Justice website lists 629 premises in June 2012). Prior to the NTER a small number of Top End communities had liquor licenses that operated with restricted trading hours, limits on purchases (usually up to six cans of beer per person and no sales of wines or spirits) and no takeaway sales. This varied across the NT with communities in Central Australia being largely ‘dry’ and those in the Katherine region having limited licenses and restricted takeaway sales. Individuals, usually non-Aboriginal staff, were able to seek a permit to consume alcohol in some remote towns. These permits did not allow the consumption of alcohol in public places and were only available to long-term community based staff and residents.

The supply and sale of alcohol in the NT is regulated through the NT Licensing Commission, an independent tribunal responsible for licensing and related matters. The Licensing and Regulation Division of the Department of Justice is responsible for all investigations, monitoring and record keeping, and enforcement and reporting for the Commission. All NT police have the powers of licensing inspectors.

Strategies

Over the years the NT Government has introduced a range of strategies to reduce alcohol consumption and subsequent harm, including supply control, alcohol management plans, public safety and antisocial behaviour initiatives, treatment, support and community care programs and alcohol courts, replaced now by the Alcohol and Other Drugs (AOD) Tribunal and the Substance Misuse and Assessment and Referral for Treatment (SMART) Court.

The NT Government introduced the Liquor and Other Legislation Amendment Bill 2012 to Parliament in March 2012 to refine and strengthen the ‘Enough is Enough’ alcohol reform package. The legislation provides police with more tools to target anti-social behaviour around licensed premises and entertainment precincts while also strengthening the powers of the Alcohol and Other Drugs Tribunal.

The Liquor and Other Legislation Amendment Bill 2012 amends three existing Acts:

- The Summary Offences Act 1995
- The Liquor Act 1980
- The Alcohol Reform (Prevention of Alcohol-related Crime and Substance Misuse) Act 2011

Supply restrictions

The Department of Justice introduced alcohol restrictions in public areas, including parks and recreational areas, throughout the Territory’s urban centres during 2007 and 2008. Generally, public drinking restrictions form part of a community Alcohol Management Plan that incorporates alcohol supply, demand and harm reduction measures.
For example, parts of the Darwin CBD, Nightcliff, Rapid Creek and Coconut Grove were declared restricted for alcohol in May 2008. Signs were erected making it clear where drinking is allowed, and a range of penalties applied including confiscation, on the spot fines (higher if the matter goes to court) and a possible ban from drinking.

Under the ‘Two Kilometre Law’ people were not allowed to drink alcohol in public places or on unoccupied private land within two kilometres of a licensed premise. The Summary Offences Act 1998 allowed police to fine a person caught drinking in public and to tip out the open and sealed containers of alcohol or seize them.

**NT Government Alcohol Management Plans**

Alcohol Management Plans were in place in 2008 for Alice Springs, Katherine, Tennant Creek, Palmerston, East Arnhem Land, Jabiru, Borroloola and Darwin. The plans were developed in an effort to minimise harm from excessive alcohol consumption and were tailored to meet the particular needs of different locations. Local Alcohol Reference Groups were established to oversee the development and implementation of the plans. It was envisaged that monitoring and evaluation of the plans would be undertaken as well as community education and social marketing campaigns to promote behavioural change.

Evaluations have been conducted in a number of places including Alice Springs, Katherine and Groote Eylandt. The Moving Beyond the Restrictions report, the evaluation of the Alice Springs Alcohol Management Plan, made the following recommendations:

- Implement a community development model for reform
- Establish a new Alice Springs Alcohol Working Group
- Improve resources and infrastructure to deal with problems of alcohol misuse
- Develop an effective framework for ongoing monitoring and evaluation
- Develop a plain language handbook for evaluation of Alcohol Management Plans
- Reassessing drinking in Indigenous communities
- Review of alcohol treatment services
- Consider the needs of elderly people
- An investment in community change

**Court reform**

The ‘Enough is Enough’24 program introduced two new statutory bodies to deal with people who misuse alcohol and drugs; the AOD Tribunal and the SMART Court. The AOD Tribunal has the power to make orders for the benefit of people who misuse alcohol or other drugs and the SMART Court, replacing the Alcohol Court, to make orders for people who have been found guilty of a criminal offence related to alcohol or drug misuse.

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Alcohol and Other Drugs Tribunal

The AOD Tribunal became operational in a limited capacity on 1 July 2011 to deal with reviews of Banning Alcohol and Treatment (BAT) Notices and to administer Alcohol Misuse Intervention (AMI) applications. From 1 July 2011 through to 31 March 2012, over 9,000 alcohol bans were issued, including First, Second and Third BAT Notices and other alcohol bans.

The AOD Tribunal commenced receiving mandatory applications for breaches of Third BAT Notices from NT Police on 1 January 2012. As of 31 March 2012, a total of 471 mandatory referrals have been lodged with the AOD Tribunal. These banned drinkers remain on the BDR until they have been assessed by clinicians and completed the requirements of any order made by the Tribunal, including orders for treatment. The NT Government strengthened the powers of the AOD Tribunal with the Liquor and Other Legislation Amendment Bill 2012, noted on page 113, which seeks to amend the powers of the AOD Tribunal to allow it to make orders that a person be subject to income management, including ex parte orders.

SMART Court

The SMART Court is a court of ‘therapeutic jurisdiction’ and hears criminal matters where the offender has a history of serious substance misuse and has committed an offence. It aims to:

- reduce offending and antisocial behaviour associated with substance misuse;
- increase rehabilitation;
- reduce the number of people re-offending and provide a pathway into treatment for problem drinkers; and
- reduce the harms associated with substance misuse through improved health and social outcomes for people whose offending is related to substance misuse.

The Court is presided over by a magistrate and has the power of a court and can hand down orders, either before sentencing or as part of a sentence, that can include a combination of bans on purchasing, possessing and consuming alcohol and mandatory treatment. The Court commenced operating in a limited capacity on 1 July 2011. From 1 July 2012 the Court will operate with full capacity which will include a holistic integrated case management model for people being issued with SMART orders. To the end of March 2012, 108 SMART orders have been issued.

Rehabilitation and treatment programs

The NT Government committed $34.2 million over five years to 2014-15 to increase treatment and rehabilitation options and establish new services to meet the demands of people with significant alcohol problems focussing on increasing the capacity of the non-government residential treatment providers. Funding has been targeted at new

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25 ex parte: decision made by a judge or magistrate without all parties to the argument being present.
beds, additional staff and a range of services including early intervention, withdrawal support and expanded outreach services, including in remote areas.\(^2^6\)

An additional 24 treatment beds will be made available through funding from the Enough is Enough Alcohol Reform. Fourteen new rehabilitation beds commenced operation in Darwin in September 2011 with a further 10 withdrawal beds funded for Alice Springs. Other achievements in the treatment and rehabilitation sector include:

- fast-track referrals from Royal Darwin Hospital (RDH) to community treatment services, down from three weeks to a minimum of three hours;
- Alcohol Misuse Intervention Training delivered to 120 treatment providers;
- Emergency Department AOD nurse positions have been employed at the Royal Darwin and the Alice Springs Hospitals, and the program is being extended into other hospitals; and
- a position has been funded within the Aboriginal Medical Services Alliance NT to support the roll-out of a new remote and outreach workforce.

Withdrawal from alcohol and other drugs can be life threatening and in some cases, close medical supervision is required. There are a number of organisations across the NT, in addition to the regional hospitals, that provide a safe and supportive environment for people withdrawing from alcohol and other drugs.

**Banned Drinkers Register**

The Banned Drinkers Register (BDR) maintains central information about the identity of banned drinkers who have been issued BAT Notices and other orders. The BDR enforces court and prohibition orders (such as those as part of a parole or bail condition) preventing sales of takeaway alcohol to banned drinkers throughout the NT.

Triggers for a ban and being placed on the BDR include:

- repeat protective custody incidents (3 times in 3 months);
- high range and repeat drink driving;
- repeat alcohol infringement notices;
- alcohol-related offences such as assault;
- domestic violence order breaches; and
- knowingly supply alcohol to someone who is already banned (secondary supply).

As at the end of March 2012 there were 2,369 people on the BDR: 54% of those for protective custody incidents and 38% for alcohol-related crimes such as assault and driving under the influence. During the first nine months of operation, 12,288 total BDR Point of Sale refusals were recorded, 5,136 of these for prohibition and 7,152 supply restriction refusals. The rollout of the infrastructure to support the BDR commenced in March 2011, and, by 31 December 2011, was installed in 190 takeaway liquor outlets across the NT.

\(^2^6\) *Enough is Enough, Alcohol Reform Report July 2011 to end March 2012, p. 3.*
NTER measures

The alcohol regulatory framework in the NT is extremely complex as a consequence of people living in various locations with differing regulations, as well as the NT and Commonwealth governments having control over different aspects of alcohol regulation. Since the Commonwealth Government’s NTER in 2007, there have been many ad-hoc modifications to various aspects of the framework as a consequence of both NT and Commonwealth Government actions. Current negotiations under the Stronger Futures initiative are likely to further complicate these arrangements.

Measures under the NTER banned the sale, possession and consumption of alcohol within ‘prescribed communities’ and in an effort to improve community safety and wellbeing, included signs banning alcohol sale, possession and consumption in all prescribed communities and Aboriginal lands across the NT. Measures also included requiring proof of ID and the register of alcohol purchases of $100 or more (detailing name of purchaser and where the alcohol was to be consumed) and also applied to purchases of cask or flagon wine exceeding a total of 5 litres in a single transaction.

Stronger Futures

Stronger Futures initiatives allocate $75.6 million over ten years to extend current alcohol restrictions, increase penalties for grog running, including imprisonment, and develop alcohol management plans (AMPs) to be approved by the Federal Indigenous Affairs Minister with responsibility for AMPs moving from the NT Department of Justice to FaHCSIA. The Minister will also have new powers to lift alcohol restrictions where AMPs are deemed to be effective and to request the NT Government to appoint an independent assessor to look into venues and gauge if their serving practices are contributing to significant alcohol related harm to Aboriginal people. If this is found to be the case, the Commonwealth Government will work with the NT Government to ensure practices change.

Withdrawal Services

Darwin
- Tobacco Alcohol and other Drugs Services (Withdrawal Services)
- Council for Aboriginal Alcohol Program Services Incorporated (CAAPS)
- Banyan House
- The Salvation Army Drug and Alcohol Services
- CatholicCare NT
- Forwaard
- Mission Australia
- Amity Community Services

Katherine
- Kalano Community Association Inc - Venndale Rehabilitation and Withdrawal Centre

Alice Springs
- Alcohol and Other Drugs Services Central Australia (ADSCA)
- Bush Mob
- Central Australian Aboriginal Alcohol Programs Unit (CAAAPU)
- Central Australian Aboriginal Congress
- Drug and Alcohol Services Association (DASA)
- Holyoake Alice Springs
- Tangentyere Council

Tennant Creek
- Alcohol and Other Drugs Service
- Anyinginyi Alcohol Aftercare
- Barkly Region Aboriginal Drug Alcohol Advisory Group

An independent review to determine the effectiveness of alcohol regulation legislation in the NT, including Enough is Enough reforms, the Stronger Futures alcohol restrictions and the *Northern Territory Liquor Act*, will be undertaken and completed within three years. Amendments to be made to the *Social Security Act* will allow for people with alcohol problems to be placed on income management following assessment and referral by the NT Alcohol and Other Drugs Tribunal.

**Comments and observations**

The relationships between alcohol consumption and health and social outcomes are complex and multidimensional. In developing public policy responses to the problems caused by harmful use of alcohol needs to take into consideration the different characteristics, effects and consequences of its consumption on individuals, families, communities and the broader public.

Evidence is clear\(^\text{28}\) that efforts must be directed towards culturally appropriate and cost-effective interventions that reduce harmful use of alcohol. Even though many Aboriginal people are either non-drinkers or drink alcohol in a way that carries low risk of harm, much alcohol is drunk either in high-risk situations or during heavy-drinking sessions or both. The interaction between all these individual and social factors suggests the need for comprehensive policy measures to reduce alcohol-related harm not just for the drinkers themselves, but also to protect those individuals and groups who are at risk of being negatively affected by others’ drinking.

The Alice Springs People’s Alcohol Action Coalition (PAAC) has for many years been calling for the adoption by government of evidence-based policy initiatives to reduce alcohol-related harm. There is substantial evidence that appropriate combinations of the following strategies are effective in reducing the harmful use of alcohol –

- Regulating and restricting the marketing and availability of alcohol including a reduction in the density of alcohol sales outlets, reduce trading (days and hours that alcohol can be sold);
- Reducing the demand for alcohol through taxation and pricing mechanisms;
- Raising awareness and support for alcohol restrictions;
- Providing easily accessible and affordable treatment programs for people with alcohol-use disorders; and
- Community-based actions and risk-reduction measures that focus on the drinking context.

The success of particular measures to reduce alcohol-related harm will depend on local circumstances and the development of place-based Alcohol Management Plans. However the strategies adopted under these Plans are likely to require additional complementary government measures to reduce availability and access to alcohol through the buy-back of liquor licences, additional restrictions on sales and trading.

Further consideration must be given to proposals and recommendations for the introduction of a ‘floor price’ on alcohol. Increasing the unit price of alcohol is known to be an effective strategy in reducing excessive alcohol consumption and related harm.

5.2.14 Child protection

The Implementation Plan for the Family Support Package is a NTER measure now incorporated into the Partnership Agreement on Closing the Gap in the NT. The three components of the package include:

- 22 fully operational Safe Places in 15 remote communities, as well as Darwin and Alice Springs;
- a fully operational Mobile Child Protection Team (MCPT) and
- Remote Aboriginal and Family Community Workers (RAFCW) in a minimum of 13 remote communities.

The NT Government is responsible for the management, operation and coordination of the Safe Places, Mobile Child Protection Teams and Remote Aboriginal and Family Community Workers, including recruitment, training and support.

### Closing the Gap Family Support funding 2010 to 2011

<table>
<thead>
<tr>
<th></th>
<th>2010-11 $m</th>
<th>2011-12 $m</th>
<th>Total $M</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Closing the Gap – Family Support NPP - NTG</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobile Child Protection teams</td>
<td>1.0</td>
<td>1.0</td>
<td>2.0</td>
</tr>
<tr>
<td>RAFCWs operating in priority communities</td>
<td>2.669</td>
<td>2.876</td>
<td>5.545</td>
</tr>
<tr>
<td>Safe Places x 22 sites</td>
<td>1.3</td>
<td>1.3</td>
<td>2.6</td>
</tr>
<tr>
<td>Evaluation Plan</td>
<td>0.3</td>
<td>0.3</td>
<td>0.6</td>
</tr>
<tr>
<td><strong>Total: NPP payment to NTG</strong></td>
<td>5.269</td>
<td>5.476</td>
<td>10.745</td>
</tr>
<tr>
<td><strong>Closing the Gap – Family Support – Commonwealth Own Purpose Expenditure</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Women’s Safe Houses and Men’s Places</td>
<td>5.269</td>
<td>5.475</td>
<td>10.744</td>
</tr>
</tbody>
</table>

Reallocated funding of $5.17m from 2008-09 NTER Family Support Package was rolled over

### Definitions

The United Nations World Report on Violence against Children defines this as:

... all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse.

Child abuse is defined as ‘any form of physical, emotional and/or sexual mistreatment or lack of care that causes physical injury or emotional damage to a child. Child abuse can be committed by individuals, institutions, communities, and/or societies.’

A common factor in all forms of child abuse is an abuse of power. The *Protecting Children is Everyone’s Business, National Framework for Protecting Australia’s Children 2009–2020* gives effect to obligations under the United Nations Convention on the

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Rights of the Child. Key principles are:

- All children have a right to grow up in an environment free from neglect and abuse. Their best interests are paramount in all decisions affecting them.
- Children and their families have a right to participate in decisions affecting them.
- Improving the safety and wellbeing of children is primarily the responsibility of their families, who should be supported by their communities and government.
- Australian society values, supports and works in partnership with parents, families and others in fulfilling their caring responsibilities for children.
- Children's rights are upheld by systems and institutions.
- Policies and interventions are evidence-based.

The Framework recognises the best way to protect children is through the prevention of child abuse and neglect and the promotion of safety and wellbeing. It adopts a shared responsibility model of care and safety that involves families, communities, professionals, services and government, with the safety and wellbeing of children being everyone’s responsibility.

The Framework has six key outcomes:

- children live in safe and supportive families and communities;
- children and families access adequate support to promote safety and intervene early;
- risk factors for child abuse and neglect are addressed;
- children who have been abused or neglected receive the support and care they need for their safety and wellbeing;
- Indigenous children are supported and safe in their families and communities; and
- child sexual abuse and exploitation is prevented and survivors receive adequate support.

**Background**

During May and June 2006 there were a number of media stories that suggested an alarming incidence of Aboriginal child sexual abuse in remote Aboriginal towns. In response to these reports, the Chief Minister announced an inquiry into child sexual abuse in the NT on 22 June 2006 and a week earlier had announced the setting up of a Child Abuse Taskforce (CAT) with representatives from NT Police and NT Family and Children's Services.

On 17 July 2006, COAG together with the Australian Crime Commission announced the establishment of the National Indigenous Violence and Child Abuse Intelligence Task
The NT Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse was appointed on 8 August 2006 and their report *Ampe Akelyernemane Meke Mekarle - Little Children are Sacred* was released by the NT Government on 15 June 2007.

The report found: ‘it is not possible to accurately estimate the extent of child sexual abuse in the Northern Territory’s Aboriginal communities. However, the Inquiry has found clear evidence that child sexual abuse is a significant problem across the Territory’. It made 97 recommendations.

On 21 June 2007 the Howard Government announced the Northern Territory Emergency Response (NTER) and federal legislation was passed by the Senate on 17 August 2007. Key measures included the deployment of Australian Federal Police officers, prohibitions of alcohol and pornography and the introduction of blanket income quarantining in 73 ‘prescribed’ communities across the NT.

Initial NTER announcements also proposed compulsory, forensic, physical examinations for all Aboriginal children under 16 years of age living in prescribed communities, however this was dropped when concerns were raised by health professionals and voluntary general child health checks were conducted. The lack of adequate policy processes, noted in the AIHW evaluation meant that the child health checks did not follow international best practice for screening programs. There is no evidence of officials using best practice guidelines for designing screening programs such as those issued by the World Health Organization (Wilson & Jungner, 1968).

**NT Government response**

In 2009, in response to growing indications that the child protection system in the NT was unable to deliver appropriate and adequate responses in the best interests of children, the Government commissioned a Board of Inquiry into the Child Protection System. The Board of Inquiry presented its report, *Growing them Strong*, to the NT Government in October 2010, which contained 147 recommendations for reform to all areas of the child protection system. Recommendations were categorised by level of urgency – actions requiring immediate urgent attention (implementation within six months), semi-urgent (within 18 months) and important but not urgent (within 2 to 3 years).

The NT Government’s immediate response was to give ‘in-principle’ support for the report’s recommendations that included the establishment of a specialist agency to deal with child safety and wellbeing.

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Types of maltreatment

Emotional abuse is when a person in a position of power, authority or trust repeatedly attacks a child’s self-esteem verbally or non-verbally through

- **Rejecting**: to refuse to acknowledge, hear or make time to support a child or provide basic needs;
- **Degrading**: to insult, criticise, mock, imitate, call names and otherwise belittle a child; to deprive a child of their sense of dignity and self-worth;
- **Isolating**: to separate a child from others; to cut a child off from normal social experiences, which results in extreme aloneness;
- **Terrorising**: to coerce or intimidate a child into a state of extreme fear, including by threatening violence against children themselves, their loved ones or pets, or favourite objects;
- **Corrupting**: to constantly show or encourage anti-social, harmful, destructive or illegal behaviours;
- **Ignoring**: to fail to provide sensitive, responsive support to a child; to deprive a child of essential emotional needs; to only interact with a child when necessary; to be psychologically distant
- **Exploiting/adultifying**: to make use of a child for one’s own advantage or profit; to make age-inappropriate demands.

Physical abuse is when a person in a position of power or trust deliberately hurts or threatens to injure a child or youth – this includes hitting, throwing, pushing, grabbing, pulling, etc.

Neglect is chronic inattention to the basic necessities of life such as clothing, shelter, nutritional diet, education, good hygiene, supervision, medical and dental care, adequate rest, safe environment, moral guidance and discipline, exercise, and fresh air.

Sexual abuse is when a young or less powerful person is used by an older or more powerful child, adolescent or adult for sexual gratification.

Exploitation is using children/youth for the benefit of the more powerful person with no regard for the harm being caused to the younger or more vulnerable person.

Source: Canadian Red Cross, RespectED: Violence and Abuse Prevention

Commissioner for Children

The Office of the Children’s Commissioner was established in 2008 to independently monitor the child protection system through the investigation of complaints and reporting against the Department’s administration of the *Care and Protection of Children Act*. In July 2011, the powers of the Children’s Commissioner were extended to allow the initiation of investigations without receiving a formal complaint.

The scope of the Children’s Commissioner’s powers was expanded beyond children involved in the child protection system from ‘protected children’ to ‘vulnerable children’.

An Aboriginal Peak body (Stronger Aboriginal Families, Together) has been established for the purpose of creating Aboriginal Child Care Agencies (ACCA). The establishment of ACCAs will provide a robust focus on the safety and wellbeing of Aboriginal and Torres Strait Islander children within the child protection system.

Child Abuse Taskforce (CAT)

Child Abuse Taskforces have been established in Darwin and Alice Springs.

The CAT uses an intelligence-led approach to identify remote communities with increased risks to children of exposure to sexual or physical harm. This is achieved through the ‘centralised monitoring of child harm notifications and ongoing

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community risk assessments based on intelligence gleaned by the CAT intelligence team.’

The CAT conducts investigations with the Department of Children and Families to provide investigation and protection responses and make referrals to other services such as health and education. The CAT aims to establish positive community engagement and improve community confidence in the reporting of child abuse and timely and appropriate government response.

Current situation

A new, and separate, specialist entity for child protection, the Department of Children and Families (DCF), was established on 1 January 2011 to coordinate and progressively implement the Board of Inquiry recommendations.

An independent Child Protection External Monitoring and Reporting Committee was established by Ministerial appointment and met for the first time in February 2011. A strategic framework 2011-2015 ‘Safe Children, Bright Futures’ reflecting the NT Government’s response to the Board of Inquiry’s Growing them Strong report recommendations was launched in February 2011.

The Strategic Framework includes seven key areas of reform:

- Supporting and Strengthening Families (enhancing the family support system)
- Keeping Kids Safe (statutory intervention and out of home care)
- A strong and effective legal framework (legislative change and court reform)
- Working Together (community collaboration)
- Our People (workforce)
- Healing, Growing, Walking Together – development of an Aboriginal service sector and community capacity building
- Building a Stronger, Better, More Accountable System (governance and regionalisation)

The Framework sets out the actions that will be taken by the Department of Children and Families in collaboration and partnership with the community to build a new child protection and family support system over the next five years.

The Department has released update reports on the Child Protection Reform Progress (Volumes 1 and 2) and publishes monthly reports on Child Protection system reforms. The Department has also introduced a new Structured Decision Making intake screening and response priority tools designed to assist child protection staff with decision-making, investigation and prioritisation of notifications.

‘We are dealing with children of the tenderest age who have been exposed to the most terrible abuse, from the time of their birth, virtually. And any semblance of maintaining the innocence of childhood is a myth in so many of these communities.’

PM John Howard, media conference 21 June 2007

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34 NT Police, Fire and Emergency Services (PFES) Annual Report 2010-11, p. 29.
In January 2011 a 24/7 Child Protection Intake and after hours service was set up, amalgamating the Central Intake Team and the After Hours Crisis Service and a social marketing campaign Stop the Hurting, Start the Healing was launched in April 2011 to address family violence.

The Department has also re-structured its service delivery arrangements adopting a regionalised approach consisting of Greater Darwin, Katherine and Northern, and Central Australia sections.

**Child abuse and neglect**

Substantiations of notifications received during 2010-11 by type of abuse or neglect - states and territories

<table>
<thead>
<tr>
<th>Type of Abuse or Neglect</th>
<th>NSW</th>
<th>Vic</th>
<th>Qld</th>
<th>WA</th>
<th>SA</th>
<th>Tas</th>
<th>ACT</th>
<th>NT</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Numbers</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physical Abuse</td>
<td>3,750</td>
<td>2,376</td>
<td>1,416</td>
<td>420</td>
<td>343</td>
<td>171</td>
<td>139</td>
<td>328</td>
<td>8,943</td>
</tr>
<tr>
<td>Sexual Abuse</td>
<td>3,492</td>
<td>731</td>
<td>416</td>
<td>431</td>
<td>145</td>
<td>92</td>
<td>49</td>
<td>81</td>
<td>5,437</td>
</tr>
<tr>
<td>Emotional Abuse</td>
<td>5,518</td>
<td>3,961</td>
<td>2,621</td>
<td>366</td>
<td>724</td>
<td>510</td>
<td>227</td>
<td>421</td>
<td>14,348</td>
</tr>
<tr>
<td>Neglect</td>
<td>5,836</td>
<td>575</td>
<td>2,145</td>
<td>690</td>
<td>1,008</td>
<td>397</td>
<td>221</td>
<td>811</td>
<td>11,683</td>
</tr>
<tr>
<td>Total</td>
<td>18,596</td>
<td>7,643</td>
<td>6,598</td>
<td>1,907</td>
<td>2,220</td>
<td>1,225</td>
<td>636</td>
<td>1,641</td>
<td>40,466</td>
</tr>
</tbody>
</table>

| **Percent**              |     |     |     |    |    |     |     |    |       |
| Physical Abuse           | 20.2 | 31.1 | 21.5 | 22.0 | 15.5 | 14.0 | 21.9 | 20.0 | 22.1 |
| Sexual Abuse             | 18.8 | 9.6  | 6.3  | 22.6 | 6.5  | 7.7  | 7.7  | 4.9  | 13.5 |
| Emotional Abuse          | 29.7 | 51.8 | 39.7 | 19.2 | 32.6 | 41.6 | 35.7 | 25.7 | 35.5 |
| Neglect                  | 31.4 | 7.5  | 32.5 | 36.2 | 45.4 | 32.4 | 34.7 | 49.4 | 28.9 |
| Total                    | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |

Source: Child Protection Australia 2010-11

On superficial inspection, and particularly in comparison to other jurisdictions, the level of child sexual abuse in the NT would now appear to be the lowest in the nation, while levels neglect are the highest. The data indicates that substantial resources also need to be directed to the education of parents, early childhood health and nutrition programs, and to analysing the causes of, and possible solutions to, these significant levels of neglect.

This was noted in the Closing the Gap monitoring report, which stated,°° ‘There is evidence that child neglect is a more common issue than sexual assault in the NTER communities.’ This is confirmed by NT police data and is borne out in the low and falling levels of Child Protection notifications for reasons of sexual abuse since the NTER, but the continued high, and rising levels of child neglect and ‘failure to thrive’.

While much of the important early focus of the NTER was on increasing police presence in remote towns and improving community perceptions of safety, the initial approach of the ‘emergency’ (which emphasised the ‘stabilisation’ of communities)

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has transitioned very slowly to an approach which creates sustainable, long term protection for children. Minister Brough’s statements in 2007, which have never been withdrawn, about widespread child sexual abuse in Aboriginal communities was the premise for the intervention and appears to have been based on both poor information and flawed assumptions. The result was a child protection system designed to respond to false assumptions about sexual abuse and a premise which allowed for an alarming increase in the removal of children from their families.

The Little Children are Sacred report, while quoting international research and discussing disturbing incidences of child sexual abuse in Australia, offered little by way of solid factual evidence or data, other than limited information on sexually transmitted infections, to support Minister Brough’s assertions. The total number of sexual assault convictions in the four years prior to the commencement of the NTER was 25, from 1 July 2003 to 1 July 2007.36

As the report noted:

The proportion of substantiated cases of ‘sexual abuse’ has consistently been between 5% (2005-06) and 8% (2001-02) of all substantiations (25 of 464 in 2005-06). In regards to cases involving Indigenous children, 4% (15 of 356) of all substantiations in 2005-06 were classified as ‘sexual abuse’. Sexual abuse cases make up similar proportions in other jurisdictions (AIHW 2007a) (with the exception of West Australia) where 16% of Indigenous cases were classified as sexual abuse in 2005-06.37

Clearly the situation in the NT was not much different to any other jurisdiction.

However, in reference to the Little Children are Sacred report in the Alfred Deakin lecture on October 2nd 2007, Minister Brough said,

They didn’t find sexual abuse in some of those communities, they didn’t find it in most of those communities, they found it in every single community; 45 out of 45. Think about that, the enormity of that for a moment. People coming forward with the most horrendous stories. We have children as young as three with gonorrhoea, we have twenty-four year old grandmothers, we have so many babies being born with alcohol foetal syndrome that their capacity to pass on the oral history of their people is gone before they’re even born. We have physical and sexual abuse of boys and girls and men and women. It knows no boundaries.

Over the last five years there has been ample opportunity to confirm the veracity of this statement. The comprehensive data collection and information gathering by the Australian Federal Police, the NT Police, the Department of Children and Families, Department of Health, Aboriginal Medical Services among others and the reports of the Commissioner for Children would have provided bountiful evidence, the opportunity to comment in further detail on this terrible situation and the platform to continue the extraordinary resourcing that has underpinned the ‘emergency’ approach. This has not

occurred. However, the reality is that child neglect is a far greater problem in terms of the numbers of children failing to thrive and families affected, and with a significant impact on ten times the number of children.

Access to NT Police data on child abuse has been problematic and while the figures do point to a number of cases involving sexual activity there is little clarity on the age group of children, the age of victims and perpetrators, the type of incidents (whether consensual or as a result of violence) and the types of STIs. Again the data indicates that by far the majority of cases were incidents of child welfare and not abuse.

<table>
<thead>
<tr>
<th>Category</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child Abuse Material</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Child Welfare</td>
<td>55</td>
<td>168</td>
<td>213</td>
<td>181</td>
<td>194</td>
</tr>
<tr>
<td>Child Welfare – Pregnancy</td>
<td>4</td>
<td>25</td>
<td>27</td>
<td>26</td>
<td>17</td>
</tr>
<tr>
<td>Child Welfare - STI</td>
<td>8</td>
<td>21</td>
<td>17</td>
<td>49</td>
<td>28</td>
</tr>
<tr>
<td>Prohibited Material (Prescribed Area)</td>
<td>0</td>
<td>10</td>
<td>12</td>
<td>12</td>
<td>10</td>
</tr>
<tr>
<td>Unclassified Adult Material</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>68</strong></td>
<td><strong>226</strong></td>
<td><strong>271</strong></td>
<td><strong>271</strong></td>
<td><strong>251</strong></td>
</tr>
</tbody>
</table>

Between 2006-07 and 2010-11, the number of substantiated child protection notifications in the NT has more than trebled while the number of cases involving child sexual abuse has risen by one third. There is also some question as to whether the data for child sexual abuse also reflects incidences of consensual sexual activity between under age partners or inappropriate sexualized behaviour between teens. Whatever the case, it is far from the image created by Minister Brough of organised paedophile rings and widespread sexual abuse by Aboriginal males who were demonised at the time without any opportunity to defend themselves.

On the basis of the available data, 38 NT sexual health practitioners have developed the view that sexual activity:

- in a person under 12 years is highly likely to indicate abuse;
- in a person aged 12-13 years is a ‘grey area’ requiring close examination of the situation; and
- a person 14 years or older is often consensual in nature, but may still indicate abuse.

The number of convictions for child sexual abuse in the 73 NTER communities in 2008 was nine; 10 in 2009; 11 in 2010; and 11 in 2011.

38 *Ampe Akelyerneme Meke Mekarle - Little Children are Sacred*, Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse 2007, p. 238.
39 Additional information from NT Department of Health & Community Services, 28 August 2006.
Northern Territory substantiated child protection notifications by type of abuse or neglect all children 2006-07 to 2010-11.

<table>
<thead>
<tr>
<th></th>
<th>2006-07</th>
<th>2007-08</th>
<th>2008-09</th>
<th>2009-10</th>
<th>2010-11</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
<td>%</td>
<td>No.</td>
</tr>
<tr>
<td>Physical</td>
<td>182</td>
<td>25.4</td>
<td>218</td>
<td>25.4</td>
<td>246</td>
</tr>
<tr>
<td>Sexual</td>
<td>60</td>
<td>9.7</td>
<td>83</td>
<td>9.7</td>
<td>107</td>
</tr>
<tr>
<td>Emotional</td>
<td>163</td>
<td>24.8</td>
<td>213</td>
<td>24.8</td>
<td>251</td>
</tr>
<tr>
<td>Neglect</td>
<td>137</td>
<td>20.0</td>
<td>344</td>
<td>40.1</td>
<td>639</td>
</tr>
<tr>
<td>Total:</td>
<td>542</td>
<td></td>
<td>709</td>
<td></td>
<td>858</td>
</tr>
</tbody>
</table>

Source: Child Protection Australia Annual Reports 2006-07 to 2010-11 inclusive.

The World Health Organisation violence prevention program proposes that the most effective approach to addressing child abuse, and the approach considered to be in the best interest of the child, is the education of parents first. This would foster a genuine public health model, promoting prevention rather than cure, and offers the following elements:

- Age-appropriate education, treatment and rehabilitation programs for young offenders;
- Treatment and healing programs for the survivors and victims of abuse and trauma;
- Parenting programs; and
- The establishment of high quality early childhood development and education programs which would benefit the broader community, and especially other children.

Clearly this is not the approach being taken in the NT. The focus of the Department of Children and Families has been on Child Protection Services and Out Of Home Care, with expenditure on these programs rising by 150% from $30.85 million to $78.78 million, while Intensive Family Support programs have grown by $50,000 or 10.8% in the same period. The annual report on government services (SCRGSP, 2012) provides a breakdown of expenditure on the cost of Child Protection Services, Out of Home Care and Intensive Family Support Services (IFSS).

False positive diagnosis of sexually transmitted Chlamydia trachomatis infection in children

Chlamydia occurs in eyes and the urogenital area, is generally regarded as a sexually transmitted disease and it is often thought sexual abuse has occurred when it is found in children. The Menzies School of Health Research, in collaboration with the NT Government Sexual Assault Referral Centre, is currently investigating the possibility of “false positive” diagnoses of Chlamydia trachomatis infection and whether it can be transmitted by other means apart from sexual contact. Some international agencies, such as the U.S. Department of Justice*, warns chlamydia found in children over one month old can be due to a ‘persistent perinatally acquired infection, which may last for up to 3 years’.

*Sexually Transmitted Diseases and Child Sexual Abuse, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, December 2002, p. 3.
Northern Territory expenditure 2005-6 to 2010-11
Child protection services, Out of Home Care, and Intensive Family Support

<table>
<thead>
<tr>
<th>Year</th>
<th>Child Protection</th>
<th>Out of Home Care</th>
<th>Intensive Family Support Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005-06</td>
<td>$9,705,000</td>
<td>$19,794,000</td>
<td>Not available</td>
</tr>
<tr>
<td>2006-07</td>
<td>$9,555,000</td>
<td>$21,293,000</td>
<td>$463,000</td>
</tr>
<tr>
<td>2007-08</td>
<td>$12,051,000</td>
<td>$28,762,000</td>
<td>$480,000</td>
</tr>
<tr>
<td>2008-09</td>
<td>$15,455,000</td>
<td>$35,272,000</td>
<td>$726,000</td>
</tr>
<tr>
<td>2009-10</td>
<td>$18,901,000</td>
<td>$40,210,000</td>
<td>$498,000</td>
</tr>
<tr>
<td>2010-11</td>
<td>$30,984,000</td>
<td>$47,801,000</td>
<td>$513,000</td>
</tr>
</tbody>
</table>

The expenditure on child protection is largely for the notification and investigation by the Department of Children and Families of possible cases of abuse. Out of Home Care funding is for the placement of children, generally away from immediate family, to provide support and respite from situations where children were deemed to be unsafe or provided with inadequate care. Intensive Family Support funds programs provided by not-for-profit organisations to support families on the income management program. These are specialist services that aim to prevent the imminent separation of children from their primary caregivers as a result of child protection concerns and to reunify families where separation has already occurred.

As pointed out in the previous section on Early Childhood, only a small percentage of expenditure under the NTER has been directed to supporting parents and children, while expenditure on punitive measures such as income management, policing and investigation, have had hundreds of millions in expenditure. While there is little question that some of these ‘emergency’ measures were valuable, the relatively minor expenditure to educate and support Aboriginal families denies the potential for far more positive outcomes based on strengthening families and community expertise in managing their own issues.

In a community safety survey41 conducted for FaHCSIA in the NT in October 2011 more than half of remote respondents indicated that the most commonly needed service (that does not currently exist) was a ‘children’s refuge/safe house’ (51.3%).

Child protection notifications 2010-11

<table>
<thead>
<tr>
<th></th>
<th>Received</th>
<th>Investigated No.</th>
<th>%</th>
<th>Substantiated</th>
<th>Not Substantiated</th>
<th>Closed</th>
<th>In progress</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater Darwin</td>
<td>2398</td>
<td>1409</td>
<td>59</td>
<td>443</td>
<td>620</td>
<td>178</td>
<td>65</td>
<td>1306</td>
</tr>
<tr>
<td>Katherine &amp; Northern</td>
<td>1701</td>
<td>1078</td>
<td>63</td>
<td>388</td>
<td>323</td>
<td>53</td>
<td>58</td>
<td>790</td>
</tr>
<tr>
<td>Central Australia</td>
<td>2138</td>
<td>1382</td>
<td>65</td>
<td>544</td>
<td>334</td>
<td>221</td>
<td>108</td>
<td>1207</td>
</tr>
<tr>
<td>NT-wide</td>
<td>296</td>
<td>125</td>
<td>42</td>
<td>266</td>
<td>244</td>
<td>36</td>
<td>113</td>
<td>691</td>
</tr>
<tr>
<td>TOTAL</td>
<td>6533</td>
<td>3994</td>
<td>61</td>
<td>1641</td>
<td>1521</td>
<td>488</td>
<td>344</td>
<td>3994</td>
</tr>
</tbody>
</table>

Source: Department of Children and Families Annual Report 2010-2011, pg36

Out of Home Care

Out of Home Care arrangements for children include placements with extended family, other relatives, family group homes, foster care, and boarding school. Children may move from one ‘out of home’ care arrangement to other types of care (e.g. from group home to family placement or into foster care). Placements may be voluntary or made in conjunction with care and protection orders.

**Children in Out of Home care - by number and number per 1,000 children aged 0-17 and Indigenous status, states and territories, 30 June 2011.**

<table>
<thead>
<tr>
<th></th>
<th>Number of Children</th>
<th>Number per 1,000 children</th>
<th>Rate ratio Indigenous/non-Indigenous</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Indigenous</td>
<td>Non-Indigenous</td>
<td>All children</td>
</tr>
<tr>
<td>NSW</td>
<td>5737</td>
<td>10,994</td>
<td>16,740</td>
</tr>
<tr>
<td>Victoria</td>
<td>877</td>
<td>47-1</td>
<td>5,678</td>
</tr>
<tr>
<td>Queensland</td>
<td>2,850</td>
<td>4,722</td>
<td>7,602</td>
</tr>
<tr>
<td>SA</td>
<td>1,448</td>
<td>1,527</td>
<td>3,120</td>
</tr>
<tr>
<td>Tasmania</td>
<td>196</td>
<td>754</td>
<td>966</td>
</tr>
<tr>
<td>ACT</td>
<td>119</td>
<td>409</td>
<td>540</td>
</tr>
<tr>
<td>NT</td>
<td>501</td>
<td>132</td>
<td>634</td>
</tr>
<tr>
<td>Australia</td>
<td>12,358</td>
<td>24,929</td>
<td>37,648</td>
</tr>
</tbody>
</table>


In 2010-11 only 74 children across the NT up to the age of 17 years commenced an intensive, case-managed family support program. Of these 21 were less than four years of age; 25 between five and nine years; and, 28 between ten and 17 years. The cost of intensive family support services in the NT was estimated at $6,932 per child.

**Intensive family support services**

Intensive family support services are specialist services, established in each jurisdiction that aim to:

- prevent the imminent separation of children from their primary caregivers as a result of child protection concerns
- reunify families where separation has already occurred.
- Intensive family support services differ from other types of child protection and family support services referred to in this chapter, in that they:
  - are funded or established explicitly to prevent the separation of, or to reunify, families
  - provide a range of services as part of an integrated strategy focusing on improving family functioning and skills, rather than providing a single type of service
  - are intensive in nature, averaging at least four hours of service provision per week for a specified short term period (usually less than six months)
  - generally receive referrals from a child protection service.

Intensive family support services may use some or all of the following strategies: assessment and case planning; parent education and skill development; individual and family counselling; anger management; respite and emergency care; practical and financial support; mediation, brokerage and referral services; and training in problem solving.

Source: AIHW (unpublished)

42 Child Protection Australia report 2010-11 p. 45.
**Commonwealth Government**

The data presented above describe the expenditure by NT Government departments responsible for child protection in responding to identified risk of child abuse and neglect or the actual occurrence of child abuse and neglect. The Commonwealth Government provides additional funds for programs and services designed to prevent the occurrence of child abuse and neglect and ameliorate the risk factors that contribute to child abuse and neglect.

The most relevant area to child abuse prevention is the development of the National Framework for Protecting Australia’s Children and the establishment of National Standards for Out of Home Care. Total expenditure on ‘Families and Children’ was not stated in the Annual Report 2010-11, however budgeted expenses for 2010-11 for Children and Parenting Services was $89,904 million according to FaHCSIA’s (2011b) Budget and Additional Estimates Statement 2010-11 and for 2011-12 $88,691 million\(^4\).

**Stronger Futures**

The recent 2012-13 Commonwealth Government budget outlined a number of initiatives to close the gap in early childhood under Stronger Futures with a commitment of $442 million over ten years aims to ‘strengthen the safety and wellbeing of Aboriginal children, youth and their families’ in the NT. Funding under this measure will continue to fund crisis or tertiary interventions – namely, front line child protection workers and out of home care.

There will continue to be an emphasis on investigation. Two mobile child protection teams provided with an additional 25 front line workers will support NT child protection officers so that more investigations can occur in remote and regional communities. An extra 12 part-time Aboriginal family and community workers will also be funded across 19 remote towns which will mean a total of 47 family and community workers. These local workers inform and support people in communities to prevent child abuse and neglect.

**Recommendation 5 - Community safety**

That NT Police conduct an urgent review of current staffing levels and duty rosters in Aboriginal communities that have a permanent police presence to ensure the provision of an appropriate service designed to improve community safety, particularly that of Aboriginal women who currently experience alarming levels of injury and harm.

5.3 Early childhood

5.3.1 COAG

For an equal start in life, Indigenous children need early learning, development and socialisation opportunities. Access to quality early childhood education and care services, including preschool, child care and family support such as parenting programs are critical. Appropriate facilities and infrastructure, a sustainable early childhood education and health workforce, learning frameworks and opportunities for parental engagement are also important and require attention. Action in the areas of maternal, antenatal and early childhood health is relevant to addressing the child mortality gap and to early childhood development.

The COAG National Early Childhood Development Strategy launched in July 2009 commits to ensuring that 'by 2020 all children have the best start in life to create a better future for themselves and for the nation' by focusing on seven key outcomes:

1. children are born and remain healthy;
2. children's environments are nurturing, culturally appropriate and safe;
3. children have the knowledge and skills for life and learning;
4. children benefit from better social inclusion and reduced disadvantage, especially Indigenous children;
5. children are engaged in and benefiting from educational opportunities;
6. families are confident and have the capabilities to support their children's development; and
7. quality early childhood development services support the workforce participation choices of families.

5.3.2 National Partnership Agreement

The NPA on Early Childhood Education set outs to achieve universal access to early childhood education for all children in the year before full time school by 2013 through:

- Child and Family Centres delivering integrated maternal health/antenatal, child

UN Convention on the Rights of the Child

Article 3:

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform to the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.
health, parenting and family support, and early learning and care;
• Increased access to antenatal care, pre-pregnancy and teenage sexual and reproductive health; and
• Increased access to, and use of, maternal and child health services for Indigenous families.

The NT Closing the Gap (Schedule D) Early Childhood Partnership Agreement covers:
• support for a range of early childhood services to improve the skills of families and to train young people about pregnancy, birth and parenting;
• the extension of playgroups for Indigenous families; and
• the continuation of the operation of 9 crèches established under the NTER and capital funding to finish construction of one crèche and to provide upgrades to 2 existing crèches.

The National Quality Framework (NQF) ensures high quality and consistent care across Australia to:
• increase program hours;
• ensure cost is not a barrier to access;
• strengthen program quality and consistency; and
• foster service integration and coordination across stand-alone preschool and child care.

### NPA Early childhood funding 2008 to 2014

<table>
<thead>
<tr>
<th>NPA – Early childhood</th>
<th>2008-09 $m</th>
<th>2009-10 $m</th>
<th>2010-11 $m</th>
<th>2011-12 $m</th>
<th>2012-13 $m</th>
<th>2013-14 $m</th>
<th>Total $m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Universal access to early childhood education – National Partnership payment NTG Schedule 2</td>
<td>2.28</td>
<td>1.94</td>
<td>5.94</td>
<td>2.9735</td>
<td>2.9735</td>
<td>16.107</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>2.28</strong></td>
<td><strong>1.94</strong></td>
<td><strong>5.94</strong></td>
<td><strong>2.9735</strong></td>
<td><strong>2.9735</strong></td>
<td><strong>16.107</strong></td>
<td></td>
</tr>
<tr>
<td>NPA – Indigenous early childhood development</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Element 1 - integrated child &amp; family health centres</td>
<td>2.53</td>
<td>10.79</td>
<td>9.81</td>
<td>7.98</td>
<td>5.62</td>
<td>5.62</td>
<td>42.35</td>
</tr>
<tr>
<td>Element 2 - health</td>
<td>2.55</td>
<td>3.40</td>
<td>3.91</td>
<td>4.08</td>
<td>4.25</td>
<td>18.19</td>
<td></td>
</tr>
<tr>
<td>Element 3 COPE - health</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>18.0</td>
</tr>
<tr>
<td>Element 3 NTG Own expenditure - child &amp; maternal health</td>
<td>9.75</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>9.75</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>12.28</strong></td>
<td><strong>13.34</strong></td>
<td><strong>13.21</strong></td>
<td><strong>11.89</strong></td>
<td><strong>9.70</strong></td>
<td><strong>9.87</strong></td>
<td><strong>88.29</strong></td>
</tr>
<tr>
<td>NPA – National Quality Framework</td>
<td>-</td>
<td>0.42</td>
<td>0.49</td>
<td>0.86</td>
<td>0.84</td>
<td>2.61</td>
<td></td>
</tr>
<tr>
<td>Budget Based Funding*</td>
<td>10.9</td>
<td>17.5</td>
<td>18.2</td>
<td>12.9</td>
<td>12.9</td>
<td>59.4</td>
<td></td>
</tr>
<tr>
<td>NPA - Closing the Gap, Schedule D Early Childhood</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COPE* - NTER Early Childhood programs</td>
<td>0.520</td>
<td>0.505</td>
<td>0.515</td>
<td>0.000</td>
<td></td>
<td>1.540</td>
<td></td>
</tr>
<tr>
<td>COPE - NTER Additional Playgroups</td>
<td>0.324</td>
<td>1.224</td>
<td>1.249</td>
<td>0.000</td>
<td></td>
<td>2.797</td>
<td></td>
</tr>
<tr>
<td>COPE - NTER Crèches</td>
<td>4.441</td>
<td>2.311</td>
<td>2.330</td>
<td>0.000</td>
<td></td>
<td>9.082</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>5.285</strong></td>
<td><strong>4.04</strong></td>
<td><strong>4.094</strong></td>
<td><strong>0.000</strong></td>
<td></td>
<td><strong>13.419</strong></td>
<td></td>
</tr>
</tbody>
</table>

*Commonwealth Own Purpose Expenditure  *Budget Based Funding is a national figure.

Note: This table lists information from the NPA Schedules and may not include all allocations.
5.3.3 Early childhood

There is unequivocal evidence demonstrating the early childhood years (0-4) are critically important in establishing the foundations for lifelong socio-economic outcomes. Reducing known risk factors such as poor maternal health, low birth weight, substance misuse, poverty, and promoting protective factors such as positive parenting and early childhood learning experiences, are known to support families and ensure children have the best start in life. There is strong international evidence demonstrating how targeted and well designed intervention programs in the early years of life can make a substantial difference for the most vulnerable and disadvantaged children.¹

The COAG reform agenda on addressing Indigenous disadvantage places a high importance on early childhood. Two of the six Closing the Gap targets are relevant to early childhood outcomes:

- to halve the gap in mortality rates for Indigenous children under five within a decade; and
- ensure all Indigenous four year olds in remote communities have access to early childhood education within five years.

5.3.4 Current situation

The NT has approximately 8,000 Aboriginal children aged 0-5 years of age and this is projected to grow rapidly in coming years. Many Aboriginal children miss out on high quality early childhood services even though they stand to benefit the most. Aboriginal children living in regional and remote centres across the NT have significantly lower participation rates in quality child care and early childhood education than other Territory children.

Early childhood services in remote and very remote locations are poorly developed. Crèche and child care centre infrastructure is often of a poor standard, inadequately resourced (i.e. staff qualifications, staffing ratios, professional development), and program and service quality do not meet national standards. Many remote communities do not have access to culturally relevant parenting programs that are proven to be effective in improving a child’s development.

Unless there is substantial progress over the next 3-5 years in early childhood development programs for Aboriginal children it is highly unlikely that the prospects for achieving closing the gap targets in education, employment, health and well-being will be met within the decade.

Children from disadvantaged backgrounds are more likely to have poor educational attainment, experience unemployment and substance misuse, are more likely to come into contact with the justice system and suffer chronic disease and premature death. Poor maternal health, low birth weight, growing up in a household with multiple

disadvantages together with poor access to services are all factors that affect a child's development.

The Australian Early Development Index (AEDI) was a national survey conducted in 2009 to assess children's development at the time they start school across five domains – physical health, social competence, emotional maturity, language and cognitive skills, communications skills and general knowledge. The survey found Aboriginal children in the NT have much higher rates of vulnerability in every domain when compared to non-Indigenous children in the NT and to other Indigenous children nationally. In the NT, 46.8% of Aboriginal children are vulnerable in two or more domains compared to 9.6% of non-Indigenous children and 29.5% of Indigenous children nationally.²

The AEDI survey assessed 53% of NT Aboriginal children from remote and very remote communities as ‘highly vulnerable’ indicating the probability that these children will not realise their full development potential. Children who are developmentally vulnerable on two or more AEDI domains are likely to require some form of special education support to successfully transition into school.

5.3.5 Services

Early childhood services are provided by the NT Government through the NT Department of Health, Department of Education and the Department of Children and Families, and by the Commonwealth Government through FaHCSIA, Department of Health and Ageing, DEEWR, and the shire councils, private sector and not-for-profit community organisations.

Under the NPAs on Early Childhood the Commonwealth Government has invested about $29.525 million over three years (2009-12) in the NT for the expansion of early childhood centres and early childhood care and development programs.

Early childhood care, education and family support programs are delivered under various funding and contractual arrangements (direct source procurement, competitive tender and grants) to mostly NFP providers with the Commonwealth Government being the principal funder. Private sector early childhood providers do not operate outside the major urban centres and this is partially addressed by the Commonwealth Government.

Government through Budget Based Funded (BBF) early childhood services.

From 1 January 2012 the National Quality Framework for Early Childhood Education and Care put in place a new National Quality Standard (NQS) for Early Childhood Education and Care and School Age Care to ensure high quality and consistent early childhood education and care across Australia. The BBF early childhood services will not initially be covered by the new NQS. However, the Commonwealth Government is investing $59.4 million nationally over four years to raise the quality of BBF services. The BBF Quality Measure will support BBF early childhood services to improve the quality of infrastructure, workforce development and governance.

While there has been an increased focus on expanding early childhood and family support services in remote communities, attempts to replicate proven interventions will require sufficiently resourced infrastructure, qualified staff, quality program design and increased levels of participation. The experience in Aboriginal communities is that despite demonstrated high level need in a number of areas, including housing and infrastructure, youth services, early childhood and family services, arguments about which level of government is responsible for these services and resources often results in sub-optimal services and very poor outcomes.

Simply focusing on service integration and coordination will not address current and future needs. Small scale, poor quality, intermittent mobile play groups, mobile preschools and occasional early childhood education programs delivered once a week may allow governments to be seen to be doing something, but something is not always better than nothing.

If we are serious about commitments to giving children the best start in life then greater priority needs to be given to a rigorous review and evaluation of current programs and to commit the resources necessary to ensure robust planning, design and delivery of high quality universal early childhood services to the most vulnerable children and their families.

5.3.6 Early childhood education and care

Children and family centres

Under the NTER $42.35 million was provided for the construction and delivery of services (January 2009-June 2014) for five new children and family centres in Palmerston, Yuendumu, Gunbalanya, Ngukurr and Maningrida. The NT Government Budget 2012-13 proposed construction of child and family centres at Gunbalanya, Maningrida, Ngukurr and Yuendumu and a Child Care Centre at Ntaria.

Crèches

Remote community crèches were established with funding under the JET program (DEET) in 1989 and were consolidated under the BBF program in 2003 managed by DEEWR.
BBF child care services are provided in rural, remote and Indigenous communities and include crèches, mobile child care services, multi-functional Aboriginal children's services, outside school hours care and flexible and innovative services. BBF child care services in the NT are primarily delivered by shire councils. A full list of BBF centre-based and outside school hours care services in the NT can be found at the end of this section.

Closing the Gap Early Childhood initiatives include the extension of playgroups for Indigenous families, continuation of the operation of nine crèches established under the NTER, capital funding to finish construction of one crèche and provides upgrades to two existing crèches.

By December 2011 eight of the nine proposed new crèches had been established at Milikapiti, Peppimenarti, Robinson River, Areyonga, Docker River, Papunya, Yarralin and Timber Creek. Construction of a new crèche proposed for Lajamanu will start once leasing arrangements have been negotiated.

Funding under the NTER was provided to upgrade 13 crèche facilities in identified priority sites. Crèche upgrades have now been completed at Ntaria, Nyirripi, Santa Teresa, Gunbalanya, Borroloola, Maningrida, Minjilang, Minyerri, Gapuwiyak, Wugularr, Atitjere, Pirlangimpi and Warruwi.

The FaHCSIA monitoring report on Closing the Gap in the NT, July-December 2011 indicates relatively low participation across the range of early childhood programs. Data about the use of eight new crèches reports a total enrolment for July-December 2011 of 158 children out of a total capacity of 176. Unfortunately the report provides no data on attendance rates and no data on the total number of children in 0-4 year age group in these eight locations. It is difficult therefore to assess whether the existing capacity of crèche services is enough to meet current needs or future demand.

5.3.7 Family support programs

Locational supported playgroups

The playgroup program is a mobile, outreach program designed to improve early childhood learning (fine motor skills, gross motor skills and cognitive development), promote the safety and wellbeing of Aboriginal children, build parent and carer knowledge and capacity, strengthen community connections and social networks and act as a referral point linking families to mainstream support services. The program is targeted at 0-5 year olds and their parents/carers, and focuses on recruiting and training local people as early childhood workers.

Anglicare delivers the playgroup program in Numbulwar and Milingimbi and has trained and employed four local women in each site to run the playgroup sessions. Milingimbi is also a site for the NT Department of Education’s Families as First Teachers.
The Lajamanu and Gunbalanya playgroups are integrated into Families as First Teachers employing local staff in various roles including playgroup leaders, playgroup coordinators and mentors.

FaHCSIA data on participation rates for locational supported playgroups for the 5 sites record 348 adults and 291 children participating in a total of 359 playgroup sessions between 1 July 2011 and 31 December 2011.

### Participation rates of locational supported playgroups
July 2011 – December 2011

<table>
<thead>
<tr>
<th>Site</th>
<th>Estimated number 0-4 year old children</th>
<th>LSP Participation Total number of Children</th>
<th>LSP Participation Total number of Adults</th>
<th>Total No. of sessions delivered</th>
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<tbody>
<tr>
<td>Numbulwar</td>
<td>80</td>
<td>57</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>549</strong></td>
<td><strong>291</strong></td>
<td><strong>348</strong></td>
<td><strong>359</strong></td>
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</table>


### Intensive Support Playgroups

The Commonwealth Government funded three Intensive Support Playgroups (ISPs) as part of early childhood measures under the NTER and Closing the Gap. These playgroups are designed to promote early childhood development, support for parents and increase child safety and wellbeing.

The Katherine ISP program is delivered by Good Beginnings Australia with playgroup sessions held weekly during school terms. Mobile playgroup sessions are held once a week at Rockhole and twice a week in Binjari.

The Smith Family delivers the program in Borroloola in collaboration with Mabunji Resource Centre and the Borroloola School to support the transition to school. The Tennant Creek playgroup is a mobile outreach service delivered by Julalikari Council.

The FaHCSIA monitoring report July-December 2011 indicates that 150 adults and 277 children have participated in Intensive Support Playgroups during this six month period across the three locations.

### Parenting programs

The Commonwealth Government also funds a number of small scale parenting programs including Let’s Start, a 10 week program delivered by the Menzies School of Health Research in the Tiwi Islands, a Child Nutrition Program (case management for children identified as not growing well) delivered by NPY Women’s Council in Imanpa, Docker River, Mutijulu and Finke, and a Core of Life program (maternal and child health education and information sessions for women and men) delivered in various Top End communities.
Over a six month period the parenting program, Let’s Start, involved 10 adult and 8 child participants, and the Child Nutrition Program involved 72 adult, 93 child and 20 youth participants across four communities.

**Communities for Children (C4C)**

Communities for Children is an early childhood program funded by FaHCSIA provided through a ‘facilitating partner’ model of service delivery. Facilitating partners are mainstream NFP organisations who sub-contract the management of early childhood and parenting services delivered across a number of sites. In the NT facilitating partners include Anglicare, Australian Red Cross and The Smith Family. Sub-contracted providers include Good Beginnings, Save the Children, Relationships Australia and other early childhood and family support agencies.

Anglicare is the facilitating partner for C4C in Nhulunbuy, Alyangula, Milingimbi, Ramingining, Galiwin’ku, Gapuwiyak, Yirrkala, Gunyangara, Milyakburra, Angurugu, Umbakumba, Numbulwar; the Australian Red Cross in Palmerston suburbs of Bakewell, Driver, Durack, Gray, Moulden, Woodroffe and Nguiu; and the Smith Family in Katherine, Gulf, Victoria and Elsey regions.

This service delivery model may be appropriate in urban settings where the facilitating partner could play an important coordination and service integration role. However, this model of service delivery is not appropriate for remote communities where multiple community partner organisations are required to deliver a range of early childhood services which confuse participating families. To work effectively with Aboriginal families it is necessary to establish trusting, long term relationships and continuity – something that cannot be achieved with fly-in-fly-out one day visits.

The program also experienced challenges due to limited availability of infrastructure, high costs associated with travel, seasonal weather conditions, difficulties in recruitment and the retention of suitably experienced and qualified staff.

**Early childhood education**

Early childhood education is usually delivered by qualified practitioners to children under the age of 5 before they start school.

Preschools are generally the responsibility of state and territory governments, however since 1997 the Commonwealth Government commenced funding Indigenous preschool programs to provide additional staff, resources and professional development to complement and expand state/territory government services.

Under the NPAs on Early Childhood, jurisdictions have acknowledged their respective obligations with the Commonwealth investing $995 million nationally with the intention of divesting their responsibility for any on-going investments when the agreement expires.
Evidence clearly demonstrates the significant benefits to children from disadvantaged backgrounds who participate in early childhood and preschool programs. While it is not compulsory most Australian children will participate in early childhood education or preschool for at least one year prior to commencing primary school.

COAG has committed to universal early childhood education and a minimum of 15 hours of preschool for 40 weeks in the year before commencement of primary school, however the vast majority of highly vulnerable children in remote communities do not have access to high quality early childhood education, child care and/or preschool.

Preschool education is provided in community schools and the Commonwealth Government has provided funding to support the expansion of current and additional mobile preschool services to outstations and homelands.

### Preschools for selected RSD sites
**Enrolment and attendance versus population estimate**

![Diagram of preschool enrolment and attendance versus population estimate across selected RSD sites from 2006 to 2011](image)

#### 5.3.8 General comments

The levels of enrolment and attendance in preschool education by Aboriginal children across the NT is deeply concerning given the importance of early childhood education and care. National COAG commitments and recent additional investment in early childhood services are fundamental to addressing the profound disadvantage experienced by so many Aboriginal children.

It is evident from the brief overview provided above that early childhood and family support services for Aboriginal children and families is becoming an increasingly ‘busy’ space with a proliferation of small scale, short term programs and multiple providers.

Evidence reveals that currently not all early childhood programs achieve desired outcomes in key target areas, which include improved early learning and development, school readiness and reduced vulnerability of neglect and abuse.
There is a growing body of evidence of the efficacy and effectiveness of those early childhood programs that do deliver desired outcomes. Examples include:

- **Early learning programs**
  - High/Scope Perry Preschool program - an intensive half day x 4 days a week preschool curriculum with home visits and participation for one to two years.
  - Abecedarian program - a full-day day care for children aged 6 months to 5 years with enhanced learning activities and regular support for parents.

- **Parenting and parent child programs**
  - Nurse-family partnership involving home visit support provided by nurses to low income, first-time mothers commencing during pregnancy and continued for up to two years.

Large scale public implementation programs such as Head Start and Sure Start are designed to improve the developmental outcomes of children from poor and disadvantaged backgrounds by providing a comprehensive range of services at the local community or neighbourhood level.

There is little, if any, evidence that small-scale, fragmented initiatives by themselves produce significant improvements in the development and wellbeing of children.

Existing services must be substantially re-designed, strengthened and enhanced to ensure the provision of effective, high quality early childhood, family support and parenting programs. Capacity development of local providers, including building new regional organisations to service surrounding communities (hub and spoke service delivery model) is critical to ensuring sustainable service delivery capable of meeting current and future demands.

Given the particular characteristics of the NT’s Aboriginal population there is an urgent need to develop and implement a model of service delivery that is capable of delivering evidence-based, high quality, culturally appropriate early intervention and family support programs that are available locally. This will require a substantial expansion and enhancement of both universal and targeted services including outreach programs. The explicit aim must be to improve outcomes for Aboriginal children and families.

Additional investments in early childhood must ensure universal early childhood education services that provide a minimum of 15 hours of preschool over 40 weeks for every Aboriginal child prior to the commencement of primary school, rather than a continued expansion and proliferation of limited mobile and visiting services delivered once or twice a week.
Recommendation 6 - Early childhood

- Consistent with COAG Early Childhood commitments, ensure that all Aboriginal children access high quality early childhood learning for at least 1 year (minimum of 15 hours per week) prior to commencing school; and

- Consideration be given to making early childhood education compulsory for at least one year prior to starting school.
## Centre based and outside school hours care BBF Services in the NT

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<tr>
<th>Service Name</th>
<th>Service Provider</th>
<th>Location</th>
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**BBF Vacation Care Services**

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<td>Elliott Outside School Hours Care</td>
<td>Barkly Shire Council</td>
<td></td>
</tr>
<tr>
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<td>Barkly Shire Council</td>
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</tr>
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<td>Central Desert Shire Council</td>
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<td>Yuelamu Outside School Hours Care</td>
<td>Central Desert Shire Council</td>
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</tr>
<tr>
<td>Bagot Community Outside School Hours Care</td>
<td>Child Australia</td>
<td></td>
</tr>
<tr>
<td>Angurugu Outside School Hours Care</td>
<td>East Arnhem Shire Council</td>
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</tr>
<tr>
<td>Gapuwiyak Outside School Hours Care</td>
<td>East Arnhem Shire Council</td>
<td></td>
</tr>
<tr>
<td>Milingimbi Outside School Hours Care</td>
<td>East Arnhem Shire Council</td>
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<td>Umbakumba Outside School Hours Care</td>
<td>East Arnhem Shire Council</td>
<td></td>
</tr>
<tr>
<td>Yirrkala Dhanbul OSHC Program</td>
<td>East Arnhem Shire Council</td>
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<tr>
<td>Bagot Community ASC Program</td>
<td>Child Australia</td>
<td></td>
</tr>
<tr>
<td>Areyonga Outside School Hours Care</td>
<td>MacDonnell Shire Council</td>
<td></td>
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<tr>
<td>Ikuntji Outside School Hours Care</td>
<td>MacDonnell Shire Council</td>
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<td>Ntaria Outside School Hours Care</td>
<td>MacDonnell Shire Council</td>
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<td>Papunya Outside School Hours Care</td>
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<td>Santa Teresa Outside School Hours Care</td>
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<tr>
<td>Titjikala Outside School Hours Care</td>
<td>MacDonnell Shire Council</td>
<td></td>
</tr>
<tr>
<td>Walunngurruru (Kintore) Outside School Hours Care</td>
<td>MacDonnell Shire Council</td>
<td>Kintore</td>
</tr>
<tr>
<td>Watiyawanu (Mt Liebig) Outside School Hours Care</td>
<td>MacDonnell Shire Council</td>
<td>Mt Liebig</td>
</tr>
<tr>
<td>Jilkminggan Outside School Hours Care</td>
<td>Roper Gulf Shire Council</td>
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<td>Ngukurr Outside School Hours Care</td>
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</tr>
<tr>
<td>Milikapiti OSHC Program</td>
<td>Tiwi Islands Shire Council</td>
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<td>Nguiu OSHC Program</td>
<td>Tiwi Islands Shire Council</td>
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<tr>
<td>Pirlangimpi OSHC Program</td>
<td>Tiwi Islands Shire Council</td>
<td></td>
</tr>
<tr>
<td>Nauiyu Nambiyu (Daly River) OSHC</td>
<td>Victoria Daly Shire Council</td>
<td>Daly River</td>
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<tr>
<td>Pine Creek Outside School Hours Care</td>
<td>Victoria Daly Shire Council</td>
<td>Daly River</td>
</tr>
<tr>
<td>Warlpiri Youth Development (Yuendumu) After School Care</td>
<td>Warlpiri Youth Development</td>
<td>Yuendumu</td>
</tr>
<tr>
<td>Warruwi Outside School Hours Care</td>
<td>West Arnhem Shire Council</td>
<td></td>
</tr>
</tbody>
</table>
5.4 Education

5.4.1 COAG
- To halve the gap in reading, writing and numeracy achievements for Indigenous children within a decade (2017).
- To halve the gap for Indigenous students in year 12 equivalent attainment by 2020.

5.4.2 National Education Agreement
The Agreement will contribute to the following outcomes:
- all children are engaged in and benefiting from schooling;
- young people are meeting basic literacy and numeracy standards, and overall levels of literacy and numeracy achievement are improving;
- Australian students excel by international standards;
- schooling promotes the social inclusion and reduces the educational disadvantage of children, especially Indigenous children; and
- young people make a successful transition from school to work and further study.

5.4.3 National Partnership Agreement targets
National Partnerships for Low Socio-Economic Status School Communities, Literacy and Numeracy, Improving Teacher Quality and Closing the Gap (Enhancing Education), intend contributing to the achievement of the outcomes listed above and as described in the National Education Agreement and the National Indigenous Reform Agreement.

Annual funding allocations

<table>
<thead>
<tr>
<th>Initiative</th>
<th>2009-10 $m</th>
<th>2010-11 $m</th>
<th>2011-12 $m</th>
<th>2012-13 $m</th>
<th>Total $m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initiatives supporting quality teaching and literacy and numeracy – NPP (Schedule J)</td>
<td>15.715</td>
<td>16.290</td>
<td>12.289</td>
<td>44.294</td>
<td></td>
</tr>
<tr>
<td>NTER Teacher Housing – NPP (Schedule J)</td>
<td>6.082</td>
<td>4.918</td>
<td>11.000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional Teacher Funding – NPP (Schedule K)</td>
<td>46.900</td>
<td>32.200</td>
<td>12.400</td>
<td>91.500</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>35.490</strong></td>
<td><strong>80.130</strong></td>
<td><strong>56.289</strong></td>
<td><strong>12.400</strong></td>
<td><strong>184.312</strong></td>
</tr>
<tr>
<td><strong>Total: National Partnership Payment – NTG</strong></td>
<td><strong>21.797</strong></td>
<td><strong>68.108</strong></td>
<td><strong>44.489</strong></td>
<td><strong>12.400</strong></td>
<td><strong>146.794</strong></td>
</tr>
<tr>
<td><strong>Total: Commonwealth Own Purpose Expenditure</strong></td>
<td><strong>13.693</strong></td>
<td><strong>12.025</strong></td>
<td><strong>11.800</strong></td>
<td></td>
<td><strong>37.518</strong></td>
</tr>
</tbody>
</table>

1 Closing the Gap in the Northern Territory National Partnership Agreement 2009-2012, (Schedule M)
5.4.4 NTER and Closing the Gap - enhancing education measures

One of the key measures under the NTER in 2007 was to improve school attendance and educational attainment of Aboriginal children. In 2007 it was estimated that approximately 2,500 children living in remote communities and town camps were not attending school sufficiently regularly to benefit from their education and that up to 2,000 children of school age were not enrolled in education.

Under the Closing the Gap Partnership Agreement Schedules E, J and K provided a further 3 year funding commitment to 30 June 2012:

- $25.7m for construction of teacher housing;
- $37.518m for continuation of the Commonwealth Government’s School Nutrition Program;
- $44.294m to support quality teaching and improving literacy and numeracy outcomes for Indigenous students;
- construction of additional classrooms through $7m of the NTG allocations under Building the Education Revolution; and
- $76.9m for recruitment, placement and retention of up to 200 additional classroom teachers in agreed remote and very remote NTG schools.

5.4.5 NT Government Budget

New infrastructure is proposed in the 2012-13 NT Government Budget for a new classroom block in Kalkarindji, an early learning centre on Galiwin’ku and replacement of an administration facility at Walungurru School.

5.4.6 Education

Every week day in regional towns and remote communities across the NT, Aboriginal school-aged children can be seen hanging around at the shop, playing in the streets, waterholes, in yards and at the take-away. They are too often everywhere except at school during class hours.

There is no doubt that large numbers of compulsory school-aged children are not going to school on a regular basis, that a significant number are not enrolled in school and many older children are totally disengaged from the education system.

School enrolment and attendance rates, National Assessment Program Literacy and Numeracy (NAPLAN) results and educational attainment figures reveal the gulf in education between Aboriginal children living in the NT and other Australians.
NT Aboriginal students’ participation in education from preschool to primary and post primary is significantly poorer than anywhere else in the country. Until improvement can be made in educational outcomes for Aboriginal children it is highly unlikely that gains will be made in other key areas of health, justice and employment. If sustainable gains are achieved in education outcomes then the potential benefits to individuals, families and communities would be significant.

5.4.7 Education services

In Australia, participation in education is compulsory for all children aged 5 to 16 years. State and territory governments and non-government providers (independent schools) are responsible for the delivery of primary and secondary education services. Approximately 80% of NT schools are government schools. Non-government schools are located in the main urban centres of Darwin and Alice Springs with former Catholic mission schools in Lytenye Purte (Santa Teresa), Nguiu (Wurrumiyanga), Wadeye and Nauiyu.2

The Commonwealth Government provides funding for government schools to the states and territories under the National Education Agreement (NEA) agreed by COAG in 2008. Independent schools are funded by the Commonwealth Government, NT Government and through parental contribution.3

The 20 independent schools in the NT receive the following Commonwealth Government assistance:

- recurrent per capita payments based on their student attendance;
- access to capital funding which is administered through a Block Grant Authority;
- access to Indigenous programs funding where eligible, and access to special programs funding including:
  - targeted programs for literacy, numeracy and special learning needs;
  - Country Areas; Languages Other Than English (LOTE) and
  - National Partnerships including, the Smarter Schools National Partnership, Closing the Gap, More Teachers Program and Rewarding Great Teachers.

The Commonwealth Government also funds tailored programs that attract minor funding. The Association of Independent Schools of the NT (AISNT) manage these tailored programs and only some schools are eligible.4

Independent schools receive recurrent per capita payments from the NT Government based on their student enrolment which is 21% of the cost of educating a student in a government school. The NT also provides a capital interest subsidy scheme to independent schools, a per capita payment for eligible students under the Severely

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2 The five Catholic ex-mission schools are Lyente Apurte Catholic School in Santa Teresa; Murrupurtiyanuwu Catholic Primary School in Nguiu; Our Lady of the Sacred Heart Thamarrurr Catholic College in Wadeye; St Francis Xavier Catholic School in Nguiu (Wurrumiyanga) and Xavier Catholic College in Nguiu. Source: NT Department of Education

3 Note: Indigenous schools do not receive school fees from parents due to lack of capacity to pay.

4 Source: AISNT.
Disabled Children’s Fund (about $5,000 per eligible student) and also provides funding from special programs, for example, the Dollar for Dollar Program where schools receive $6,000 per annum.

Delivering education services in the NT is particularly challenging due to the highly dispersed population across a vast geographic area. For many Aboriginal children, English is a second, third or fourth language and many of these children do not have access to high quality early childhood education prior to commencement of compulsory schooling.

There are 152 government schools in the NT with almost three quarters located in remote or very remote communities. Education in the NT is delivered through a range of service models including small one teacher schools, Group Schools, Homeland Learning Centres, Community Schools (located in discrete Aboriginal communities); Primary Schools, High Schools/Middle Schools and Senior Colleges. Approximately 43% of the government school enrolments are Aboriginal students.

For the purposes of this report, school types\(^5\) are defined as:

- **Primary School** providing educational programs for students from preschool/transition to year 6.
- **High School** providing educational programs for students from years 7 to 12.

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**Case Study: Gunbalanya trial matches school term to culture**

In 2012 the Gunbalanya School (West Arnhem College) is trialling a flexible school year following an approach to the NT Department of Education. Term 1 began three weeks earlier than elsewhere in the Territory and holidays in June and July are extended.

This aligns the school with cultural and seasonal trends that see most people on ‘bush holidays’ hunting and at ceremony during the Dry season in the middle of the year, and at home when cut off due to flooding in the Wet season which coincides with Christmas holidays.

The trial hopes to increase school attendance by taking into account local cultural factors so children have access to at least 180 days of schooling in a calendar year and this will hopefully improve literacy and numeracy outcomes.

The results of the trial will be better known once the NT Department of Education conducts an evaluation, however Director of West Arnhem College, John Bray, says early indications are very encouraging with a marked increase in school attendance.*

Gunbalanya, along with some other remote schools, have also begun opening their doors after school hours making education available to the broader community. Co-principal Esther Djayhguurmgga says this, along with the changes to term dates, has made the school part of the community.

‘The way they see it now, that the school is part of the community, rather than being as a separate entity . . . . They feel that they now can be able to come and communicate to the school,’ she told ABC Radio.*

The Gunbalanya flexible school year trial is an example of ensuring a proper cultural match between the delivery of services, in this instance education, and the priorities, culture and aspirations of the local Aboriginal population.

*The World Today, ABC Radio, 7 June 2012

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\(^5\) NT Department of Education, 2012.
• **Middle School** providing educational programs for students from years 7 to 9.
• **Senior College** providing educational programs for students from years 10 to 12.
• **Group Schools** are multi-campus schools made up of students from two or more sites. The individual sites are managed locally and overseen by a Group School principal. Student enrolments for this type of school may range from preschool to year 12.
• **Independent School** refers to schools that are not run by the NT Government or the Catholic Education Office. The Association of Independent Schools of the NT may use a more distinct definition.
• **Small School** – there is no current official definition for this term but they are located in outstations/homelands.
• **Special Purpose School** – there is currently no official definition for this term, however, it has previously been used to refer to the education services provided at Alice Springs Juvenile Correctional Facility (now Owen Springs Education Unit) and the Don Dale Juvenile Detention Centre (now Tivendale School).
• **Area School** – refers to a full service (preschool to year 12) school which is not located in a remote Indigenous community. There are currently three area schools in the NT, they are Batchelor, Jabiru and Alyangula.
• **Community School** – there is no current official definition for this term, however, it is used colloquially to refer to schools located in remote Indigenous communities.
• **Distance learning** provides access to education for students who are not able to attend school. Teaching and lessons are delivered to students through the use of technology.
• **Special School** provides educational programs for students with special needs and caters for individual differences and needs.

### Schools by location

<table>
<thead>
<tr>
<th>Government Schools</th>
<th>Provincial</th>
<th>Remote</th>
<th>Very Remote</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small Schools</td>
<td>1</td>
<td>7</td>
<td>57</td>
<td>65</td>
</tr>
<tr>
<td>Special Purpose Schools</td>
<td>4</td>
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<td></td>
<td>6</td>
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<tr>
<td>Open Learning Schools</td>
<td>3</td>
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<td></td>
<td>3</td>
</tr>
<tr>
<td>Area Schools</td>
<td>2</td>
<td>1</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Community Schools</td>
<td>29</td>
<td>10</td>
<td>20</td>
<td>20</td>
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<tr>
<td>Primary Schools</td>
<td>6</td>
<td>3</td>
<td>2</td>
<td>11</td>
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<tr>
<td>High/Middle Schools</td>
<td>1</td>
<td></td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Senior Colleges</td>
<td>1</td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td><strong>Total government schools</strong></td>
<td><strong>41</strong></td>
<td><strong>28</strong></td>
<td><strong>83</strong></td>
<td><strong>152</strong></td>
</tr>
<tr>
<td>Percent of total</td>
<td>27</td>
<td>18</td>
<td>55</td>
<td>100</td>
</tr>
<tr>
<td><strong>Non-government schools</strong></td>
<td><strong>15</strong></td>
<td><strong>7</strong></td>
<td><strong>7</strong></td>
<td><strong>29</strong></td>
</tr>
<tr>
<td>Percent of total</td>
<td>52</td>
<td>24</td>
<td>24</td>
<td>100</td>
</tr>
</tbody>
</table>

*Note: Provincial – Darwin, Palmerston and some Darwin rural; Remote – Alice Springs, Katherine and parts of rural Darwin with remainder of NT classified as ‘very remote’*
5.4.8 Enrolment and attendance

International and national research indicate that the causes for non-attendance vary according to the particular circumstances and situations of students and communities. The underlying reasons for poor school attendance by Aboriginal students are complex. While families and students tend to identify school-related factors such as curriculum, lack of bilingual education, poor relationships with teachers and the school and school rules as the principal reasons for poor school attendance, education staff, policy makers and the general public tend to believe that parental attitudes and home environment are the key reasons.

Aboriginal school-age children are highly mobile with families often moving between communities, homelands and outstations and regional centres to fulfil family obligations, attend funerals, participate in ceremony, to visit country, etc. People also travel to access services, e.g. shops, hospital, dialysis treatment, to visit family, attend sport, arts and cultural events.

Aboriginal student enrolment and attendance rates tend to be highest at the commencement of Term 1 and then tend to drop off continuously over the duration of the school year.

5.4.9 Territory Growth Towns - school enrolment and attendance

Source: The data used for the above and following tables come from Department of Education and Training, NT and was based on one school in the area. Galiwinku: Shepherdson College; Gunbalanya: Gunbalanya School; Maningrida: Maningrida School; Milingimbi: Milingimbi School; Ntaria (Hermannsburg): Ntaria School; Wadeye: Our Lady of the Sacred Heart Thamarrurr Catholic School.

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Various approaches have been trialled by the NT and Commonwealth Governments to improve school attendance and participation. Commonwealth Government initiatives include:

- Improving School Enrolment and Attendance (SEAM) to promote responsible parental behaviour towards their children’s schooling. Schools are required to inform Centrelink when a child is not attending school regularly. Parents/carers are required to demonstrate that they are working with the school and the child to improve school attendance. Families are provided with support from the school and Centrelink social workers with suspension of Centrelink benefits as a measure of ‘last resort’.

- The School Nutrition Program (SNP) aims to support improved school attendance, learning and engagement in education by providing school breakfast and/or lunches paid for by parents and carers through Centrelink deductions.

- Construction of boarding facilities in Wadeye, Tiwi Islands and Alice Springs.

- The Parental and Community Engagement Program (PaCE) focuses the educational outcomes of Indigenous young people aged 0-19 years through enhancing Indigenous parental engagement with schools. PaCE encourages families to ‘reach in’ to schools and develop partnerships in order to improve the educational outcomes for their children. PaCE projects are administered by DEEWR in accordance with the Indigenous Education (Targeted Assistance) Act 2000: Program Guidelines 2009-2012.

NT Department of Education initiatives include:

- Aboriginal Education Workers (AEWs) working with students, families and school staff to support Aboriginal students. AEWs also support and assist classroom teachers and build cultural awareness and competency in the school.

- Accelerated Literacy Program is an English literacy teaching and learning

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9 Ibid.
program delivered in remote and very remote schools to develop listening, speaking and writing skills.

- Every Child, Every Day is a proactive, targeted strategy to ensure 90% school attendance through engagement with families and communities to provide support and assistance in getting students to attend school. Formal action is taken where continued failure to enrol or attend school regularly (compulsory face-to-face meeting, development of a Family Responsibility Agreement, issuing of infringement notices, prosecution and other measures deemed necessary).

- Frequent Attenders Program is a monthly rewards program encouraging students from the 20 Territory Growth Towns to attend school regularly. Monthly rewards are provided to students who attain 80% or more attendance. Rewards may include free music and movie downloads, food cards, sporting activities, health and wellbeing activities, excursions, etc.

- The Clontarf Academy is a charitable NFP organisation that exists to improve the education, discipline, self esteem, life skills and employment prospects of young Aboriginal men and by doing so, equip them to participate more meaningfully in society. Clontarf Programs are delivered through a network of Football Academies established in partnership with schools. There are twelve academies in the NT.

Clontarf appears to have had the most success in re-engaging Aboriginal boys in education, training and employment.

**Clontarf Foundation Student Statistics for 2010 Attendance**

**Clontarf Foundation Student Statistics for 2011 Attendance**

Source: Clontarf Foundation

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11 Northern Territory Clontarf Academies: Casuarina, Dripstone, Gunbalanya, Jabiru, Kormilda, Katherine, Nightcliff, Palmerston, Roseberry, Sanderson, Tiwi College and Yirrkala
Despite concerted efforts over the last five years by governments, communities and many families, school attendance rates remain substantially unchanged. Findings of an evaluation report\textsuperscript{12} on the operation of the SEAM trials in 2010, released in January 2012, indicate that it was not possible to ascertain whether SEAM had any impact on reducing the number of non-enrolled children due to the lack of reliable data.

5.4.10 Educational outcomes

The National Assessment Program Literacy and Numeracy (NAPLAN) results show that in more than half of NT schools, over 75% of NAPLAN test results are below national minimum standards.

There is a high level of awareness of the challenges of improving literacy and numeracy levels and the need to ensure that Aboriginal children are ‘school ready’.

**NAPLAN Results**

Proportion of Year 3, 5, 7 & 9 students achieving at or above the national minimum standard for reading, spelling and numeracy, by Indigenous status, NT and Australia, 2008 – 2009

### Northern Territory NAPLAN Results 2008

<table>
<thead>
<tr>
<th>Year 3</th>
<th>Year 5</th>
<th>Year 7</th>
<th>Year 9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reading</td>
<td>Reading</td>
<td>Reading</td>
<td>Reading</td>
</tr>
<tr>
<td>Spelling</td>
<td>Spelling</td>
<td>Spelling</td>
<td>Spelling</td>
</tr>
<tr>
<td>Numeracy</td>
<td>Numeracy</td>
<td>Numeracy</td>
<td>Numeracy</td>
</tr>
</tbody>
</table>

- Aboriginal
- Non-Aboriginal

### Northern Territory NAPLAN Results 2009

<table>
<thead>
<tr>
<th>Year 3</th>
<th>Year 5</th>
<th>Year 7</th>
<th>Year 9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reading</td>
<td>Reading</td>
<td>Reading</td>
<td>Reading</td>
</tr>
<tr>
<td>Spelling</td>
<td>Spelling</td>
<td>Spelling</td>
<td>Spelling</td>
</tr>
<tr>
<td>Numeracy</td>
<td>Numeracy</td>
<td>Numeracy</td>
<td>Numeracy</td>
</tr>
</tbody>
</table>

- Aboriginal
- Non-Aboriginal

**Source:** Ministerial Council for Education, Early Childhood Development and Youth Affairs 2008 & 2009

5.4.11 Funding and resources

Generally, schools in discrete Aboriginal communities are under-resourced in terms of physical infrastructure, funding and staffing. Student to staff ratios for government schools in discrete Aboriginal communities are based on enrolments and adjusted for attendance with defined student/teacher ratios. Schools are funded on the basis of attendance (rather than enrolment) plus an additional 10% to a maximum of 100%. Funding for the delivery of education in Aboriginal communities has long been a contentious issue and became the subject of a formal complaint to the Human Rights and Equal Opportunity Commission in 2007. (See Wadeye case study below.)

The turnover of teachers of about 24% per year is highly problematic for students, families and the NT Government. High mobility of teachers undoubtedly impacts negatively on students and their learning outcomes and community-school relationships.

Costs associated with recruitment, relocation and entitlement payments (additional leave, rent, electricity, travel, etc.) for teachers in remote and very remote locations are substantial. Even with the payment of additional benefits it is difficult to recruit and retain quality teachers to remote communities where there may be limited social opportunities and seasonal conditions that can isolate communities for extended periods of time.

The average length of service for teachers in the NT is 7-8 years and the lowest average length of service is in schools in very remote areas. The NT Department of Education has developed new recruitment and retention strategies in an attempt to address this issue.

The Additional 200 Teacher Program commenced in 2008 as part of the NTER. Subsequent to the NTER, the Additional 200 Teacher Program initiative became part of the Closing the Gap National Partnership which commenced on 28 July 2009 and has a contract period to 31 December 2012.

The Additional 200 Teacher Program addresses the Closing the Gap target to halve the gap in reading, writing and

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**Case Study: Wadeye landmark settlement**

In 2007 Wadeye community leaders lodged a complaint with the Human Rights and Equal Opportunity Commission that funding arrangements for ex-mission schools in the NT were funded under the Commonwealth Government’s Indigenous Education Strategic Initiatives Program (IESIP) in a ‘different and less favourable way’ than mainstream government schools. The NT Government also received per capita funding from the Commonwealth Government but funded the school on the basis of attendance.

The IESIP funding program was abolished in 2008 and the school has been funded on the same basis as other Independent schools which has seen substantial additional resources provided to the school.

The NT Government has signed an agreement with Wadeye’s leaders, committing to greater accountability and transparency in its administration arrangements with the community’s school.

As part of the settlement, the Commonwealth Government has committed:

- $1.7m to the Wadeye leadership group’s Da Ngimalmin program for school attendance initiatives;
- $2.2m for the construction of four new classrooms;
- $1.6m to a special needs program for students with mobility, hearing, vision and cognitive disabilities; and
- $2.2m for a 3 year adult education program to improve literacy, numeracy and job readiness for adults in the Wadeye community.
numeracy achievements for children within a decade, and for Indigenous students in Year 12 attainment or equivalent by 2020.

The specific outcomes of this program are recruitment, placement and retention of up to 170 classroom teachers in remote and very remote NT Government schools, to staff schools based on agreed enrolment, and construct at least 22 additional housing units, including up to a maximum of 2 x 3 bedroom dwellings, for teachers in agreed priority locations. The NT Department of Education and Training (DET) has allocated 4 Full Time Equivalent (FTE) teachers to regionally based positions as targeted support to improve teacher retention and length of stay in remote areas.

### Number of teachers (T) and assistant teachers (AT) - 2007 and 2011

<table>
<thead>
<tr>
<th>School Name</th>
<th>Preschool</th>
<th></th>
<th>Primary</th>
<th></th>
<th></th>
<th>Secondary</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Alekarenege School</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Alyarrmandumanja Umbabakumba School</td>
<td>1</td>
<td></td>
<td>5</td>
<td>2</td>
<td>5</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Angurugu School</td>
<td>1</td>
<td>1</td>
<td>9</td>
<td></td>
<td>13</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Borroloola School</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>10</td>
<td>10</td>
<td>2</td>
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</tr>
<tr>
<td>Elliott School</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
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</tr>
<tr>
<td>Gapuwiyak School</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>8</td>
<td>6</td>
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</tr>
<tr>
<td>Gunbalanya School</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>10</td>
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<td>11</td>
</tr>
<tr>
<td>Kalkaringi School</td>
<td>1</td>
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<td>1</td>
<td>5</td>
<td>3</td>
<td>9</td>
<td>5</td>
</tr>
<tr>
<td>Lajamanu School</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>7</td>
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<td>4</td>
</tr>
<tr>
<td>Gochan Jiny Jirra School</td>
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</tr>
<tr>
<td>Maningrida School</td>
<td>1</td>
<td>1</td>
<td>19</td>
<td>15</td>
<td>23</td>
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<td>3</td>
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<tr>
<td>Milingimbi School</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>7</td>
<td>8</td>
<td>12</td>
<td>8</td>
</tr>
<tr>
<td>Murrupurtiyangu Catholic Primary School</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td>11</td>
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<td></td>
</tr>
<tr>
<td>Ngukurr School</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>10</td>
<td>2</td>
<td>13</td>
<td>3</td>
</tr>
<tr>
<td>Ntaria School</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>5</td>
<td>3</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>Numbulwar School</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>8</td>
<td>7</td>
<td>9</td>
<td>5</td>
</tr>
<tr>
<td>OLSH Thamarrurr Catholic College</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td>19</td>
<td>5</td>
<td>23</td>
</tr>
<tr>
<td>Papunya School</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Ramingining School</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>9</td>
<td>3</td>
<td>12</td>
</tr>
<tr>
<td>Shepherdson College</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>21</td>
<td>10</td>
<td>27</td>
</tr>
<tr>
<td>Yirrkala Homeland School</td>
<td>1</td>
<td>5</td>
<td>1</td>
<td>4</td>
<td>9</td>
<td>20</td>
<td>8</td>
</tr>
<tr>
<td>Yirrkala School</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>7</td>
<td>2</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>Yuendumu School</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>7</td>
<td>2</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>17</strong></td>
<td><strong>21</strong></td>
<td><strong>19</strong></td>
<td><strong>23</strong></td>
<td><strong>184</strong></td>
<td><strong>110</strong></td>
<td><strong>240</strong></td>
</tr>
</tbody>
</table>

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5.4.12 Comments and observations

There has been a great deal of attention and effort in trying to improve school attendance and education outcomes of Aboriginal children.

Aboriginal children in the NT are more likely to be born with low birth-weight, experience high rates of ‘failure to thrive’ and developmental vulnerabilities (language, physical, social). A large proportion of these children start their formal education significantly behind other children and never catch up. These problems begin well before children even start school.

As discussed in the previous section the early years of life (0-4) are critical to laying the foundations of life-long outcomes. Early childhood services in remote and very remote communities are not well established and where they do exist, available data indicates that participation rates are very low. Children are starting school under-prepared. Delivering these services within the school precinct has the potential to dramatically improve children’s school readiness and create a positive change in family-school relationships.

Teachers need to be better resourced and supported. Student/staff ratios need to be reviewed and teachers require professional development in teaching English as a second language, an awareness of and the skills to teach children with hearing impairment, behavioural and learning difficulties.

All children are capable of making progress in their learning and development if they are given the appropriate support and opportunities. Some children will progress more quickly than others for a range of reasons including language, health status, home and family environment, while others will require tailored, sustained support.

Improvements in student learning and outcomes depend on improving the quality of teachers, curriculum, and access to electronic student records to mitigate some of the problems associated with student/teacher mobility.

Recommendation 7 - Education

Consistent with COAG Early Childhood commitments, ensure that all Aboriginal children access high quality early childhood learning for at least one year (minimum of 15 hours per week) prior to commencing school;

- Consideration be given to making early childhood education compulsory for at least one year prior to starting school;
- Sustain and expand existing remedial programs designed to improve reading, writing and numeracy skills for Aboriginal students;
- Sustain and enhance initiatives to improve teacher quality and curriculum; and
- Establish a centralised database recording student assessment and learning also including essential health information (disability, hearing impairment, etc.).
5.5 Youth

5.5.1 COAG

Issues related to youth cut across the themes of the COAG building blocks such as education, employment and safe communities, and while there is an agreed target to halve the gap in Indigenous year 12 attainment or equivalent by 2020, there is no specific COAG strategy for Indigenous youth.

5.5.2 National Partnership Agreement on Youth Attainment and Transition

This NPA was established to achieve a national year 12 or equivalent attainment rate of 90% by 2015; provide an education or training entitlement to young people aged 15-24; better engage young people in education and training; assist young people aged 15-24 to make a successful transition from schooling into further education, training or employment; and better align Commonwealth Government, state and territory programs and services.

The NPA contributes to meeting the objectives of the National Education Agreement and the National Agreement for Skills and Workforce Development that consolidates youth, career and transition arrangements into four elements:

- Maximising Engagement, Attainment and Successful Transitions (MEAS)
- School Business Community Partnership brokers Facilitation Funding (SBP)
- Youth Connections Facilitation Funding (YCF)
- National Career Development (NCD)

<table>
<thead>
<tr>
<th>NT Allocations</th>
<th>2009-10 $'000</th>
<th>2010-11 $'000</th>
<th>2011-12 $'000</th>
<th>2012-13 $'000</th>
<th>2013-14 $'000</th>
<th>TOTAL $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>MEAS</td>
<td>179</td>
<td>358</td>
<td>358</td>
<td>358</td>
<td>179</td>
<td>1431</td>
</tr>
<tr>
<td>SBP</td>
<td>301</td>
<td>601</td>
<td>601</td>
<td>601</td>
<td>301</td>
<td>3012</td>
</tr>
<tr>
<td>YCF</td>
<td>472</td>
<td>944</td>
<td>944</td>
<td>944</td>
<td>472</td>
<td>3776</td>
</tr>
<tr>
<td>NCD*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Unable to identify funding for this element

The National Strategy for Young Australians\(^1\) launched in April 2010 identifies eight priority areas to support young people to:

- improve their health and wellbeing;
- shape their own futures through education;
- support them within their families;
- empower them to take part and be active in their communities;
- equip them with the skills and personal networks they need to get work;
- help them get their lives back on track through early intervention; and
- establish clear-cut legal consequences for behaviours that endanger the safety of others.

While the NT Government’s Closing the Gap targets make no specific commitment to addressing the particular needs of young men and women, the Commonwealth Government is a signatory to the United Nations Convention on Rights of the Child and the NT supports the Commonwealth Government’s National Strategy for Young Australians.² Youth are a significant cohort of the NT’s Aboriginal population comprising over half of people under 25 years of age, with a higher percentage in remote communities. This cohort will continue to grow rapidly over the next 10-20 years. In addition:

- 19.3% NT Aboriginal population is between 15 and 24 years;
- 52.5% NT Aboriginal population are under 25 years;
- approximately 65% live outside the major urban centres;
- 39 juveniles were in detention on any given day, with an increase in children under 15;
- 90% to 100% of those in detention in the NT on an average night during 2007-2011 were Indigenous;³ and
- 76% of young people involved in the NT justice system are male and Indigenous.

Supporting young people is a core responsibility of all three tiers of government. Adolescence is a critical period of development when young people are transitioning from primary to secondary education, from school to training and employment, and from childhood to adulthood. These transition points in a young person’s life provide both opportunities and risks that affect their potential and future life outcomes. Young people need to be supported to make informed choices and decisions that will enable them to lead meaningful and fulfilling lives.

Far too many Aboriginal youth do not benefit from the opportunities afforded most other Australian children—good health at birth, a healthy home to grow up in, access to high quality early childhood education and care, and support for families in times of need. From a very early age Aboriginal children are highly independent and autonomous. While independence can potentially build resilience it can also mean that children and young people tend to become disengaged from school and learning, often engaging in risky behaviours (substance misuse, crime, sexual activity) that can lead to adverse life outcomes.

NT Aboriginal youth are disproportionately represented in the justice system, have significantly higher rate of mental illness, self-harm and suicide, and young Aboriginal women are more likely to be teenage mothers. Public perceptions of Aboriginal youth tends to be negative and over the years there have been frequent and repeated calls by politicians, local councils and members of the community for the imposition of curfews on young people. Media reports play a significant role in heightening public concern for personal and community safety with claims of ‘youth crime waves’ or ‘gangs out of control’ despite evidence of the significant difference between perceived levels of youth

² DEEWR, Youth Programs, http://www.deewr.gov.au/Youth/OfficeForYouth/YouthPrograms/Pages/NationalStrategy.aspx
criminal activity and the actual crime rate. This is not to suggest that youth offending is not a matter of concern, but it is important to keep a perspective on the actual size and nature of the problem.

There are very few dedicated programs and services for Aboriginal youth despite the abundance of data on their health status, poor educational attainment, and low level of participation in training and employment and overall vulnerability.

<table>
<thead>
<tr>
<th>Cost per individual</th>
<th>$ per year</th>
<th>$ per day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clontarf (national average):</td>
<td>6,900</td>
<td>19</td>
</tr>
<tr>
<td>Detention:</td>
<td>216,000</td>
<td>592*</td>
</tr>
</tbody>
</table>

**ibid, p. 11.

### 5.5.3 Northern Territory Working Futures and youth strategy

Young people aged 12-24 make up around 20% of the NT population, about 50,000 people. According to the 2006 Census 52% of all young people aged 12-24 lived in urban areas, while the remaining 48% lived in remote areas. The demographics of the NT present a particular challenge in the delivery of and access to services. The NT Government released *Building a Better Future for Young Territorians* in 2003 to provide a framework for working with this group of young Territorians which aimed to:

- improve young people's health and wellbeing;
- improve access to education and employment for young people;
- provide more opportunities for young people to have fun and develop new skills;
- make sure young people are able to participate in decisions that affect their lives; and
- create communities where young people can feel safe and secure.
In 2011 a consultation paper and draft NT Government Youth Policy were circulated inviting comment from youth and the community sector. It was expected that this policy would be released in the near future. The former NT Government has committed to a direction and targets defined in the Territory 2030 Strategic Plan which aim to promote the safety and wellbeing of young people and strengthen families. The draft NT Government Youth Policy will be aligned to these strategies to ensure targets for improving life for young people in the Territory are met in the short and long term.

The intention was that these commitments be implemented in remote areas through the LIPs that have been negotiated with Local Reference Groups, Commonwealth and NT Government representatives in the Territory Growth Towns. However, the resources available to support these initiatives appear inadequate at present and the ad hoc nature of government commitments will result in a very different scale and standard of infrastructure across locations.

A significant issue raised elsewhere in this report is the nature of funding to support community-based staff to manage youth programs and initiatives. Often the funding available is for short term programs and does not offer adequate support to the establishment of consistent, sustainable community youth programs. The lack of accommodation in many remote towns has meant a dependence on non-resident staff and the reliance, particularly by the Commonwealth government, on non-Indigenous, NFP organisations, which has decreased the opportunities for local employment and skills development. Youth services, like many others, are not provided to a ‘universal’ standard and seem vulnerable to the vagaries of short term grant funding.

Issues of disengagement are critical among the youth of the NT, particularly in remote areas where there are few regular youth services and very low standards of educational and recreational infrastructure. Across the NT there are lower rates of participation in education.

**School participation rates, by age: NT/Australia 15-19 years old, 2009 % Age**

<table>
<thead>
<tr>
<th>Age</th>
<th>15</th>
<th>16</th>
<th>17</th>
<th>18</th>
<th>19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern Territory</td>
<td>82.2</td>
<td>65.5</td>
<td>48.5</td>
<td>28.9</td>
<td>4.0</td>
</tr>
<tr>
<td>Australia</td>
<td>95.4</td>
<td>85.6</td>
<td>65.2</td>
<td>15.4</td>
<td>2.0</td>
</tr>
</tbody>
</table>

With large numbers (approximately 56%) of 15-24 year olds identifying themselves as ‘not-in-the-labour-force’ at the 2006 Census, lower school participation rates, a dearth of other local training and educational options and few employment opportunities, it is critical that comprehensive youth programs are delivered professionally and consistently across the remote NT. The ad hoc approach taken by governments at present does not sit well with the vast costs of the alternatives that include imprisonment, poor health and education, and unfulfilled lives.
5.5.4 Juvenile justice

Issues and trends

A young person is considered to have criminal responsibility if they are aged 10 years or older. Children under the age of 10 cannot be charged with a criminal offence in any jurisdiction and the upper age limit for a juvenile offender is 17 years in all states and territories except Queensland where the age limit is 16.

The juvenile justice system deals with young people who are deemed to have committed an offence or who have been convicted of an offence. The system is supposed to work on the basis that young people who have committed an offence can, and should, be rehabilitated. Committing young people to juvenile detention is intended to be an option of last resort and it is usually standard practice to place young people who are awaiting trial or sentencing under alternative arrangements.

Young people held in juvenile detention can be either sentenced or on remand until their next court hearing. In the NT nearly all (76%) of the young people in detention are Aboriginal youth and male.

The Don Dale Juvenile Detention Centre is a medium to high security institution located at Berrimah, adjacent to the Darwin Correctional Centre with capacity for up to 38 juveniles of both sexes. It is the main centre for the detention of juveniles within the NT. The Alice Springs Juvenile Holding Centre is a medium to high security institution located within the Aranda House complex in Alice Springs. It has a capacity of up to 10 juveniles of either sex.

Regional and remote court lodgements

Between 2006 and 2011, the majority (85%) of children's court lodgements were in the major court locations of Alice Springs, Darwin, Katherine and Tennant Creek. During this period:

- 45% of all lodgements were in Darwin
- 28% were in Alice Springs
- 7% were in Katherine
- 5% were in Tennant Creek.

The remaining 15% of children's court lodgements were spread across 26 locations indicating lower levels of criminal activity outside the major urban centres.
In 2010-11, 103 less individual Aboriginal youths were apprehended by police.

Youth apprehended by police, 2006-07 to 2010-11

Distinct youth apprehended by police, 2006–07 to 2010–11, by Indigenous status

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4 Department of Justice, Review of Youth Justice NT, Chapter 2.
5.5.5  Review of the Northern Territory youth justice system

An independent review on current issues and trends in youth justice and offending in the NT was jointly commissioned by the Minister for Justice and Attorney-General, the Minister for Children and Families, the Minister for Correctional Services and the Minister for Police, Fire and Emergency Services on 29 March 2011. A detailed report including nine key recommendations to the NT Government was released on 30 September 2011. The recommendations include:

- establishment of a new unit within an existing department with responsibility for administering all services and responses to the youth justice system;
- development of a new youth justice strategy;
- streamlined administrative arrangements and ministerial responsibilities;
- improved data collection, shared information between government agencies, and ensure that programs delivered contain built-in evaluations;
- increased investment in police diversion, including increased eligibility for diversion, and expanded diversion programs;
- increased number of youth rehabilitation camps;
- expanded Family Support Program and increased capacity of Family Support Centres;
- increased workforce capacity, and
- establishment of an external monitoring and evaluation process.

The review also resulted in the formation of a Youth Justice Unit (YJU) in the Department of Justice which commenced operation in November 2011. The YJU will see youth justice policy, grants programs (including youth camps and community-based diversion services), the Family Responsibility Program, juvenile detention and community corrections delivered and administered by a single, centralised agency.

The YJU has worked with police to expand youth diversion services, including community based programs in Katherine and Tennant Creek, and engaged the Central Australian Aboriginal Legal Aid Service and NTCOSS as consultants to ensure the direct input and involvement of non-government organisations in the implementation of recommendations of the Youth Justice Review. As yet no additional resources or services have been delivered as a result of the review.

5.5.6  Youth in Communities

The objective of the Youth in Communities program is ‘to deliver a comprehensive Indigenous youth strategy in the NT, to provide an effective diversion from at-risk behaviours and to improve life choices and outcomes.’

The Commonwealth Government is funding $28.4 million over three years (2009-12) to

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5  FaHCSIA Annual Report 2010-11, p. 124.
deliver a comprehensive youth strategy in 36 communities across the NT to:

- provide an effective diversion for young people from ‘at risk’ behaviours;
- improve life choices and outcomes for young people by engaging them in positive activities that promote pathways to better health, community capacity building, participating in school, work and social networks; and
- strengthen and improve youth services infrastructure including youth workers and facilities.

The target beneficiary group is 10-20 years of age, with priority given to youth at risk of substance misuse, suicide and self harm, and entering or re-entering the criminal justice system.

Youth in Communities programs

<table>
<thead>
<tr>
<th>Communities</th>
<th>Funded Org</th>
<th>Total $</th>
<th>Funding Period</th>
<th>Project Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wadeye, Galiwinku</td>
<td>AFL – NT</td>
<td>390,000</td>
<td>2 years 2010-11, 2011-12</td>
<td>1 x AFL Development Manager to deliver football program including coaching and umpiring courses, and promote healthy active lifestyles</td>
</tr>
<tr>
<td>Maningrida</td>
<td>AMSANT/Malabam Health Board</td>
<td>875,000</td>
<td>3 years 2009-10 to 2011-12</td>
<td>Fund Youth Service Coordinator and 2 youth worker trainees</td>
</tr>
<tr>
<td>Daly River, Nguiu, Gunbalanya, Angurugu &amp; Wadeye</td>
<td>Australian Red Cross</td>
<td>4,989,592</td>
<td>3 years 2009-10 to 2011-12</td>
<td>1 x qualified Youth Worker and 2 Aboriginal Youth Worker trainees in each site (5 Youth Workers + 10 trainees)</td>
</tr>
<tr>
<td>Gapuwiyak, Wadeye, Yuendumu Gunbalanya &amp; Nguiu</td>
<td>Australian Sports Commission</td>
<td>500,000</td>
<td>2 years 2010-11, 2011-12</td>
<td>Deliver coordinated sport focused diversion activities, build community capacity</td>
</tr>
<tr>
<td>Angurugu</td>
<td>East Arnhem Shire</td>
<td>442,871</td>
<td>1 year 2009-10</td>
<td>Upgrading of sport and recreation facilities – fencing, shade, new computers and air-conditioning</td>
</tr>
<tr>
<td>Galiwinku</td>
<td>East Arnhem Shire</td>
<td>1,134,634</td>
<td>3 years 2009-10 to 2011-12</td>
<td>2 youth workers and 2 youth worker trainees, maintenance to Drop-In centre, Temporary accommodation for youth workers at GBM facility</td>
</tr>
<tr>
<td>Yirrkala, Milingimbi, Ramingining</td>
<td>East Arnhem Shire</td>
<td>2,384,233</td>
<td>3 years 2009-10 to 2011-12</td>
<td>Diversionary programs – discos, movie nights, workshops, sporting program, youth leadership programs, youth forums, youth referrals, self harm intervention, reduction of substance misuse, Drop-In centre activities, bush trips/camps</td>
</tr>
<tr>
<td>Umbakumba</td>
<td>Groote Eylandt and Bickerton Is. Enterprises Corp</td>
<td>250,000</td>
<td>3 years 2009-10 to 2011-12</td>
<td>Develop regional Youth Strategy, identify service gaps, youth leadership development opportunities</td>
</tr>
<tr>
<td>Umbakumba &amp; Angurugu</td>
<td>Julalikari Council</td>
<td>169,074</td>
<td>3 years 2009-10 to 2011-12</td>
<td>Youth engagement and diversionary programs</td>
</tr>
<tr>
<td>Communities</td>
<td>Funded Org</td>
<td>Total $</td>
<td>Funding Period</td>
<td>Project Description</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>------------------------------------------</td>
<td>-------------</td>
<td>---------------------------------</td>
<td>-------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Laynhapuy Homelands - 25 outstations</td>
<td>Laynhapuy Homelands Assocn</td>
<td>1,880,092</td>
<td>3 years 2009-10 to 2011-12</td>
<td>3 x full time positions plus 4 x trainee youth workers. Deliver youth development, mentoring and diversionary programs</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>MacDonnell Shire</td>
<td>4,732,115</td>
<td>3 years 2009-10 to 2011-12</td>
<td>6 x Youth Workers and trainees for each site. Staff for headquarters.</td>
</tr>
<tr>
<td></td>
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</tr>
<tr>
<td>Imanpa, Kaltukatjara, Apatula, Mutijulu</td>
<td>NPY Women’s Council</td>
<td>2,592,455</td>
<td>3 years 2009-10 to 2011-12</td>
<td>4 x Youth Development officers and part time Anangu youth development officers – each site. Diversionary programs, after-school and holiday programs,</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Ngukurr, Numbulwar, Borroloola</td>
<td>Roper Gulf Shire</td>
<td>1,886,765</td>
<td>3 years 2009-10 to 2011-12</td>
<td>3 x Indigenous youth worker trainees Build on current sport and rec program, before and after school care and holiday programs, case management</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nauiyu (Daly River)</td>
<td>Victoria Daly Shire</td>
<td>16,676</td>
<td>1 year 2009-10</td>
<td>Minor upgrade for afterhours recreation facility</td>
</tr>
<tr>
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<td></td>
</tr>
<tr>
<td>Lajamanu, Nyirripi, Willowra, Yuendumu</td>
<td>Walpiri Youth Development Corp</td>
<td>254,281</td>
<td>3 years 2009-10 to 2011-12</td>
<td>1 x Outreach Coordinator to support existing youth worker team</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Lajamanu</td>
<td>Walpiri Youth Development Corp</td>
<td>226,024</td>
<td>3 years 2009-10 to 2011-12</td>
<td>1 x additional Youth worker to work with existing youth worker (separately funded by Kurra Corp)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lajamanu</td>
<td>Walpiri Youth Devel’t Corp</td>
<td>1,215,000</td>
<td>1 year 2009-10</td>
<td>Construction of duplex for staff accommodation, renovation of existing youth facilities.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gunbalanya</td>
<td>West Arnhem Shire</td>
<td>105,602</td>
<td>1 year 2009-10</td>
<td>Extension and upgrade of youth facilities</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jilkmingan, Binjari, Barunga, Beswick, Manyallaluk, Kalano, Rockhole, Kybrook Farm, Werenbun</td>
<td>YMCA of the Top End Inc.</td>
<td>884,397</td>
<td>3 years 2009-10 to 2011-12</td>
<td>Program to develop manual arts skills, re-engagement at school.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Palmerston</td>
<td>YMCA</td>
<td>685,020</td>
<td>3 years 2009-10 to 2011-12</td>
<td>Youth Drop-In centre (Monday to Thursday) plus camps and day excursions.</td>
</tr>
</tbody>
</table>

**5.5.7 Youth services**

All three tiers of government and multiple agencies within the Commonwealth and NT governments deliver a range of disparate and disconnected youth programs. Commonwealth Government agencies responsible for youth programs include DEEWR (education, employment and training), the Department of Health (health, social-emotional wellbeing), FaHCSIA (youth wellbeing and diversionary programs), and the Attorney-General’s Department (juvenile diversion, community safety). In remote communities the Commonwealth Government, through its Commonwealth Own Purpose Expenditure, is the primary source of grant funding for youth services.
<table>
<thead>
<tr>
<th>Program</th>
<th>Purpose</th>
<th>Agency</th>
<th>Quality, impact &amp; effectiveness</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Education</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parent and Community Engagement (PACE)</td>
<td>Engage families and community with schools and education</td>
<td>DEEWR</td>
<td>Program delivered by NFPs in urban centres only</td>
</tr>
<tr>
<td>Sporting Chance</td>
<td>Using sport to re-engage students at risk of dropping out of school</td>
<td>DEEWR</td>
<td>Various providers/programs, some highly effective, most programs have limited impact</td>
</tr>
<tr>
<td>NTER Enhancing Education – school nutrition program</td>
<td>To encourage school attendance in ‘prescribed communities’</td>
<td>DEEWR</td>
<td>$10.96m 2009-10. Very limited or no impact on improving school attendance</td>
</tr>
<tr>
<td>ABSTUDY Secondary</td>
<td>Means-tested support and supplementary education allowances</td>
<td>DEEWR</td>
<td>Very limited take up by Aboriginal students from remote communities</td>
</tr>
<tr>
<td>New boarding school facilities in the NT</td>
<td>To assist young people from remote communities to access secondary education – Wadeye, Walpiri triangle and Maningrida</td>
<td>DEEWR</td>
<td>Boarding schools have had mixed results in improving education outcomes for young people from remote communities.</td>
</tr>
<tr>
<td><strong>Youth ‘at risk’ programs</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Substance use - Combating Petrol Sniffing – cross border</td>
<td>Regional rollout of OPAL fuel</td>
<td>DOHA</td>
<td>Positive impact, reduction in incidence of petrol sniffing</td>
</tr>
<tr>
<td>Petrol Sniffing Diversion Project / Youth Wellbeing</td>
<td>Reduce incidence of petrol sniffing – diversionary activities</td>
<td>DOHA</td>
<td>Small, fragmented youth activities – little impact</td>
</tr>
<tr>
<td>Indigenous Justice Program</td>
<td>Diversionary services, rehabilitation, restorative justice</td>
<td>AGD</td>
<td></td>
</tr>
<tr>
<td>Reducing Substance Use (Petrol sniffing)</td>
<td>Diversion projects</td>
<td>DEEWR</td>
<td>Little impact, small disparate programs</td>
</tr>
<tr>
<td>Closing the Gap NT – Youth in Communities</td>
<td>Funding for youth workers, trainees in priority communities</td>
<td>FaHCSIA</td>
<td>Disparate programs, little impact</td>
</tr>
<tr>
<td>Reconnect</td>
<td>Young homeless people or those at risk of homelessness</td>
<td>FaHCSIA</td>
<td>Not sure if this is delivered in the NT. check with FAHCSIA</td>
</tr>
<tr>
<td><strong>Youth Sport &amp; Recreation Programs</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indigenous Sport and Recreation Program</td>
<td>Increase participation in sport and physical activities</td>
<td>DOHA</td>
<td>Duplication and overlap with other youth sport &amp; recreation programs</td>
</tr>
<tr>
<td>Indigenous Sports Program</td>
<td>Increase participation in sport and support talented sports people</td>
<td>Aust. Sports Commission</td>
<td>Duplication of and lack of coordination/integration</td>
</tr>
<tr>
<td><strong>Youth Transition Programs</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AHL Indigenous Youth Mobility Program</td>
<td>Aboriginal Hostels – support to young people seeking employment away from home communities</td>
<td>FaHCSIA</td>
<td></td>
</tr>
<tr>
<td>Indigenous Youth Mobility Program</td>
<td>To provide improved access to education and training opportunities</td>
<td>DEEWR</td>
<td></td>
</tr>
<tr>
<td>Program</td>
<td>Purpose</td>
<td>Agency</td>
<td>Quality, impact &amp; effectiveness</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>--------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Indigenous Tutorial Assistance (VET)</td>
<td>To improve educational outcomes of Indigenous students in VET</td>
<td>DEEWR</td>
<td>For tuition in higher education institutions such as universities</td>
</tr>
<tr>
<td>Indigenous Employment Programs - Cadetship, wage subsidy, CDEP work experience, business support</td>
<td>Improve education and employment outcomes</td>
<td>DEEWR</td>
<td>Review and reform of remote community employment and training, rationalisation of service delivery arrangements to be implemented in 2013</td>
</tr>
<tr>
<td>Workplace Language Literacy and Numeracy</td>
<td>Improve participants LLN skills, workforce participation</td>
<td>DEEWR</td>
<td>Review job support/search arrangements in remote communities</td>
</tr>
</tbody>
</table>

Evaluations of youth programs have identified significant challenges such as difficulties in recruiting qualified and suitably experienced staff, lack of staff housing, absence of prior contact or established relationships, poor program design and implementation. Youth diversion (Central Australia Youth Program) and youth traineeship programs (Youth in Communities) have had limited impact. Overall, Commonwealth Government youth programs and service delivery outcomes have been sub-optimal given the level of resources, multi-year funding arrangements and community needs.

Many of the Commonwealth Government youth programs focus on ‘at risk’ target groups and often at the crisis point. Greater effort and resources are provided for prevention and early intervention adopting an evidence ‘strengths-based’ approach rather than the standard ‘problem’ approach would deliver vastly improved outcomes.

At the community level there is an absence of shared understanding by GBMs, Local Reference Groups, shire councils and the broader community about which organisations are funded to deliver youth activities. Competition, duplication and fragmentation of youth services is a consistent issue of concern and frustration.

### 5.5.8 Northern Territory Government programs

The NT Department of Natural Resources, Environment, the Arts and Sport (NRETAS) is responsible for funding community sport and recreation programs. Seven organisations receive funding for programs. These are Anyingini Health Aboriginal Corporation in Tennant Creek; Warlpiri Youth Development Aboriginal Corporation (formerly known as the Mt Theo Program) in Yuendumu, Willowra, Nyurraypi and Lajamanu; Tangentyere Council in Alice Springs; Coomalie Shire Council in Batchelor; Cox Peninsula and Belyuen Shires; and, Binjari Community near Katherine. The funding is directed to the employment of a Sport and Recreation Officer for their service area or community.

There are also full time Regional Sport and Recreation Manager/Coordinator positions for each shire which oversee sport and recreation across the shire. Community Sport and Recreation Officer positions, funded by NRETAS, are located at the discretion of
the shire and their program activities are supported through a variety funding sources. There are also Indigenous Sport Officers who visit communities when requested or on the basis agreed to in a memorandum of understanding between the shire and NRETAS.

5.5.9 School holiday programs

There are no school holiday programs funded by NRETAS although a number of other NT Government departments do support some holiday activities in some communities. At Ntaria, the Central Australia Youth Link-Up Service (CAYLUS) recently called for the continuation of the Youth in Communities funding and the need for comprehensive school holiday programs for children and youth. The consistent cry for additional policing around the vandalism that occurs across communities during school holidays has continued for decades. It is obvious to anyone who has lived on a community that this is the period when there are no school activities for children and youth. Having additional resources for holiday programs may save considerable costs in policing and the repair and maintenance of facilities.

5.5.10 Community facilities and infrastructure

A number of community facilities have been constructed in remote towns and communities in the NT, particularly during the ATSIC days and more recently under Building the Education Revolution. Upgrades of youth centres, recreation halls and activity centre facilities have occurred at Angurugu, Lajamanu, Umbakumba, Galiwin’ku, Nauiyu (Daly River) and Gunbalanya; and upgraded accommodation for youth workers at Ramingining and new duplex accommodation for youth workers at Lajamanu.6

The Community Housing and Infrastructure Needs survey and RSD baseline mapping have indicated that most discrete Aboriginal communities have at least some basic infrastructure (e.g. a graded but un-grassed football oval and a basketball court), some have multi-purpose indoor facilities, although often in poor condition.

By comparison, the sport and recreation infrastructure and youth facilities in the Deed Of Grant In Trust (DOGIT) communities in Queensland provide a far greater range and superior standard than the NT.

5.5.11 Program funding, coordination and duplication

The Australian National Audit Office report on Indigenous specific expenditure noted that only 8% of the 7,000 grants made by FaHCSIA were to Indigenous organisations. It also stated that Commonwealth Government grants to Aboriginal organisations were predominately short term (less than 12 months) and small (average $55,000), although grants to non-Indigenous NFP agencies were often greater in terms of funding and duration, with multi-year (3-5 year) and multi-site grants common.

As is the case with early childhood programs there is a lack of a place-based approach

6 Interim Evaluation Youth in Communities Program, Courage Partners for FaHCSIA.
for youth and sports and recreation programs with numerous NGOs funded by a number of Commonwealth (FaHCSIA, DOHA and DEEWR) and NTG (NRETAS, DET, DCF and DoH) agencies with little apparent coordination. This has created high levels of duplication of effort and considerable waste.

The highly regarded Warlpiri Youth Development Aboriginal Corporation (WYDAC) at Yuendumu, which services four communities north west of Alice Springs, reported that it was a signatory to 34 funding agreements with government, philanthropic and royalty organisations for varying periods from four months to three years, with an additional 12 recently completed. Of the 34 agreements 16 were with three Commonwealth agencies and six were with NT Government agencies. Reporting on these grants was required quarterly for eight grants, six-monthly for a further eight grants and annually for 13 grants, with five agreements having no financial element and no reporting requirement.

WYDAC manages the Mount Theo substance misuse program and has recently developed a comprehensive strategic plan, with support of the Office of the Registrar of Indigenous Corporations, to guide its operations and development over the next three years.

In Ntaria, west of Alice Springs, an informal scan of youth and early childhood services and support programs found in excess of 40 programs and interventions almost entirely funded by the Commonwealth and NT governments. While there is no criticism that these programs are important in overcoming the disadvantage faced by children and youth in communities, the broader questions to be addressed, given the extraordinary level of expenditure involved in establishing so many agencies and so many programs, are:

- How are these programs planned, coordinated and managed? Which department provides oversight and takes responsibility for coordination and service integration?

- What percentage of the funds available to support early childhood and youth programs actually go to on-the-ground service delivery? How much is spent on office space and program administration in Alice Springs (or elsewhere in Australia) and in travel?

- How do these interventions and the enormous short-term investment by governments, contribute to the community's capacity to sustainably deliver these programs in the long term?

- Where is the evidence base and program design that would indicate funding bodies have a strategic vision about where these services will be in a decade?

- What are the development stages, what sort of workforce will be required and has this path been strategically mapped out?

It is worth noting that WYDAC, as an Aboriginal organisation subject to the vicissitudes
of intermittent grant funding, has mapped out their strategic plan up to 2014. Where, however, is the place-based plan from the Commonwealth and NT governments who will commit millions of dollars over the next decade to supporting youth services?

5.5.12 Workforce issues

While the significant multi-year investments in youth programs by the Commonwealth Government over the past 5-8 years is welcomed, it is evident that there have been many challenges and mixed results.

Again the lack of an over-arching strategy gives rise to a number of fundamental problems with program design, funding and implementation. The following is a summary of these issues.

- Evaluations report poor program design and implementation.
- A lack of a whole-of-government approach to youth initiatives has resulted in poor use of resources. For example, FaHCSIA Youth in Communities funding used for wage and training costs associated with the employment and training of youth worker trainees, could have been funded by DEEWR, with FaHCSIA resources better used for direct youth activities. Given that DEEWR has specific programs and funding for Indigenous employment and training it is difficult to understand why valuable FaHCSIA resources for much needed youth services were used for traineeships where participants often had no pathway to ongoing employment once the training was completed.
- Poor environmental scan, flawed assumptions and poor planning (lack of available housing for qualified youth workers), inadequate community engagement and consultations.
- Poor linkage and integration of initiatives by the NFP sector with existing community providers of youth services, and an absence of partnerships with local community organisations to build on and strengthen existing activities delivered by local providers, for example NPY Women's Council and CAYLUS, which have a long history engagement and successful program delivery.
- Non-Aboriginal NFP lack of relationship with communities, limited or no knowledge or experience in working in remote communities, weak organisational capacity in leading community development work.
- Poor program design and implementation, little consideration of capacity development (individual, organisation and community) and sustainability. Failure to understand the local context, the difficulties in recruiting suitably qualified and experienced staff and poor community infrastructure.
- Delivering accredited training in youth work on its own is a rather limited form of capacity development. Shire councils, which may be potential employers, simply do not have the resources to employ additional staff once they are trained.
Critical to improving outcomes in youth programs is the active engagement of young people themselves (consultations and planning workshops by different age cohorts, by gender as well as by clan and language groups). This will require experienced facilitators supported by qualified interpreters and may need several workshops/consultations to develop a comprehensive youth services plan.

### 5.5.13 Key observations

- Youth in Aboriginal towns and communities are a rapidly growing cohort.
- Disengagement from education and limited work or training options mean that there is a much greater need for a comprehensive youth service plan than in urban centres.
- The Commonwealth is the largest contributor to youth programs.
- A large part of the ‘investment’ in youth is at the ‘problem end’ and not in positive coordinated programs but rather in incarceration, in subsidising Opal fuel, in policing, etc.
- There is no comprehensive youth services strategy which links capital investment for facilities, recurrent maintenance and development funding and coordinated program activities.
- Funding is often piecemeal, short term, uncoordinated and with little promise of sustainable long term benefits.

**Recommendation - Youth services**

That the Northern Territory and Commonwealth Government jointly undertake a comprehensive review of existing youth services, programs and funding, identify service gaps and needs and develop a coordinated and integrated youth services strategy that identifies and clarifies roles, responsibilities and investments.
5.6 Economic Development

5.6.1 COAG

Individuals and communities should have the opportunity to benefit from the mainstream economy. This includes real jobs, business opportunities, economic independence and wealth creation.

Economic participation needs to extend to disadvantaged job seekers and those outside of the labour market. Access to land and native title assets, rights and interests can be leveraged to secure real and practical benefits for Indigenous people.

Other financial assets, capacity building, employment and training programs, incentive structures and social and physical infrastructure, including communications and transport, are needed to foster economic participation and community engagement.

Through this participation, parents and other adults can become effective role models for their families and community. The design and delivery of welfare (payments and services) needs to promote active engagement, enhanced capability and positive social norms. Ensuring communities have support to address factors that are a barrier to engagement such as problem gambling is critical.

5.6.2 NPA Indigenous economic participation targets

The NPA on economic participation comprises four elements that form a combined strategy to significantly contribute to halving the Indigenous employment gap, they are:

- creating real sustainable employment in areas of government service delivery that have previously relied on subsidisation through CDEP;
- strengthening current government procurement policies to maximise Indigenous employment;
- incorporating Indigenous workforce strategies into all new major COAG reforms contributing to the Closing the Gap targets; and
- reviewing all public sector Indigenous employment and career development strategies to increase employment to reflect population share by 2015.

Together, the Commonwealth, States and Territories will invest $228.8 million over five years in this strategy.

5.6.3 Economic development

About three quarters of the NT Aboriginal population live outside main urban centres. With the total population increasing from 46,400 in 1991 to 64,000 in 2006 and

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projected to increase to around 82,000 people by 2021, the working age (15-64 years) population is growing quickly.

The NT has about 40% of the nation’s remote job seekers and Aboriginal Territorians of working age will increasingly be required to support a growing number of older people. If the additional demands of a growing and ageing remote population are to be met, current policy failure in education, training and employment cannot continue.

It is estimated the number of Aboriginal people entering the workforce will increase by 2.3% between 2006 and 2016. To maintain the 2006 employment rate of 43.2% an additional 36,000 jobs are needed nationally by 2016 to meet the Commonwealth Government’s target of halving the employment gap.

Many untested assumptions underpin current approaches to improving Aboriginal employment across the NT, not least of which is that CDEP activities are not ‘real’ work. This is despite the fact that CDEP is usually the only form of paid employment available in many remote areas and that governments have been unable to support any long term sustainable and permanent remote workforce.

Not all cultures place equal value on the dignity of labour. Greco-Roman society deemed labour to be fit only for slaves and Aristotle stated ‘hard work made man unfit to rule’. Contemporary Western mainstream culture has a narrow view of what constitutes ‘productive’ work, with arts and cultural activities, for example, seen by many as a peripheral activity and not real ‘work’. However, these views are changing.

Much of the labour in remote communities is unpaid, whether it is arranging ceremonial activities, attending meetings to provide advice to government, caring for children and the aged, working in unfunded women’s centres and other poorly funded services, or negotiating on behalf of family or clan. The assumption appears to be that if government does not fund these activities then people are not really working.

Other assumptions include:

- everyone, wherever they live, aspires to full time work and a mortgage and they have the drive to accumulate possessions;
- work is always a fulfilling experience; and,
- there is an expectation that everyone should work.

In communities where disadvantage is entrenched and multiple and complex factors interact at the individual, social and structural levels to impede broad community engagement in employment, these assumptions need much greater analysis.

The impact of community expectations (or lack of them), motivation (often far beyond what is required by individuals growing up in urban communities with 5% unemployment) and individual aspirations need to be tested. Bland statements that everyone should get a job and be judged on their employment status are contestable in

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places where unemployment often exceeds 75% and governments have been unable to offer alternatives for the vast majority of these remote populations.

5.6.4 Not in the labour force

The rate of Aboriginal people who have responded to the question on labour force status in the Census, that they are ‘Not in the Labour Force’ (NILF), has remained largely unchanged for the last 20 years at between 45% and 50% and closer to 60% in the 15-24 age group. With falling school attendances since the commencement of the NTER and the growing disengagement of youth it is difficult to see how these figures will turn around in the foreseeable future.

Labour force statistics by age and sex for Indigenous people

<table>
<thead>
<tr>
<th></th>
<th>Employed incl. CDEP</th>
<th>U/E</th>
<th>Labour Force</th>
<th>NILF</th>
<th>Not Stated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MALES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15-24 yrs</td>
<td>1,611</td>
<td>355</td>
<td>1,966</td>
<td>2,718 (51%)</td>
<td>616</td>
<td>5,300</td>
</tr>
<tr>
<td>Total (15-64)</td>
<td>6,240</td>
<td>1,014</td>
<td>7,254</td>
<td>7,554 (45%)</td>
<td>1,932</td>
<td>16,740</td>
</tr>
<tr>
<td>FEMALES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15-24 yrs</td>
<td>1,164</td>
<td>307</td>
<td>1,471</td>
<td>3,178 (61%)</td>
<td>593</td>
<td>5,242</td>
</tr>
<tr>
<td>Total</td>
<td>5,421</td>
<td>941</td>
<td>6,362</td>
<td>9,895 (54%)</td>
<td>2,015</td>
<td>18,272</td>
</tr>
<tr>
<td>PERSONS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15-24 yrs</td>
<td>2,775</td>
<td>662</td>
<td>3,437</td>
<td>5,896 (56%)</td>
<td>1,209</td>
<td>10,542</td>
</tr>
<tr>
<td>Total</td>
<td>11,661</td>
<td>1,955</td>
<td>13,616</td>
<td>17,449 (50%)</td>
<td>3,947</td>
<td>35,012</td>
</tr>
</tbody>
</table>

Not in the labour force, Northern Territory
1991-2001 ABS Census time series

<table>
<thead>
<tr>
<th></th>
<th>1991 Census</th>
<th>1996 Census</th>
<th>2001 Census</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employed:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F/T</td>
<td>1,832</td>
<td>1,376</td>
<td>3,208</td>
</tr>
<tr>
<td>P/T</td>
<td>1,789</td>
<td>1,526</td>
<td>3,315</td>
</tr>
<tr>
<td>Not stated</td>
<td>211</td>
<td>199</td>
<td>410</td>
</tr>
<tr>
<td>Total</td>
<td>3,832</td>
<td>3,101</td>
<td>6,933</td>
</tr>
<tr>
<td>Unemployed</td>
<td>1,445</td>
<td>966</td>
<td>2,411</td>
</tr>
<tr>
<td>Total labour force</td>
<td>5,277</td>
<td>4,067</td>
<td>9,344</td>
</tr>
<tr>
<td>Not in the labour force</td>
<td>5,656</td>
<td>7,834</td>
<td>13,490</td>
</tr>
<tr>
<td>Not stated</td>
<td>677</td>
<td>716</td>
<td>1,393</td>
</tr>
<tr>
<td>TOTAL</td>
<td>11,610</td>
<td>12,617</td>
<td>24,227</td>
</tr>
<tr>
<td>Not in the labour force</td>
<td>49%</td>
<td>49%</td>
<td>53%</td>
</tr>
</tbody>
</table>

The final observation concerns those not in the labour force. This number increased substantially between 1996 and 2001, with the result that the Indigenous labour force participation rate dropped from its already low level of 42% to 38%. One possible reason for this—increased participation in post-secondary education—can be discounted, as the number of Indigenous people recorded by the Census as attending TAFE, university or any other post-secondary educational institution barely changed between 1996 and 2001.

Of equal note is the fact that Indigenous labour force participation is low at all ages, in striking contrast to the non-Indigenous adult population (Taylor 2003c). Only among Indigenous males in the prime working age group of 25–49 does the labour force participation rate rise above 50%. But in this age range, the comparable rates for the non-Indigenous population stand at well over 90%.

According to the Census a large and increasing part of the Aboriginal population do not regard themselves as part of the labour force, particularly young men between 15 and 24 years of age. It is important that research is undertaken that looks closely at these figures because Census allows a person to state in one question that they are not in the labour force but then state at another question that they are receiving unemployment benefits, CDEP, wages or other remuneration. No cross checking occurs as part of the Census process so these participation statistics are questionable. Further analysis of Centrelink, police and correctional services data is necessary to improve the reliability of workforce statistics and inform policy.

Most services and assistance are only available to people registered for unemployment benefits or receiving other welfare support, such as single parents or disability support payments. If there are large numbers of people not receiving any regular income how are they supporting themselves? Are they being supported by family or are they resorting to crime or violence to fund their living expenses? What pressure do these people apply to other members of the community for cash or other support?

If the key objectives of many government interventions around community safety and social inclusion are to be successfully delivered and improvements made in personal safety, school attendance and social cohesion, then improved understanding of these disengaged people within communities is essential.

A well structured research project examining the situation in a number of sites would add considerably to our understanding of the size, motivations and aspirations of this cohort and be a useful complement to strategies already in place for the waged and welfare supported. The focus would be on members of the community who would be considered disengaged, that is, not working, not receiving welfare payments, or those who have had benefits suspended.
The distribution of the adult Indigenous population (aged over 15 years) according to labour force status categories in 2009, was established by a combination of assistance from personnel at Thamarrurr Development Corporation, Thamarrurr Job Futures, Victoria-Daly Shire and OLSH School who assisted in compiling a list of all Aboriginal employees in the region as of June 2009.

The critical occupational division sought was between CDEP and other ‘mainstream’ jobs, although particular employment categories were also established.

As for determining those unemployed or not in the labour force, this is more difficult, even using conventional labour force survey techniques, given that such individuals are invariably on Centrelink payments and are often not aware of the subtleties of unemployment definitions.

As a substitute to a costly and labour-intensive household survey, Centrelink payments data provided by FaHCSIA for June 2008 were used to establish the number of Newstart Allowance and Youth Allowance payments.

While not ideal, these do provide some measure of the likely scale of unemployment and, by default, an indication of overall labour force participation. The results for 2009 are shown in the first table below, and it is instructive to compare these with the situation five years earlier, shown in the table that follows.

### Distribution of labour force status of Indigenous adults in the Thamarrurr region, 2009

<table>
<thead>
<tr>
<th>Employed</th>
<th>CDEP</th>
<th>Total</th>
<th>Unemployed*</th>
<th>Not in the labour force</th>
<th>Total 15+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number</td>
<td>223</td>
<td>205</td>
<td>438</td>
<td>341</td>
<td>658</td>
</tr>
<tr>
<td>% of 15+</td>
<td>16/2</td>
<td>14/3</td>
<td>30/5</td>
<td>23/7</td>
<td>45/8</td>
</tr>
</tbody>
</table>

*Centrelink payment data June 2008

Source: Author’s fieldwork and administrative data supplied by Centrelink, 2009.

### Distribution of labour force status of Indigenous adults in the Thamarrurr region, 2003

<table>
<thead>
<tr>
<th>Employed</th>
<th>CDEP</th>
<th>Total</th>
<th>Unemployed*</th>
<th>Not in the labour force</th>
<th>Total 15+</th>
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</thead>
<tbody>
<tr>
<td>Number</td>
<td>123</td>
<td>45</td>
<td>178</td>
<td>449</td>
<td>477</td>
</tr>
<tr>
<td>% of 15+</td>
<td>12.0</td>
<td>4.1</td>
<td>16.1</td>
<td>40.7</td>
<td>43.2</td>
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</tbody>
</table>

*Centrelink payment data June 2001


First of all, it is apparent that the overall level of labour force participation (those employed plus those unemployed as a percentage of the 15+ population) has barely altered (54.2% in 2009 compared to 56.8% in 2003)—if anything, it has slightly fallen. These figures compare to a participation rate for the total NT adult population in May 2009 of 75.8 (ABS 2009b).
5.6.5 Labour force mobility

Despite frequent statements from successive Commonwealth and NT Government Ministers that the Aboriginal labour force needs to become more mobile and better able to move to places of higher employment, there are major impediments.

There is little or no affordable accommodation in NT urban centres and individuals often do not have the skills to find work in mainstream labour markets, where gaining employment is highly competitive and requires experience, access to references and qualifications.

Higher levels of literacy and numeracy is often expected even in unskilled work and people from remote communities often do not have access to driver’s licences, birth certificates, educational attainment certification and basic personal documentation. There are few government initiatives to address any of these issues.

5.6.6 Tertiary education in remote areas

The loss of community-located adult educators over the last fifteen years and the move to a national system of accreditation for training and skills development has seen access to quality tertiary education for people in remote areas continue to diminish.

While the NT Government introduced universal access to secondary schooling in remote areas with very positive outcomes, the reality is very different for the tertiary education sector.

The few opportunities for remote residents to be employed in the NT mining sector have often flowed to Aboriginal people from other states as locals lack the literacy, numeracy and basic educational qualifications required in the sector. Recently the experience with SIHIP saw only limited success with participants achieving trade qualifications or completing Certificate III level courses in construction, despite nearly one billion dollars committed to the remote housing program.

Some critical elements of a ‘Disengagement Scoping Project’ could include:

Not-in the Labour Force
• Understanding of the number of people (particularly males between 15 and 24) who describe themselves as ‘not in the labour force.’

Benefits and Financial Support
• In regard to these people, how many are receiving a welfare benefit in their own right? Or not receiving any benefit?
• How many receive a benefit as part of a payment to a parent or spouse/partner or other family member?
• If a person is not receiving a wage or welfare benefit how do they pay for their own support (food, clothes, accommodation, travel, and other expenses)?
• Of people not receiving a welfare benefit, how many have had their benefit cancelled in the last six months, year, three years? And for what period?

Engagement with education and training
• At what age did people last attend formal schooling or education?
• How many people (particularly males between 15 and 24) are engaged in education and training?

Dependent children
• If you have dependent children do they attend school?
• If your welfare payment was suspended due to their non-attendance how would they be supported?
5.6.7 Current government strategies

On 26 April this year the Commonwealth Government announced a new approach to remote employment and community development through the Remote Jobs and Communities Program (RJCP), commencing on 1 July 2013. The RJCP is a five-year $1.5 billion program with 23 employment services to be established in the NT. But while the NT has about 40% of remote job seekers and the NT makes up about a third of the overall regions, funds will not be allocated by State – assessments will be made on the basis of individual applications. A $250 million Community Development Fund will support larger community development activities.

The new program is intended to provide a more integrated and flexible approach to employment and participation services to meet the needs of remote Australia. Job Services Australia, Disability Employment Services, CDEP and the Indigenous Employment Program will be rolled into the new integrated service, with job seekers and participants transitioning to the new program.

In October 2009 the NT Government launched a second Indigenous Economic Development Strategy 2009-2012 (IEDS) aimed at supporting initiatives under the NPA on Remote Service Delivery and Economic Participation. The Strategy is a key component of the NT Government’s Working Future initiative. The IEDS outlines how NT residents can participate in the economy through growing Indigenous employment, business development and participation, asset ownership and wealth creation.

The IEDS focuses on improving employment options for Aboriginal people both in the public and private sectors, and on fostering business development opportunities. The goals of the IEDS were that by 2012 there would be:

- 3,000 more Indigenous Territorians employed across the private and public sectors;
- 10% Indigenous employment in the NT Public Service (currently 8.3%); and
- 200 new Indigenous businesses.

The Department of Business and Employment reports that the first target has been met, although renewed focus on workplace retention will be required to sustain the employment levels achieved. It is estimated that 75 new businesses have been assisted by DBE, Tourism NT and Indigenous Business Australia, although these are almost entirely in the NT’s urban centres.

Under the Indigenous Business Development Program (IBDP) commenced in 2005-06 and in 2008, under the Closing the Gap initiative, grant funding was increased to $600,000 per annum to June 2012.

In October 2010, the IBDP was supplemented by $500,000 from the Aboriginals Benefit Account to support regional and remote businesses. The IBDP assists Aboriginal people and joint ventures where Aboriginal people hold significant equity, to enter or
expand commercial business arrangements that will create employment and/or wealth creation opportunities. IBDP also supports business development (including provision of consultants), professional or personal development for Aboriginal business owners and/or staff, finding solutions to enable the conduct of business on collectively owned land, and purchasing tangible assets such as office equipment.

Since 2005, IBDP grants have assisted around 192 Indigenous businesses and organisations with funding totalling over $3 million, with an estimated 408 Indigenous Territorians employed by businesses supported with IBDP investment. In the financial year 2011/12 the fund distributed $200,000 to support 12 Indigenous businesses and organisations.

5.6.8 Futures forums

Each Territory Growth Town’s (TGT) Local Implementation Plan (LIP) developed in consultation with a Local Reference Group (LRG), contains a commitment that the community hold a Futures Forum, in partnership with government, to provide information on employment options and business development services available to community members.

Futures Forums are intended to assist residents to access information on government and private sector services and programs relating to, and resulting in, employment and economic development opportunities. The Department of Housing, Local Government and Regional Services (DHLGRS) in conjunction with the LRG in each TGT, have held seven Futures Forums at:

- Ngukurr (August 2010);
- Ntaria (May 2011);
- Borroloola (September 2011);
- Wurrumiyanga (November 2011);
- Yirrkala (March 2012);
- Ramingining (May 2012); and,
- Milingimbi (June 2012).

To date the effectiveness of these forums is questionable. The high cost and low level of community engagement indicates that some reappraisal of the model developed for these forums is urgently needed.

A better approach to the fly-in-fly-out process may be to have fewer government staff involved in the forums and have a series of meetings where local people or organisations meet with business development specialists about their specific business propositions. This approach would help community members take the next step in building their business, and would provide business planning and strategies and assess the type of support that will be required to make remote area business development a reality.
In urban areas DBE provides considerable government-subsidised support that includes developing business plans and there are many private professional services available to advise on taxation, government regulation and to support business administration. In remote towns there is often little access to the facilities or administrative support necessary for managing a business in complex regulatory and commercial environments.

The NT Government has also begun to develop Business and Economic Profiles\(^4\) for the TGTs. To date these have been released for:

- Ngukurr (2010);
- Gunbalanya (April 2011);
- Yirrkala (April 2011); and
- Ntaria (April 2011).

### 5.6.9 Indigenous job creation strategies

Private sector investment and the establishment of partnerships with Indigenous businesses are crucial to improving regional employment outcomes. The NT Government is working with the land councils, shires, Aboriginal corporations and local people to attract private investment and grow local businesses.

A Regional Economic Development Fund (REDF) was established to assist with the development of business and industry capability in all regions and to stimulate and support regional economic development through local initiatives. By March 2012, some 480 positions in shire councils were directly supported by the NT Government’s commitment to Indigenous Jobs Development in shire council core services.

Councils have also received a total of $1.6 million for 2011-12 for the employment of workplace mentors in shire councils. The intention of this program is to reduce staff turnover through enhancing the capacity for staff development.

The Local Government Association of the NT received $200,000 to develop a workforce planning template for shire councils that includes recruitment and retention strategies for the entire workforce and strategies for positions that are difficult to recruit.

An encouraging initiative has been the recent formation of the Northern Australia Ministerial Forum (NAMF) to provide collaboration between the northern jurisdictions of Western Australia, Queensland, the NT and Commonwealth governments. The NAMF will initially focus on Indigenous employment and skills shortages in addition to consideration of infrastructure priorities, particularly water and energy, and opportunities to improve service delivery.

Regional Development Australia (RDA) is tasked with bringing together all levels of government to enhance the development of Australia’s regions. There is one NT RDA Committee and the NT Government has observer status on this.

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\(^4\) DHLGRS website, May 2012.
In 2009 the NT Government signed a MoU with the Commonwealth Government in relation to RDA NT. The MoU provides for greater alignment between the Commonwealth and NT governments on regional and economic development priorities and for increased communication with NT Economic Development Committees.

In March 2011 the Federal Minister for Regional Development announced a $1.4 billion commitment to boost regional economic development which will be delivered through the Regional Development Australia Fund over five years. Grants between $500,000 and $25 million were available to support projects, with larger grants matched by funding sources other than the Commonwealth Government. Only local government and NFP organisations could apply for grants for capital works.

Where possible the DHLGRS assists NT organisations interested in applying for grants by providing technical expertise, development of project plans or endorsement of applications. Following consideration of nominations, the Commonwealth Department of Regional Australia, Regional Development and Local Government has requested a full application from the Robinson River Skills Training Centre (Mungoorbada Aboriginal Corporation); and the Roper Gulf and Victoria Daly Shire Council Joint Civic and Community Centre (Roper Gulf Shire Council).

5.6.10 Key issues and comments

Disengagement

While strategies are in place on a number of fronts to increase employment and participation there is considerable disengagement of Aboriginal people from employment, training and education, particularly among young males. It is recommended that a study of the cohort of people in communities that are not employed, on welfare, or not in receipt of income be considered as a matter of urgency.

As the Aboriginal Peak Organisations of the NT© (APONT) noted, ‘a shift away from punitive measures in light of evidence that ‘negative reinforcement’ is highly ineffective in changing behaviour and can result in ‘learned helplessness’ and other adverse consequences.’

CDEP

The need to reform remote working arrangements, including CDEP, is clear. However, this process needs to be gradual and nuanced to avoid unintended negative economic and social outcomes. While governments have attempted to reform the CDEP scheme on a number of occasions, there seems to be a lack of appreciation at the highest level that there is no full time employment alternative for the vast majority of remote community residents at present or in the foreseeable future. CDEP is actually a successful program!

Short term agreements to fund the transition of positions with local government or

© Aboriginal Peak Organisations of the Northern Territory submission to the Stronger Futures Senate committee
elsewhere are commendable but they are not a long term alternative to CDEP which has employed over 8,000 people in the NT. Considerable long term commitment and investment in employment with the shires and Aboriginal organisations is the most likely approach to providing the sustainable employment base that could allow skills development and the development of a highly capable local workforce. There is a need to continue to support programs that encourage local Aboriginal enterprise and land management initiatives, and deliver on-the-ground, hands-on training that is responsive to local needs and levels of formal education.

The proliferation of contracts with non-resident, NFP organisations for short term service delivery further erodes the possibility of providing a sustainable employment base.

Training and adult education

In their submission to the Stronger Futures Senate committee APONT commented that there needs to be ‘recognition of the emerging evidence that state agencies lack capacity to deliver to remote communities, including in the area of training, employment services and jobs generation.’

The withdrawal of adult educators from NT communities has limited local residents’ access to these opportunities. Training is now usually provided to meet the needs of a particular employer for a particular project rather than to meet an individual’s need for personal development or skills and capacity upgrading. Too much of the focus has been on the needs of government and the perceived needs of community members to follow a particular path.

Procurement

The opportunities for strengthening current government procurement policies at the Commonwealth and NT government levels to maximise Indigenous employment are manifold. As stated in the NPA for Indigenous Economic Participation, the Commonwealth and NT Governments are major purchasers of goods and services and are in a very strong position to increase Indigenous economic participation and employment by introducing or strengthening Indigenous employment requirements in government procurement processes.

Governments have committed to improving procurement provisions with a particular focus on large construction projects, maintenance contracts, cleaning and infrastructure projects agreed through the COAG Infrastructure Working Group. By requiring successful contractors of major projects to implement Indigenous training, employment and supplier strategies, jobs will be created for Indigenous Australians, and their skills will be developed and Indigenous businesses will be created and supported.

There has been mixed success with SIHIP in the NT. While low skilled employment has

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been generated there has been little success in transitioning part-trained employees to other employers at the end of the construction phase of SIHIP and assisting them to complete their qualifications.

The NT Government needs to develop a local skilled labour force to maintain the 6,000 public housing and government employee dwellings in remote towns, as well as for the ongoing construction and maintenance of police stations, clinics, offices, schools, etc. There is an overwhelming financial imperative for the NT Government to get this initiative on a much stronger footing. The argument that there is ‘no mainstream labour market in remote areas’ cannot be sustained when there is an opportunity to build a skilled remote housing and construction workforce.

As stated in the NPA the Commonwealth is establishing an advisory service to support agencies to implement procurement requirements regarding Indigenous employment. It will provide services through existing Indigenous and mainstream employment programs to implement change management strategies to support changes to procurement policies and practices.

This is an opportunity that should not be missed.

**Recommendation 9 - Labour force participation**

That the Northern Territory and Commonwealth Governments jointly commission research and analysis of NILF (not in the labour force) rates for Aboriginal men of working age (15 to 65 years) in selected remote and regional centres to identify potential barriers and solutions for Aboriginal men in accessing Centrelink income support, training and other labour market/workforce participation initiatives.

**Recommendation 10 - Workforce development (housing)**

That the second phase of the NPARIH gives much greater focus to the provision of long term skills development and employment with:

- an enhanced role for local Aboriginal businesses and the shires in the construction phase;
- a clear strategy for the transition of employees from NPARIH construction and refurbishment programs to local employers, including adequate planning and support for the completion of trade qualifications; and
- a whole-of-government strategy for the development of the remote housing and infrastructure workforce which maximises the opportunities for job and enterprise creation and sustainability within the remote towns and communities themselves.
5.7 Housing, infrastructure and leasing

A healthy home is a fundamental precondition of a healthy population. Important contributors to the current unsatisfactory living conditions of many Indigenous people living in the NT include inadequate water and sewerage systems, waste collection, electricity and housing infrastructure (design, stock and maintenance). Children need to live in accommodation that has adequate infrastructure and is conducive to good hygiene and study and free of overcrowding.

5.7.1 COAG

Strategic areas for action

- Overcrowding in housing.
- Rates of disease associated with poor environmental health
- Access to clean water and functional sewerage and electricity services

5.7.2 National Partnership Agreement

- Supply of safe and adequate housing that will contribute to improved living standards for Indigenous people in remote communities.
- Robust and standardised tenancy management of all remote Indigenous housing that ensures rent collection, asset protection and governance arrangements consistent with public housing standards.
- A program of ongoing maintenance and repairs that progressively increases the life cycle of remote Indigenous housing from 7 years to a public housing-like lifecycle of up to 30 years.
- Construction of new houses and ongoing repair and maintenance of houses in remote Indigenous communities.
- Increased employment opportunities for local residents in remote Indigenous communities.
- Accommodation such as hostels and subsidised rental housing in regional areas to support people from remote communities to access training, education, employment and support services.
- Progressive resolution of land tenure on remote community-titled land in order to secure government and commercial investment, economic development opportunities and home ownership possibilities in economically sustainable communities.

Universal Declaration of Human Rights

Article 25

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
Upgraded housing and housing-related infrastructure in town camps where appropriate.

Improved data collection through a three-yearly Community Housing and Infrastructure Needs Survey (CHINS).

5.7.3 Current situation

- **Overcrowding**: with about 5,000 remote public housing dwellings and a remote population well over 40,000 people, the occupancy rate continues to be more than eight people per dwelling.
- **Housing need**: estimates in 2003 and 2007 suggested more than 7,000 dwellings were required to meet remote housing need by 2021.
- **Current housing construction and refurbishment**: it is estimated that 934 houses and 415 rebuilds will be delivered under the NPARIH by 2013. Beyond 2013 an additional 1,400 new houses are planned for smaller communities.
- **Leasing**: considerable progress has been made in relation to the negotiation of leasing for housing and infrastructure.

5.7.4 Housing, infrastructure and leasing

One of the key social determinants of health is housing and it is also one of the most intractable issues facing Aboriginal people in the NT. Evidence of gross overcrowding is commonplace, it is rife in town camps and is not limited to regional and remote towns and communities. Homelessness rates in the NT are 17 times the rest of the nation, with the Katherine region having one of the highest rates in the country.1 These figures do not include the hidden homeless—those who are constantly on the move between houses of extended families without any permanent residence.

Overcrowding is linked to poor early childhood development and educational outcomes, domestic violence, child neglect and failure to thrive, ear disease and hearing damage, and trachoma.

While it can be argued that there is unprecedented expenditure on housing in Indigenous towns and communities, the backlog of unmet need, population growth and ageing and collapsing infrastructure significantly affects any progress in this area.

5.7.5 Key points

In September 2007 the Commonwealth and NT Governments signed a MoU regarding the funding and delivery of Indigenous housing, accommodation and related services under the Community Housing and Infrastructure Program (CHIP), and Australian Remote Indigenous Accommodation (ARIA) program for the period 2007 to 2011. Under this agreement $793 million in CHIP and ARIA funds and $100 million in NT Government funds were committed to remote community and town camp housing.

This funding increase more than doubled the previous years’ allocations. It was

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contingent on the creation of a remote public housing model, the leasing of the land where properties stood and, for the first time, the application of the Residential Tenancies Act 1999. A central element of the reform was the transfer of housing assets from around 70 Indigenous Community Housing Associations (ICHO) and former community councils (at that time undergoing a process of regionalisation to become shire councils) which had up to that time constructed, managed and maintained Aboriginal housing.

In 2008 the $1.7 billion NPA on Remote Indigenous Housing (NPARIH) was signed for the 10 years to 2018. In remote areas the initial five year commitment under NPARIH planned for the construction of 750 new dwellings and the renovation and reconstruction of about 2,750 dwellings. Additional funds were allocated for infrastructure to support the new construction program. The second phase of the NPARIH is designed to fund the construction of 1,400 houses and upgrade 4,800, responding to a critical element of Indigenous disadvantage.

The establishment of public housing outside the five major population centres in the NT meant about 4,000 dwellings were transferred directly to the NT Government, which also held 5,600 urban public housing assets and around 1,200 government employee houses, largely located in remote communities. Responsibility for housing construction, property and tenancy management fell for the first time to the NT Government. Understandably, the NT Government was concerned at the state of repair of many of the dwellings constructed over the preceding 30 years and the highly variable quality of construction and maintenance. The NT’s publicly-owned housing stock now approaches that of Tasmania but is distributed over 20 times the area.

The NT Government began to put in place a system of property and tenancy management for both the newly constructed and refurbished dwellings as well as the legacy stock transferred from the ICHOs. For the first time universal housing construction and design standards were applied across all remote housing stock. This standardisation created a greater opportunity for planned maintenance activities and offered new economies-of-scale. The application of strong construction standards and better tenancy support aims to increase the life cycle of dwellings from around 7 to 30 years and result in a far more effective maintenance regime and healthier housing sector.

The Strategic Indigenous Housing Infrastructure Program (SIHIP) initiative has attracted significant and at times unjustified criticism that fails to acknowledge the inefficiencies, duplication and fragmentation of the pre-existing approach to the construction, maintenance and management of remote housing. As much as there were some extremely successful Aboriginal housing associations, most suffered from inconsistent funding which inhibited workforce and skills development and did not provide the scale or standardisation in construction that would support sustainable maintenance programs. In 2008 ICHOs received about $2,300 per dwelling to fund

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maintenance and administration whereas the new public housing model was able to provide over three times this allocation.

Much of the early criticism of SIHIP related to the time taken to mobilise works under the alliance methodology, but given the project scale and investment and the need for thorough accountability this was understandable.

<table>
<thead>
<tr>
<th>Date</th>
<th>New Houses</th>
<th>Refurbished</th>
<th>Rebuilt</th>
<th>Expenditure ($m)</th>
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<td>Target end 2013</td>
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<td>2500</td>
<td>230</td>
<td>672.0</td>
</tr>
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### 5.7.6 Program audits and enquiries

In November 2011 the Australian National Audit Office examined the implementation of the NPARIH and made recommendations to improve the program's delivery and reporting against outcome-based performance indicators.4

The Commonwealth Ombudsman also investigated complaints in relation to rent, tenancy agreements, timing and processes for repairs and maintenance, the poor quality of some SIHIP work, and the effectiveness of Housing Reference Groups. A comprehensive report was released in June 2012 and the NT Government and FaHCSIA have agreed to implement many of the recommendations.

Within the NT the Council of Territory Cooperation (CTC) has raised and sought responses to a number of issues during the term of the NT Labor Government, which are detailed in the CTC’s final report. These include:

- the standard and scope of refurbishments;
- the cost, standard and suitability of some new houses;
- how infrastructure costs are funded and planned;
- land tenure changes;
- sustainable Indigenous employment and training;

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3 Collated data from SIHIP Capital Works Updates.
remote housing reform, including tenancy management and repairs and maintenance;

• reporting on financial and other outcomes;

• the alliance model; and

• overcrowding and the continuing housing need in remote Indigenous communities.

As many of these issues have been publicly debated over the last three years with detailed responses outlined most recently in the CTC report, they will not be specifically addressed here. It is worth reiterating, however, the CTC’s concern regarding three issues: ongoing housing need and overcrowding, particularly in the ‘non-SIHIP’ communities, Aboriginal employment and training, and transparency and accountability.

5.7.7 Housing need

In December 2011 it was estimated 934 houses and 415 rebuilds would be delivered by 2013 as part of a revised plan for the NPARIH and after 2013 there will be an additional 1,400 new houses built in smaller communities. This second phase of construction will be critical to addressing the growing demand for housing outside the RSD sites where no new housing has been constructed since 2009, and in some remote communities many years before that. With an additional 5,000 to 9,000 people resident on outstations and homelands, where Commonwealth funding for new housing ceased in 2004-05, it is clear that the housing need will far outweigh anything delivered under the current arrangements.

The NPARIH began to address overcrowding and homelessness in some localities, which is thought to exceed 3,000 dwellings. However, to date only a limited number of locations have received any new housing:

• Maningrida has received 110 new houses in addition to the 155 (of variable standard) that existed before NPARIH, substantially improving rates of overcrowding, but for a population around 2,600 people the occupancy rate still averages 10 people per dwelling;

• Ngukurr will receive 59 new houses in part replacing 37 existing dwellings that required demolition, resulting in only a minor change to overcrowding;

• Most communities have to date received some refurbishments, but no new housing construction, which means overcrowding is continuing to grow worse.

In 2008 research identified NT Aboriginal communities needed an additional 7,827 houses. Other studies have indicated similar numbers with research in 2003 suggesting 8,240 dwellings were required in non-urban areas to meet eligible public

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7 Griffith, D.A. & Walker, T., ‘Estimated Housing Demand in the Northern Territory, Present and Future’, Department of Community Development, Sport and Cultural Affairs, Territory Housing, March 2003.
housing demand by 2021. Current agreements are only starting to meet a need that has grown steadily for more than 30 years.

5.7.8 Mobility

With urban centres in the NT experiencing homelessness at a rate five times that of Australia nationally, and Katherine having one of the highest rates of homelessness in the country, the NT Government is currently developing Regional Homelessness Action Plans for each of the main urban centres. These plans aim to improve service coordination both within government and between service providers.

A recent study of ‘rough sleepers’ in the Darwin region, conducted by the Northern Institute of Charles Darwin University,\(^8\) indicated that around 25% of the population of people who are known as ‘itinerants’ actually want to move from remote communities to urban areas. This was particularly true of people under 25, with education and employment understood to be the main drivers.

Governments regularly express a desire for people to move to areas of greater economic opportunity and away from remote areas with high unemployment and little opportunity for training and skills development, but little encouragement or support is offered.

It is essential that while governments are currently making considerable investment in housing and infrastructure in remote areas, that they have a better understanding of the factors leading to mobility both between urban areas and remote towns and between remote towns and service centres and their surrounding homelands and outstations.

5.7.9 Staff accommodation

The lack of adequate staff and visitor accommodation has also become a critical issue in remote towns. The need for staff accommodation to prevent more programs being delivered on a fly-in-fly-out basis is urgent. The costs associated with the delivery of these programs is extraordinary and the likelihood that these will be successful and sustainable is diminished by the time taken in transit and the impermanence of local engagement.

The shire councils have also struggled to develop financial models for the expansion of their own staff housing. With the current reluctance of the banking sector to support commercial loans for construction in remote Aboriginal towns, despite the progress with housing leasing arrangements, this will continue to be an issue of considerable importance and was identified by shire councils in their Regional Management Plans.

5.7.10 Employment and training

While SIHIP have reported the participation rate for the training and employment of Aboriginal people is between 20% and 30%, there are significant issues with the

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figures quoted in the CTC report. Analysis of the approaches taken by each alliance reveals the Aboriginal employee retention rate beyond 13 weeks is 60% for Territory Alliance, but only 23% for New Future Alliance, and beyond 26 weeks it is 42% and 12% respectively. On the other hand 18% of New Future Alliance’s recruits achieve Certificate II or III, with only 5% for Territory Alliance.

Due to the limited construction period under SIHIP at each location the completion of formal qualifications has been problematic. The limited success in this critical area means that there needs to be more formal negotiations with the shires, Aboriginal housing associations and resource centres in relation to the transition of part-qualified staff from the alliances to these local employers. Strategies need to be developed to better support the continued skills development of the local labour force in remote areas if the progress made under the $2 billion SIHIP initiative will not be lost and again fail Aboriginal people part way through the process.

<table>
<thead>
<tr>
<th>SIHIP employment and training results at March 2012</th>
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</thead>
<tbody>
<tr>
<td><strong>Number</strong></td>
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<tr>
<td>Indigenous employed since start</td>
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<tr>
<td>Indigenous retained &gt;13 weeks</td>
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<td>Indigenous retained &gt;26 weeks</td>
</tr>
<tr>
<td>Completed Certificate 1</td>
</tr>
<tr>
<td>Completed Certificate 2</td>
</tr>
<tr>
<td>Completed Certificate 3</td>
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</tbody>
</table>

### 5.7.11 Infrastructure

The Commonwealth Coordinator-General for Remote Indigenous Services, Mr Brian Gleeson, in his first report in November 2009 recommended that the ‘Commonwealth Departments of Infrastructure, Transport, Regional Development and Local Government and [FaHCSIA], in consultation with relevant State and Territory departments, investigate the feasibility of a single, whole of government contracting entity to plan and manage construction of community facilities in remote locations’.

This new office has now been established and is responsible for the coordination of all construction and infrastructure projects in remote communities.

The creation of the Remote Infrastructure Project Office in the NT is a positive sign that the piecemeal approach to construction and maintenance of government assets over the last few decades, where each NT Government department managed and maintained its own infrastructure, is coming to an end. This resulted in a high level of duplication with multiple maintenance contracts for a single remote community serviced by multiple tradespeople travelling long distances from urban centres. There is now a good opportunity to make long term contracts available to local tradespeople, businesses, maintenance companies, resource centres and shires to build their capacity.

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A significant issue that has arisen in the delivery of SIHIP is the overwhelming inadequacy of power, water and sewerage infrastructure. It is estimated that $100 million is required in each of the five years to 2014 to provide Aboriginal towns with a reasonable standard of service delivery.¹¹ This investment is additional to existing commitments to service 72 remote communities and 60 outstations.

Some outstanding issues highlighted in the submission¹² to Infrastructure Australia included:

- 200 water tanks with a 25 year design life are now more than 30 years old;
- more than 100 production bores are over 40 years old and require replacement or refurbishment;
- diesel power stations average 25 years old;
- the majority of sewerage pump stations will reach replacement age before 2020; and
- an average of 2km of asbestos cement water pipes in 35 communities require replacement.

As the submission notes:

> Without adequate, reliable and sustainable water, wastewater and electricity services, there is insufficient foundation to meet the objective of an improved economic situation for Indigenous communities and individuals. Essential service infrastructure underpins all community activity including economic participation, education, service delivery, healthy living and community safety.

Significantly, the key plank of NT Government Indigenous policy, *A Working Future – Territory Growth Towns*, pledges that residents of the 20 Growth Towns will enjoy all normal facilities and services prevailing in other regional centres in Australia of a similar size, [and this] can only be achieved alongside provision of reliable essential services.

The submission outlined eight relatively unique characteristics that create challenges in the provision of essential services to remote Aboriginal towns:

1. **Indigenous population and population growth**: Indigenous population growth has been substantial. Increased investment in housing and building infrastructure will cause additional pressure on essential services.

2. **Disadvantage**: The relative social, economic and environmental health disadvantage of Indigenous people has limited the ability to apply ‘user pays’.

3. **Remoteness**: The remoteness and small size of service locations affects the unit cost of service provision and distribution logistics and the ability to employ, train and retain technical staff.

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¹² Ibid.
4. **Infrastructure**: The legacy of ageing infrastructure and a history of ill-defined property and housing ownership present additional challenges for asset management.

5. **Cross-cultural approaches**: Cross-cultural approaches to engaging Indigenous communities are needed to better understand the use of electricity, water services and sewerage and involve Indigenous people in decision making.

6. **Groundwater reliance**: Challenges arise from a reliance on groundwater by 95% of communities. Much of the water is highly mineralised and in some locations it is not possible to economically access an adequate, sustainable source of water supply.

7. **Distillate reliance**: More than 90% of electricity is sourced from community power stations using distillate fuel, leading to significant exposure to distillate prices and associated transportation costs.

8. **Land acquisition**: Long lead times are involved in acquiring land for new infrastructure.

While some of the required investment has been successfully sourced from governments it falls short of the $2,059 million required for housing infrastructure, land servicing and essential services as estimated by the NT Government in its response to the NTER Review Board in September 2008.13

### 5.7.12 Leasing

The NT and Commonwealth governments agreed that long term leases must be signed with traditional land owners before significant investment in remote housing can occur. Long term tenure arrangements must be in place before major capital works, including new housing and infrastructure, can be delivered in remote towns in the NT. To date 44 long term leases have been signed in the TGT and RSD sites.

These leases were agreed under a number of different legislative frameworks and for different periods which may cause administrative complications in future as leases expire at different times under a range of legal agreements. Of those signed at 30 June 2012:

- eight are s.19 leases14 secured with the CEO (Housing) for 40 years. (Maningrida, Galiwin’ku, Gunbalanya, Ngukurr, Wadeye, Numbulwar, Gapuwiyak and Milingimbi;

- two s.19 leases secured with the Executive Director of Township Leasing (EDTL) for 40 years and a sublease to the CEO Housing for 10 years (Lajamanu, Hermannsburg);

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14 Section 19 of the *Aboriginal Land Rights (Northern Territory) Act 1976* allows the relevant Aboriginal land trust to lease land to governments or for business purposes.
• five are s.19A\textsuperscript{15} township leases secured for 99 years (Nguiu) and 80 years (Angurugu, Milyakburra, Umbakumba and Milikapiti) with subleases to CEO (Housing). Milikapiti sublease currently being finalised;
• 26 leases have been secured for town camps (18 in Alice Springs and 8 in Tennant Creek).
• one lease has been assigned to the NT Government from the Commonwealth Government for 40 years (Wudapuli and Nama Homelands); and
• two other communities have short term lease arrangements in place that allow for SIHIP works to be undertaken (Kybrook Farm and Naiyu Nambiyu).

Two further ‘in principle’ agreements to housing precinct leases have been granted and are expected to be finalised in late 2012 (Yuendumu and Ramingining).

In 52 smaller Aboriginal towns the Commonwealth and NT governments are working with Traditional Owners seeking long term leases for remote public housing lots. The NT Government approach is on the basis of template leases for 12 years with an agreement for a further period of up to 40 years, with 34 communities entering into voluntary leases over public housing lots. The proposed lease arrangements will allow both governments to deliver a consistent public housing system in remote communities.


A number of consultations have recently been undertaken with the following outcomes:

• four provisional consents agreed in the Central Land Council region (Areyonga, Nturiya, Pmara Jutunta, Kaltukatjara). These consents will be tabled at CLC Executive on 19 June 2012;
• four communities will require a second consultation (Papunya, Haasts Bluff, Wallace Rockhole, Ali Curung); and
• one community (Finke) is located on freehold land. Following recent consultations agreement was reached to secure a Service Level Agreement (SLA) to allow for planned SIHIP works to be undertaken.

A further 11 consultations are expected in the Central Land Council region this year. Both the Commonwealth and NT governments will be attending the consultations at the request of the CLC. Two communities are currently under short term lease arrangements which allow SIHIP works to be undertaken until they expire on 18 August 2012 (Nauiyu Nambiyu) and 8 February 2013 (Kybrook Farm). Consultations

\textsuperscript{15} Section 19A (ALRA) allows Land Trusts to grant a Whole of Township Lease on Aboriginal land to an approved entity. The Executive Director of Township Leasing is an approved entity for this purpose. The function of the Executive Director is to enter into Whole of Township Leases and to administer such leases other rights and interests derived from the lease. The Executive Director does not negotiate Whole of Township Leases.
are yet to be undertaken to secure a Service Level Agreement to allow for remote public housing services to continue. Community Living Areas are yet to be decided through consultation due to some administrative issues which need to be resolved. It is envisaged these will be undertaken before the end of the s.31 lease expiry on 18 August 2012.

Those communities who have not decided on the housing lease proposal have a further six months to consider the offer, during which time the NT Government will continue to provide remote housing services.

5.7.13 Financial accountability and transparency

SIHIP has demonstrated a marked improvement in the percentage of overall funding that is dedicated to program administration, now estimated to be around 8%. The initial set-up phase, which engaged external contract management consultants, was criticised for the high cost and slow progress in construction. The alliance methodology has also been blamed for the high unit cost of construction and refurbishment.

A lack of transparency in financial reporting has made it difficult to clearly identify the positive and negative aspects of the alliance model, although it is clear that the number of dwellings completed and the relative quality of the construction are both positive outcomes. High construction standards will mean lower maintenance costs in the long term. However, relying on large construction companies, which have considerable overheads, in preference to building on the capacity and perhaps the regionalisation of Aboriginal Housing associations, as in Western Australia, is yet to be tested. With the need for a skilled workforce located in remote areas, the future focus may need to be on smaller organisations and the shires to carry a greater load.

Recommendation 11 - Housing

Governments need to develop an ongoing plan, based on 2011 Census and population projections to reach the SIHIP objective of 2.2 people per bedroom across all NT towns and communities by 2025.

Workforce development

It is recommended that the second phase of the NPARIH give much greater focus to the provision of long term Aboriginal skills development and employment and that this takes three paths:

- an enhanced role for local Aboriginal businesses and shires in the construction phase;
- a clear strategy for the transition of employees from NPARIH construction and refurbishment programs back to local employers, including adequate planning and support for the completion of trade qualifications; and
a whole-of-government strategy for the development of the remote housing and infrastructure workforce which maximises the opportunities for job and enterprise creation and sustainability within the remote towns and communities themselves.
APPENDIX

Commonwealth Ombudsman
Remote Housing Reforms in the Northern Territory

Recommendation 1
FaHCSIA and Territory Housing should improve collaboration with local government and housing service providers with a focus on:
   a) ensuring consistency and compliance with the remote housing framework and policy
   b) strengthening monitoring arrangements and agreements underpinning funding and services
   c) providing the necessary support and tools to the shires and housing associations to allow them to improve communication and engagement with community residents.

Recommendation 2
FaHCSIA and Territory Housing should, in revising the approach to properly define and report on ‘local’ Indigenous employment numbers, alert the COAG Reform Council to the problem, given its monitoring and reporting requirements, and clarify the current statistics and reporting in publicly available information.

Recommendation 3
Building upon recent efforts to strengthen the consistent implementation of the policy surrounding improvised dwellings, FaHCSIA and Territory Housing should ensure they proactively communicate the existence of this policy and reimbursement process to residents in remote communities. This should be accompanied by clear communication with the local shire offices and housing providers about the policy and reimbursement processes.

Recommendation 4
   a) FaHCSIA and Territory Housing should ensure occupancy agreements (and other communication materials) include detailed information about MDRs and associated review rights, including the impact and benefits of the MDR on tenants.
   b) FaHCSIA and Territory Housing should ensure there is an ongoing and proactive review of occupancy agreements and tenant details at regular intervals.

Recommendation 5
FaHCSIA and Territory Housing should review arrangements, responsibilities and support provided to head tenants and consider whether all tenants should be listed as co-tenants on tenancy agreements in order to make each resident personally accountable for their own housing obligations and reduce the burden on head tenants.

Recommendation 6
FaHCSIA and Territory Housing should ensure that expanded communication and engagement strategies include:
   a) conducting regular community meetings and information sessions, using interpreters, to discuss the new tenancy model and key concepts, particularly resident obligations
   b) expanding material and information provided to all residents to include clear information about their rights and what they can expect from Territory Housing and service providers including: processes and timeframes surrounding repairs and maintenance and accessing rental records; information about privacy; details about complaints and review channels and information about other available support and advocacy services
   c) skilling CHOs, shire, housing association and Territory Housing staff in how to better recognise the need for, and work with, interpreters
   d) increasing support and information access for Housing Reference Groups, Community Housing Officers and housing association and shire staff so they can respond to queries at a local level
e) equipping and empowering CHOs and shire and housing association staff so that they can resolve issues as they arise

f) evaluating current communication strategies and information packages to assess their impact on improving community awareness and understanding of the housing reforms.

**Recommendation 7**
FaHCSIA and Territory Housing should:

a) take immediate action to ensure there is adequate IT system support to manage Remote Housing, including transferring all tenant and housing stock information onto TMS as a matter of priority

b) ensure that the RDS is fully rolled out to all remote communities and that rent is able to be paid by public housing tenants not subject to IM

c) provide detailed and accessible public information about the approach they will adopt for addressing possible rent arrears accrued as a result of this issue.

**Recommendation 8**
FaHCSIA and Territory Housing should review the approach to Maximum Occupancy Numbers, including their inclusion in tenancy agreements, and update this office on the approach to setting and achieving these limits in the context of overcrowding, issues of mobility, cultural practices and homelessness.

**Recommendation 9**
FaHCSIA and Territory Housing should review their tenancy agreements and practices to ensure compliance with the Residential Tenancies Act. This should include consulting with the Commissioner of Tenancies.

a) FaHCSIA and Territory Housing should seek legal advice to clarify their position in relation to the standing of occupancy agreements under the Residential Tenancies Act.

**Recommendation 10**
In consultation with FaHCSIA, Territory Housing should review the approach and support provided to HRGs, including:

a) reviewing high performing HRGs to identify lessons and opportunities to build the capacity of others

b) improving communication practices, including the use of interpreters

c) clarifying the frequency of HRG meetings with members and ensuring that priority is given to holding meetings where houses are ready for allocation

d) clarifying roles and responsibilities of HRGs

e) publicising and making accessible the HRG Operational Guidelines

f) expanding HRG complaint processes and publishing information about them

g) ensuring decisions made following HRG input are transparent and accountable.

**Recommendation 11**
FaHCSIA and Territory Housing should:

a) ensure that the waiting list application form is available at a local office, with assistance for people to fill out and submit the form

b) make information about housing allocation prioritisation factors available in simple language at local shire offices

c) provide written information to waiting list applicants confirming their inclusion on the waiting list, providing information about the allocation process, advising if they have been prioritised and the points they have been allocated, explaining the factors taken into account in assessing their priority rating, inviting them to make contact should their circumstances change and informing them of their complaint and review rights

d) provide written information to waiting list applicants on allocation decisions including their complaint and review rights.
Recommendation 12
FaHCSIA should ensure that Territory Housing takes action to review its complaints model for remote Indigenous communities, taking account of stakeholder feedback on the proposed model, and:

a) ensure local staff can appropriately identify complaints, particularly where a resident may not specifically describe an issue as a complaint
b) promote the existence of the complaints model and ensure it is brought to people’s attention any time they raise concerns about housing matters or receive an adverse housing decision
c) empower CHOs and shire staff to act on complaints and provide them with access to the information necessary to resolve them
d) demonstrate that complaint outcomes are comprehensive, meaningful and fair
e) ensure that complaints are seen as an opportunity to review practices and procedures and to resolve systemic issues as they arise.

Recommendation 13
FaHCSIA and Territory Housing should amend the approach to the management of repairs and maintenance, including:

a) strengthening front end processes to ensure transparency
b) reviewing practices by housing associations and strengthening funding agreements and monitoring arrangements to ensure compliance with policies
c) implementing adequate systems to monitor progress by shires and housing associations and taking action where delay or quality issues are identified
d) improving communication with residents surrounding repairs and maintenance processes to ensure residents know what to expect and what they can do if a request is not actioned in a timely manner.
5.8 Health

This report does not attempt to provide a comprehensive analysis of all health related issues but instead provides a snapshot of where improvements and gains have been achieved, highlighting key indicators and measures of health and wellbeing, and identifies critical areas of concern.

Access to culturally appropriate, effective comprehensive primary health care services is essential to improving Aboriginal health and life expectancy. Closing the gap in health inequality requires a concerted effort in the prevention, management and treatment of preventable illness and chronic disease. Chronic diseases such as heart disease, renal failure, diabetes and cancer account for almost 80% of the gap between Aboriginal and non-Aboriginal life expectancy.

Ensuring access to primary and preventative health care, the promotion of lifestyle changes, and an increased focus on environmental health are key factors in reducing this disparity.

5.8.1 COAG

COAG has established two targets specifically related to health outcomes:

- Halving the gap in mortality rates for Indigenous children under 5 within a decade;
- Closing the life expectancy gap within a generation.

5.8.2 National Partnership Agreement

COAG agreed to an Indigenous Health National Partnership in November 2008 worth $1.6 billion over four years to help address the COAG targets, including expanded primary health care and targeted prevention activities to reduce the burden of chronic disease. According to this, over a five year period around 55% of the adult Indigenous population (around 155,000 people) will receive a health check with about 600,000 chronic disease services delivered. More than 90,000 Indigenous people with a chronic disease will be provided with a self-management program, while around 74,500 Indigenous people will receive financial assistance to improve access to Pharmaceutical Benefits Scheme medicines.

International Covenant on Economic, Social and Cultural Rights

Article 12

1. The States Parties to the present Covenant recognise the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realisation of this right shall include those necessary for:

(a) The provision for the reduction of the still-birth rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.
The implementation of this National Partnership in the NT will:

- provide new priority services to NT towns and remote communities, contributing to gains in health, family violence, alcohol abuse, offending, smoking and social order outcomes;
- provide tangible evidence of the NT partnership with the Commonwealth Government;
- provide tangible demonstration of the NT partnership with Aboriginal Territorians;
- establish new targeted efforts to engage and improve outcomes for Aboriginal men, including the key areas of antisocial behaviour, family violence and child protection;
- establish highly targeted services to identify and work with disengaged dysfunctional families and individuals to improve social, household and personal order and capability; and
- remedy identified gaps and improve coordination of the patient journey, including the cultural security of Aboriginal patients.

### 5.8.3 Current situation

Up to date data on health outcomes is generally not available. An Australian Institute of Health and Welfare report published in 2011 found that while the health status of Aboriginal people in the NT is worse than other Territorians on most indicators, there are indications that there has been a significant reduction in NT Aboriginal mortality rates between 1991 and 2007:

- infant mortality rates declined by 49%
- all-cause mortality rates declined by 33%
- mortality from avoidable causes decreased by 35%

These figures indicate some progress is being made in regard to meeting the two COAG targets referred to at the beginning of this chapter.

However, the report also identified issues requiring further work to address the gap in health disadvantage, including:

- during 2006-2008 babies of Indigenous mothers are twice as likely to be of low birthweight as babies born to non-Indigenous mothers;
- hospitalisation rates for all major health conditions have increased significantly during the period 2001-02 to 2007-08;
- hospitalisation for assault for NT Aboriginal males was 8 times the national rate and for NT Aboriginal women it is 69 times higher than other Australian women;

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1. AIHW, *Aboriginal and Torres Strait Islander Health Performance Framework 2010: Northern Territory*. Cat. N. IHW 63. 2010, Canberra: AIHW.
2. In small populations, relatively small changes in numbers can create apparently large movements in percentage terms.
• during the period 2006-08 the incidence of end-stage renal disease (ESRD) for NT Aboriginal people was 26 times the rate of non-Aboriginal people, and
• life expectancy at birth is lower among NT Aboriginal men—61.5 years compared to other NT non-Aboriginal males (72 years) and for NT Aboriginal women life expectancy is 69.2 years compared with NT non-Indigenous women at 73 years.

The interplay between health outcomes and addressing specific risk factors is complex, and it is almost impossible to precisely link changes in any one indicator with specific programs. Based on well-established evidence there is no doubt the goals of the NPA signed in 2008 will, if effectively implemented, have a direct and positive impact on progress towards the two COAG health outcome targets. These goals are:

• reduce the smoking rates among Aboriginal and Torres Strait Islander peoples;
• reduce the burden of diseases for Aboriginal and Torres Strait Islander communities;
• increase the uptake of Medicare Benefits Schedule-funded primary care services to Indigenous people with half of the adult population (15-65 years) receiving two adult health checks over the next four years;
• significantly improve the coordination of care across the care continuum; and
• over time, reduce the average length of hospital stays and reduce readmissions.

Closing the Gap programs aimed at improving child and family health have been substantial and include:

• a continuation of the Expanded Health Service Delivery Initiative (a per capita-based funding program delivered to local primary health care services - aimed at chronic conditions, though with considerable flexibility);
• funds for ear and hearing services;
• funds for follow-up dental care for children;
• funds for a mobile outreach service to address child abuse-related trauma;
• funds for substance abuse services;
• funds for tobacco control/anti-smoking and healthy lifestyle programs; and
• funds for programs which encourage Aboriginal men to be ‘strong fathers’.

5.8.4 Implementation and service delivery issues

While there is reason to be positive about the evidence-based focus of these programs, there remain issues about how effectively theys will be delivered and the quality of consultation that has occurred in their development. Community acceptance and involvement in these programs is crucial to their success.

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At a policy level the Commonwealth and NT Governments are committed to changing the way primary health care services are delivered. The most significant of these changes involves the gradual transfer of primary health care delivery in remote areas from the NT Department of Health to Aboriginal community-controlled health organisations funded for the most part by the Commonwealth Government. This is happening on a region-by-region basis, known as Health Service Delivery Areas (HSDAs), and planning for this is well-advanced. It is usually called the ‘regionalisation’ process, though ‘health care reform’ is probably a better name.

There are a number of valid reasons to believe this policy development will lead to better health outcomes, including evidence from regions where this happened many years ago (particularly in the Katherine West and Katherine East regions). Strong and well resourced locally governed health service organisations will be better placed to bring about genuine change and improved outcomes.

Progress, however, in regionalisation has been slow. Despite identifying six regions, or HSDAs, in the NT where this will initially take place, and establishing various committees, after several years of negotiations there has been little change. After three and a half years of negotiations in the East Arnhem region only the Yirrkala Clinic has been transferred to the region’s Aboriginal health service, despite what appears to be strong community support in the other communities.

The allocation of significant funds (particularly through the much-welcomed Expanded Primary Health Care Service Delivery Initiative, or EHSDI) the Aboriginal Health Check program may not be being delivered in sufficient quantity. This threatens the achievement of the key policy goal of tackling long term chronic illnesses.

During consultations one senior medical practitioner at a remote community-controlled health service described it as impossible to achieve the goal of delivering Aboriginal Adult Health Checks to 55% of the population (over 10,000 people in the NT) due to the length of the process—at least several hours for each person. And that is only the checks themselves, and does not take into account the most important part of the process—following-up the conditions identified during the checks. Medical ethics are quite clear that doing a health check or screening without follow-up is worse than doing no check or screening at all.

### 5.8.5 Allied health

The EHSDI principle is missing from allied health service provision in remote areas of the NT and it is a very large gap. Podiatrists, nutritionists, physiotherapists and the like are all important to the proper management of chronic conditions, yet in community consultations mention was frequently made about their absence.

There are two aspects to this. First, allied health service provision has for many years been based on a fly-in-fly-out model. Such people are located centrally (usually Darwin

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or Alice Springs) and fly to the regions for a short while, then return to their base. A much better model would be to embed them in local communities to facilitate the ongoing care of their patients.

Secondly, and of even greater concern, is that primary health care services in remote areas have advised that following a restructure and apparent rationalisation of Specialist Outreach NT may result in poorer access to these specialist services.

5.8.6 Oral health

Between August 2007 and December 2011 more than 14,000 dental services were provided to approximately 8,000 Aboriginal children under 16 years of age living in prescribed communities as part of the NTER Aboriginal child health checks. Of the children who received a dental service between January and June 2011 for decayed, missing or filled teeth, 82% had an average of 4.5 caries. The need for further services was highlighted by the fact that more than 2,000 children were referred for additional treatment or services for the oral health conditions identified during the dental visits.\(^5\)

Community consultations in one remote region of the NT found that children's dental problems identified as part of the checks carried out many years ago under the NTER have still not been followed up. While it has not been possible to survey all the NT to ascertain how widely this applies, the situation is disturbing and requires additional effort from Governments.

Indeed, the oral health situation for Aboriginal children across the NT is problematic. In most Aboriginal communities there is limited access to dental care. It is well proven that oral health affects cardiovascular health and other chronic conditions and that good overall health simply cannot be achieved while poor oral health remains unaddressed.

Greater levels of funding and commitment are required to ensure all communities have fluoridated water supplies. This simple public health measure has not yet been achieved. Improving dental health and providing safe potable fluoridated water supplies in remote communities is a target of the health and well being initiatives of Territory 2030.

PowerWater Corporation in October 2011 awarded the first contract to fluoridate and chlorinate water supplies in Wadeye, Maningrida, Wurrumiyanga and Angurugu, and a water fluoridation system only for Umbakumba. This is to be commended as it is an important preventative health measure.

5.8.7 Remote primary health care infrastructure

In line with Commonwealth commitments new health centres are to be constructed by the NT Government in 2012-13 at Elliott ($6.2m), Galiwin’ku ($6.4m), Milingimbi ($4.5m), Ngukurr ($5.9m) and Ntaria ($6.4m). Borroloola and Papunya health centres are to be upgraded. The need for a permanent budget allocation for such infrastructure

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(that is, not just a once-off allocation) is paramount.

Without infrastructure little can be achieved and there is a pressing need almost everywhere. There have been delays in finalising the land tenure arrangements required to carry out essential infrastructure and capital works.

5.8.8 Health and Local Implementation Plans

The role of health planning in a number of Local Implementation Plans (LIPs) is problematic. Each LIP has a section on health, which purports to set out how health services will be delivered in each location. However, running parallel to the LIP process is the health planning process coordinated by the NT Aboriginal Health Forum—a partnership between the NT and Commonwealth Governments, the community-controlled sector (represented by the Aboriginal Medical Services Alliance NT), and soon to be joined by the newly-created Medicare Local for the NT.

In many cases there appear to be poor communication and coordination between the health plans set out in the LIPs and the health planning being undertaken by the NT Aboriginal Health Forum. Of particular concern is the ‘refresh’ process underway at present which aims to bring the LIPs up to date and where health service staff are not always present when health matters are discussed by the LRG. In Wurrumiyanga and Maningrida the signing of the LIP has been delayed as the LRG would prefer the LIP to have a regional rather than community focus.

Community consultations indicated that the single most important health service reform in the NT right now—the ‘regionalisation’ process described earlier—is taking place separately from the LIP process.

It should be noted that primary health care planning and service delivery is a complex process. In some ways, ‘health’ is different from other aspects of community planning due to the professional and technical expertise required in this field. Health planning should be undertaken by the community and professionals and appended to the LIPs.

5.8.9 Environmental health

Modern medical care can not only manage many chronic illnesses, but can sometimes prevent their development. By far the most important preventive measures relate to environmental health. Here the gaps are enormous and they are systemic. There has certainly been progress in building new housing in Indigenous communities, but this is only one part of the picture. Housing maintenance, water and sewerage supplies, and similar issues are crucial to improving health.

In most remote communities existing housing stock is dilapidated, water supplies are inadequate, toilets remain blocked for days, and the list goes on. There is substantial documentation\(^6\) that these problems are not so much due to abuse or neglect by residents of the houses but to overcrowding and poor construction in the first place.

\(^6\) Refer http://www.healthabitat.com/
While new housing must be built and the application of better building standards will improve the quality and maintenance over time, two points must be stressed. First, it is not necessarily the case that building new houses will always reduce overcrowding. Secondly, there is a strong evidence base that maintenance of existing housing stock, done in a systematic way, is essential to maintaining good health and that this is relatively easy to achieve.

It must be restated that the shire system in the NT is under extreme stress. The shires’ financial situation means that they do not have the resources to take on responsibility for environmental health issues. Most housing stock was not maintained to a standard that promotes health. While the additional investments and the creation of construction for public housing are improving in some locations, maintenance programs also need to be adequately resourced.

5.8.10 Morgues

The lack of appropriate morgue and cemetery facilities and management of the deceased were identified in the 2nd NT Coordinator General’s Report (May 2010) which made the following recommendations to the NT Government:

- Clarify with all parties the roles and responsibilities of the Police, Coroner, Department of Health, families, Land Councils, funeral directors, shires and families of the deceased on the management of the remains of a deceased person;
- Install unambiguous arrangements for the onward management of morgues with appropriate funding to ensure that no cost shifting is occurring;
- Explore business models for the establishment of funeral services in Growth Towns (most likely in conjunction with morgue management);
- Make the Cemeteries Act applicable to Aboriginal land.

The recent NT Ombudsman’s report on the provision of morgues recommends that the NT Government:

- Ensure the Kalkarindji morgue (and any other morgue in remote communities) is repaired and adheres to occupational health and safety requirements and relevant building and industry standards;
- Revisit and implement the remaining recommendations made by the former NT Coordinator-General for Remote Services (listed above);
- In consultation with stakeholders, address the overall governance issue of responsibility for morgues in remote communities by developing new legislation (or amend existing legislation) to regulate the management of morgues within remote communities;

7 ‘Solutions to Overcrowding’, http://www.healthabitat.com/big-issues/overcrowding
8 ‘Housing for Health: Results’, http://www.healthabitat.com/housing-for-health/results
• identifying an agency, shire or council, (or a combination) to be responsible for maintenance and management of morgues in remote communities;

• develop appropriate policies and protocols to apply to morgue management; and

• Provide accredited industry training and best practice guidelines for staff.

• Until overall governance issue are completed:

• appoint an agency to deal with morgue management and maintenance; and

• implement a project management system to track and report on progress to government.

• Develop an effective audit, repair and maintenance program to monitor morgues in remote communities and consider whether the current Building Asset Management System (BAMS) could be used to record and maintain information.

Current situation

In the general community the costs of managing the deceased, morgue and funerals (burial or cremation) are the responsibility of the family and provided by the private sector. The body of a deceased person is the responsibility of the family until the burial, unless it is in the hands of the Coroner. In remote communities, access to storage of bodies varies across the NT. Short term storage is provided by the health clinic in many instances (Alyangula/Angurugu, Numbulwar, Papunya, Ali Curung, Elliott, Ngukurr, and Wadeye). Some shire councils manage facilities, while most do not. Funeral services operate from urban centres and their access can be affected by weather.

Funeral and morgue services are one of many service gaps identified in Local Implementation Plans. Noting the absence of commercial interest in establishing morgues, the Department of Housing Local Government and Regional Services (DHLGRS) is undertaking a detailed analysis and response to the Ombudsman’s recommendations and is preparing a policy paper for NT Government consideration on morgue facilities in Territory Growth Towns. At present there is no endorsed government position on morgues, including for remote areas.

The recent round of appalling incidents in Lajamanu, Milingimbi, Gunbalanya and Kalkarindji have resulted in renewed public pressure on the NT Government to formally allocate responsibility for morgues in remote communities. These well reported, high-profile incidents have been extremely distressing to bereaved families and communities as well for the staff who have been placed in embarrassing and highly unenviable situations where no acceptable local alternative for managing the body of a deceased person was available.

Advice from the Solicitor General indicates that currently no agency has responsibility for morgues and that morgues are not a government responsibility. However, it is clear
that arrangements have been established in Darwin, Alice Springs, Katherine, Tennant Creek and Nhulunbuy where the NT Department of Health (DoH) manage morgues in hospitals and until recently in Yulara, where NT Police Fire and Emergency Services now manage a facility. It would be unthinkable in any other section of the Australian community for a family to be given custody of a body immediately on the death of a relative if no suitable storage facility were available.

In urban centres DoH holds the body at their cost until appropriate arrangements are made with private funeral directors. Where the person dies after being evacuated from a remote community DoH repatriates the body to their home community.

A recent consultation undertaken by Deloitte for DHLGRS highlighted the precarious financial situation of the shires and the lack of adequate funding that precludes them from being able to manage morgues. It would also be inappropriate for shire staff to handle bodies. Health trained staff have a much greater capacity to safely and securely maintain the bodies of deceased persons in a facility connected to the health service and its emergency power supply.

Currently the only formal arrangement in place for DoH to provide a morgue is between the NT Coroner’s office and the Royal Darwin Hospital where it is agreed that bodies can held at the hospital morgue before formal forensic examination. On average, approximately 300 autopsies are conducted in the NT each year (250 in Darwin and 50-60 in Alice Springs).

The NT Coroner is very strongly of the opinion that the Department of Health should take responsibility for morgues in remote areas, as they have done informally in urban areas, and that legislation is required to clarify this.

The provision of morgue facilities at Yulara indicates that where public sensitivities are considered important enough (in this case the treatment of the bodies of deceased visitors) an NT Government department assumes responsibility despite the lack of a formally legislated role. Similarly in every urban centre a morgue is provided by the DoH attached to the regional hospital, despite DoH protesting that they have no formal responsibility under any Act.

**Key issues:**

- Little if any progress appears to have been made on resolving the question over the last three years about who is or should be responsible for the provision of morgue facilities in the absence of a private sector provider;

- Current legislation (Births, Deaths & Marriages, *Coroners Act* and *Cemeteries Act*) does not adequately clarify responsibilities and arrangements for deceased persons and subsequent burials;

- Community members in remote locations are paying substantial amounts for the transportation of their deceased relatives to urban funeral directors (where deceased persons are transported to regional centres and later returned for
funerals) due to the lack of community-located morgues;

- The Department of Business and Employment’s work on a business case for the operation of morgues indicated that it is not likely that a viable business can arise under current arrangements and commercial interest in taking on the service is non-existent;

- Recent discussions with the shires indicate that they have no interest in taking on the provision of morgues and that those shires currently involved in providing the service want to hand it over to some other organisation.

In 2010 DoH announced that ‘its work is with the living’ and is therefore not responsible for morgues. However DoH does have a number of remote facilities where, unfortunately, the capacity cannot meet the estimated demand.

**Unresolved issues**

At an inter-agency Working Group formed to consider these matters it was agreed that clarity is required around three main issues:

- the actual procedures required in the treatment of a deceased person, namely, the time a body should be held in the morgue/facility; whether staff have to be made available for the ‘viewing’ of deceased people by their families; whether there is a need for training of staff in preparing bodies for burial and the safe storage of bodies (i.e. the health practices associated);

- the role, current practices and the expectations of community members in meeting costs, their access to a deceased person before burial and formal role in the preparation of a deceased person for burial;

- a comprehensive understanding of the current costs and who is contributing to them, and the fear (particularly by the DoH) that a single agency may be given full responsibility for morgues without being able to recoup at least part of the cost.

Without clarity around the operating procedures, the timeframes, the responsibilities and the associated costs, each of the potential stakeholders is concerned that they will have to manage costs under their current constrained budgetary allocations.

A full analysis of the potential costs is urgently needed. These will include the annual running costs for a two bay facility which may only be turned on for a few weeks per year, annual maintenance costs, the costs associated with connecting a facility to emergency power supplies, staffing costs and the appropriate size of the facility for each population. The potential costs can be broken down as follows:

- **Capital costs**
  - Construction of a suitable room/facility with access to emergency power supply;
• Fitting out of the facility with appropriate equipment e.g. one, two, three drawer or larger permanent facility.

• Recurrent costs
  • Electricity/water supply;
  • Maintenance of the facility;
  • Maintenance of the equipment.

• Staffing costs
  • Roles of staff in preparation of bodies for burial and the costs associated;
  • Cost of training staff;
  • Cost of staffing to allow family/community access.

There are a number of potential sources of funding for the construction of morgue facilities that could include FaHCSIA’s Remote Service Delivery Flexible funding pool, the Aboriginal Benefit Account, the existing Commonwealth commitments to the upgrade and expand remote health clinics and the NT Government. However there is currently no clear delivery model that allocates responsibility and costs as exists in Queensland, where Queensland Health Services manage community morgues in larger communities and hold bodies for up to ten days.

**Community expectation**

To date much of the discussion coordinated through DHLGRS has focussed on the additional responsibility and likely costs to government. It is important that detailed negotiations occur with the Aboriginal community to determine their expectations in regard to the management of deceased persons. Cultural protocols may form the basis outlining community and family responsibilities and there may be particular regional practices that need to be incorporated. It is difficult to see how families are managing under the current haphazard arrangements which vary so profoundly from place to place.

Families are already carrying substantial costs associated with the transport and burial of deceased persons and this does not appear to be recognised when considering the allocation of potential costs of a comprehensive, legislated structure of responsibilities. Pintubi Homelands Health Service at Walungurru (Kintore) estimates the cost to families is currently $8,000 for the transfer of a deceased person to an Alice Springs funeral service and back to the community.

There has been a major failing of previous NT Governments to accept responsibility for morgue services in Aboriginal towns, services that departments informally accept responsibility for in urban areas despite the lack of any legislated responsibility. If amendments to legislation and the development and approval of departmental business models are not treated as a matter of urgency by the newly elected NT Government, it is quite likely this intolerable situation will continue well into the future.
**Recommendation 12 - Morgues**

The 2nd NT Coordinator General’s Report (May 2010) and more recently, the NT Ombudsman identified the lack of appropriate morgue and cemetery facilities and management and made recommendations to the former NT Government to address these issues.

This report also recommends that:

- new legislation (or amend existing legislation) to regulate the management of morgues and cemeteries in remote communities be introduced as a matter of priority;
- the NT Department of Health and Aboriginal community controlled health services (where regional Aboriginal health services are the health service providers) be designated the responsible agency for the management and maintenance of morgues, and in consultation with communities, develop culturally appropriate policies and protocols to apply to morgue management, and
- funding for the establishment, maintenance and/or upgrade of morgue facilities be provided under the RSD flexible funding pool for the 15 RSD sites and that additional resources be identified for other major communities where morgue facilities currently do not exist.

**5.8.12 Conclusion**

In mid-2012 the picture in regard to the COAG health targets is mixed. There has been genuine progress in some important areas, particularly positive changes in child mortality rates. However, these changes were underway long before the NTER and the Closing the Gap programs were developed.

There has been a welcome addition of substantial funds in some very important areas in recent years. One of the most successful has been the Expanded Health service Delivery Initiative (EHSDI). In community consultations, all the primary health care services we spoke to had been able to put this funding to good use. There is a lesson in this. It is to direct funds to local on-the-ground service delivery organisations, not to spend it building up big facilities in Darwin or Alice Springs and adopting the fly-in-fly-out mode of service delivery. Instead, embed program staff in local communities, where they can get to know the people and the problems, and stay around long enough to achieve change.

The move from government control of primary health care services to a model based on regional Aboriginal community-controlled health services is a positive one, but only if we can learn from the mistakes made in recent years, and expeditiously affect change. In the regionalisation process to date, too much money has been spent on committees, their airfares and hotel bills, rather than in detailed negotiations with
community health service providers. From the community perspective there seems to be a reluctance to act in a timely manner to resolve outstanding issues. There always appears to be a need for another meeting and apparent reluctance to make a decision. The stakeholder that most exemplifies this intransigence is the NT Department of Health, though others also have their share of blame.

There remain huge gaps, outlined above, with environmental health being the most conspicuous. Despite this gap being apparent to almost everyone, and in particular to Aboriginal community residents, there has been a lack of will by all parties to assume responsibility. We will not Close the Gap unless we take that issue seriously.
5.9 Governance and leadership

5.9.1 COAG

Indigenous people need to be engaged in the development of reforms that will affect them. Improved access to capacity building in governance and leadership is needed in order for Indigenous people to play a greater role in exercising their rights and responsibilities as citizens. Effective governance arrangements in communities and organisations as well as strong engagement by governments at all levels are essential to long term sustainable outcomes.

5.9.2 National Partnership Agreement

Remote Service Delivery (RSD) targets:

- continuation of Government Business Managers (GBMs) in prescribed communities;
- building capacity of interpreter services to support engagement between Indigenous communities and government and non-government agencies;
- outreach visits to remote Indigenous communities by the Commonwealth Ombudsman;
- implementation of the RSD NP overseen by Commonwealth and NT Coordinators General for Remote Service Delivery; and
- the RSD NP which involves governments working together to implement a new remote service delivery model, initially in 26 priority locations across Australia (15 in the NT).

Resetting the relationship between governments and Indigenous people is a further objective of this Agreement and key to the sustainability of progress in Closing the Gap in the NT. The Agreement includes:

- leadership development, engagement and community development workshops to build local capacity and support people on the ground; and
- employment and training of 15 Indigenous Engagement Officers (IEOs) in priority locations in the NT, which will be complemented by a further 15 IEOs through the RSD NP.

United Nations declaration on the rights of Indigenous Peoples

Article 3
Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4
Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 19
States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
5.9.3 Governance and leadership

There is strong evidence to show that community control and ownership creates more effective and lasting solutions to problems in Indigenous communities. It includes research from the Centre for Aboriginal Economic Policy Research (CAEPR) at the Australian National University, resources from the Closing the Gap Clearinghouse, and the Harvard Project on American Indian Economic Development. The Aboriginal community controlled health sector in the NT provides a practical example of the

National Partnership Agreement on Remote Service Delivery (Extract)

Objectives

15. The Agreement, together with other relevant COAG agreements, will contribute to the following objectives:
   (c) improve the level of governance and leadership within Indigenous communities and Indigenous community organisations;
   (d) provide simpler access and better coordinated government services for Indigenous people in identified communities;

16. In identified locations and consistent with agreed investment guidelines this Agreement will contribute to the following outcomes:
   (b) clear roles and responsibilities identified with all levels of government working together;
   (d) improved access to services for Indigenous people in remote locations to support achievement of the COAG Targets. Ensuring:
      (i) it is simpler to negotiate government services for Indigenous Australians;
      (ii) it is easier for Indigenous Australians to engage government services; and
      (iii) user-friendly services are provided to Indigenous Australians by government;
   (e) better coordinated, consistent and connected government services and more highly developed capacity in Indigenous communities; and
   (f) enhanced workforce planning including the development of local skills and a stable local workforce.¹

Shared

21. The NT and the Commonwealth share the following roles and responsibilities, working in partnership to:
   (b) work with communities to establish a Single Government Interface in identified locations, providing for interaction between communities and all government agencies at all stages of the service planning and delivery cycle. The interface, consisting of one or more senior ‘champions’ or ‘business managers’ will coordinate service delivery of commitments made by governments under this Agreement;
   (g) provide technical support and funding to establish and maintain appropriate structures and capacity for corporate governance, where appropriate.²

positive outcomes of community control and ownership. In the Closing the Gap Clearinghouse resource sheet on ‘Improving Indigenous community governance through strengthening organisational capacity’, Tsey et al observe that:

Good governance is relevant for all seven COAG-endorsed building blocks for overcoming Indigenous disadvantage: early childhood, economic participation, governance and leadership, health, healthy homes, safe communities and schooling .... It is important in its own right and for improving service delivery and raising the health and prosperity of Indigenous communities. (Dodson & Smith 2003; Hunt et al. 2008; Sanders 2004; SCRGSP 2009).

There is little evidence that government programs implemented as part of NTER are assisting or enhancing community-led governance and leadership and there are widely held concerns about the current multiplicity of Aboriginal government advisory bodies in communities. The evaluation of the NTER and the consultation on Stronger Futures indicated that Aboriginal people in the NT feel that they lack a voice, power and ability to make or influence decisions. As part of a response a large amount of funding has been committed to governance and leadership under the Stronger Futures NPA, however it is unclear how this funding has been expended, if it has at all.

The Indigenous Community Governance Project (ICGP) conducted by CAEPR, explored Indigenous community governance in Australia, attempting to understand what works, what does not work, and why. The findings of the ICGP are based on evidence drawn from a diverse range of case studies of Indigenous governance in action. The following observations were made in the second research report by ICGP:

. . . Legitimate Indigenous governance arrangements win the support of members and external stakeholders, and produce outcomes. Achieving legitimacy appears to be especially reliant on having genuine decision-making authority and powers, and on the quality of leadership. The 2005 and 2006 ICGP research findings seriously question whether conditions currently exist in Australia to enable Indigenous community leadership and decision-making authority to be adequately exercised. When power inequalities are as great as they currently are, Indigenous groups often feel they have little choice about how they do things.

Tsey et al outline a number of factors, including community ownership, as part of what works in improving Indigenous community governance as:

- Community ownership of governance improvement with organisational change led by Indigenous people using existing community capacity.
- Collaborative developmental approaches between Indigenous people and government that aim to strengthen existing capacity through long-term partnering.
- Approaches tailored to each situation that take into account the complexities of Indigenous governance.

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• Capacity-strengthening programs with clarity of purpose; that is, with a clear notion of what type of capacity is being strengthened and for whom, and how the effectiveness of the program will be measured.

• Building trust and respect between government agencies and Indigenous communities.³

Professor Stephen Cornell co-founded the Harvard Project which has documented successful outcomes for Indigenous communities in the United States over the past 20 years where Indigenous people have gained control over their affairs, including replacing bureaucratic priorities with Indigenous priorities.⁴ Cornell points out:

... investments in education or health or housing or dozens of other things are unlikely to pay off without a capable governance system in place that can translate plans into action, priorities into concrete strategies, commitments into behaviour, and so forth. Governance is not one of a number of silos standing out there in the Indigenous world. It is a foundation of effective action across the board.

But governance, conceived in the terms I’ve proposed, is not simply a managerial regime set up to administer programs or clean up the trash. That’s only part of what governance is about. It is an expression of the people’s vision of what kind of community they are, of the relationships within that community that they value and want to sustain, of the ways they feel decisions should be made and people should be treated, of their place in the world around them. This is one of the reasons why external impositions of governmental form have such a poor history of success around the world. They cannot capture the allegiance of the community because they do not express the community’s own vision of what governance should be and do.⁵

Progress made on addressing key elements of Indigenous disadvantage are undermined by the continued disempowerment of Aboriginal people in the NT. As recommended by Reconciliation Australia and endorsed by the NTER Review Board (2008), key principles of engagement need to include:

• genuine engagement with communities in talking about, developing and implementing policies;

• active and well-supported Indigenous-led decision making in program design;

• bottom-up approaches that knit together local knowledge within a national framework;

• local and region-specific programs that are tailored to the needs of particular communities rather than one size fits all approaches;

• investment in and financial support for local Indigenous leadership;

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long-term investment in strengthening communities at a local level to decide and manage their own lives;

programs and policy approaches that are geared towards long-term achievements;

real investment of dollars and people based on need and ongoing support for programs that work;

regular and independent public evaluation of government programs and policies to make sure we learn from mistakes and successes; and

co-operative approaches by state, Commonwealth and local governments and their agencies that reduce the burden of duplication and red tape on community organisations.\(^6\)

Unfortunately in Australia and across the world many Indigenous-affairs bureaucracies still ignore the assets that Indigenous nations themselves possess, preferring instead to believe that policy and programs for Indigenous nations can best be made in parliamentary debate and in bureaucratic seclusion.\(^7\)

5.9.4 Existing government programs

There is little evidence that government programs are assisting in the development of control and ownership of governance structures.

The Commonwealth Government created General Business Managers (GBMs) and Indigenous Engagement Officers (IEOs) as part of the NTER. In addition it also established a number of committees and reference groups to assist the Commonwealth and NT governments with their engagement with Indigenous communities.

As part of the 2008 local government reforms shires were instructed to develop (unelected) local boards to provide informal community input to decision-making. Boards have still not been established in some communities and many of those that have been set up do not receive adequate support to function successfully.

Under the NTER, LIPs have been drafted for the 15 largest communities and a Local Reference Group (LRG) established in each. Most communities already had local health, school and store committees and it is apparent that this proliferation of advisory groups causes a great deal of confusion and duplication.

While this situation has allowed interested community members to nominate as representatives of particular family or clan groups, in most cases these groups are purely advisory and not responsible for the decisions arising from their advice. Generally these groups have many common members with little coordination either between committees or between the committees and the organisations they represent.


\(^7\) Cornell, *op cit*, pp.2, 11,12.
For example, when the LRG meets to discuss the LIP and housing matters are raised there is not necessarily a representative of the Housing Reference Group present. Similarly, when discussion of health services provided by a local clinic is conducted, clinic staff and the health committee are not represented.

The notion that the single government interface will provide a central co-ordination point for programs and agencies is far from the reality. It is not evident either in coordinated service provision or in the coordination of community-based governance structures.

While Aboriginal people adapt quickly to ever changing arrangements, there needs to be better coordination by governments of the interaction and governance of these committees and service organisations. The multiplicity of boards, committees and reference groups places an enormous burden on some key community individuals. This adds to the sense of frustration and disempowerment and there is little evidence that governments have responded appropriately to this feedback.

The Commonwealth Coordinator-General made a number of recommendations in November 2009, in particular that government work with local shires to:

- accelerate the roll out of Local Area Boards in the priority communities and ensuring they are properly resourced, informed and effective in advising on decisions associated with local government matters in these communities.

The former NT Government provided the following update on the status of the implementation of this recommendation, noting that:

- many service delivery issues are not directly related to shires (e.g. Police, Health, Education) and many communities have a diverse range of governance entities (e.g. Community Safety Committees, Health Boards, School Councils) and
therefore Local Boards are not the only consultative interface in many remote towns. To this end, the Northern Territory Government is working with a range of stakeholders to improve coordination of all governance and leadership programs in each Territory Growth Town and in so doing build the overall level of ‘community governance’ capacity. [FaHCSIA] has funded governance and development training for elected members and the Northern Territory Department of Housing. Local Government and Regional Services is working on development opportunities, including legislative reform for Local Boards. In many instances, the core membership of the Local Reference Group and Local Board are the same, and in many communities the Government Business Managers and Shire staff work together to support their functionality. ⁹

The NTER Board Report noted that:

As with community governance more broadly, if the nature of the local community boards, and representation on them, is externally imposed, it is unlikely to be successful and sustainable. The development of community boards should be integrated into the process of rethinking leadership, participation and other governance issues in all their dimensions, not separate from it. ¹⁰

Tsey et al note a number of approaches which do not work in improving Indigenous community governance:

- Programs that do not reflect community priorities.
- Attempts to improve Indigenous governance structures, such as through amalgamation, without attending to the processes by which people govern.
- Fragmented or rapidly changing government processes; overload of reform and change initiatives; ad hoc funding; poorly coordinated and monitored programs; and multiple accountability requirements (red tape). ¹¹

Strategic level governance mechanisms often do not include Aboriginal people. Under the NPA on Remote Service Delivery the Commonwealth and NT governments created Boards of Management that include representatives from the Commonwealth and NT governments, the Local Government Association of the NT and shire councils. There are currently no representatives from Aboriginal community-controlled organisations on the Boards.

With the demise of ATSIC, and with changes to local government, community housing delivery and the NTER, there is now a dearth of formal Indigenous representation in any of the key governance roles that lead decision making and priority setting in Indigenous communities. The review of the NTER noted that:

This issue was compounded by the coincidental timing of the NTER with reforms to local government in the Northern Territory, which dissolved community government councils to replace them with regional shire councils.

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Although this process occurred independently of the NTER, the link between the compulsory acquisitions of leases and the abolition of community councils was set in the minds of communities, since both changes seemed to deprive landowners and residents of local decision-making power.12

The Human Rights and Equal Opportunity Commission’s (HREOC) submission to Senate inquiry into Stronger Futures stated that:

Although these reforms occurred separately to the NTER, they were implemented at a similar time. The Commission agrees with the observation by Australians for Native Title and Reconciliation (ANTaR) that the effect of and interrelationship between parallel reforms to housing, the Community Development Employment Projects (CDEP), remote service delivery, homelands and local government has ‘reduced control at the community level and increased centralisation of decision-making’.

HREOC also supported the following observations by the Aboriginal Peak Organisations NT (APO NT):

The cumulative impacts of recent policies of the NT and Commonwealth Governments have denied opportunities for community leaders to govern their own communities. There are, currently, few clear processes for community decision making about planning for the future. Community members are being left out of decisions made about their community and ‘consulted’ at the end of the process at a time where there is little scope to influence decisions . . . . Community members are hurt and disappointed by the top-down approach by the government which determines ‘how, when and on what’ the community is consulted and lament the loss of their community councils.13

5.9.5 Evaluation of the NTER and Stronger Futures

The evaluation of the NTER and the consultation on Stronger Futures indicate that Aboriginal people in the NT feel that they lack a voice, power and the ability to make decisions. As noted by the O’Brien Group in their Stronger Futures Quantitative Analysis Report:

The recorded comments suggest a strong sense of disempowerment in many communities. There is a widespread view that communities are not being listened to and that they do not have an adequate say in decision-making. The Shire in particular received quite a high volume of negative comments.14

Community members report that they are over-consulted on some things, but also report that they are not sufficiently engaged on other matters. This suggests that better strategic planning of consultation and engagement is required.15

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5.9.6 Government investment and expenditure

There has been considerable Commonwealth Government investment in governance under the NPA on Remote Service Delivery. In January 2009, the Commonwealth and State/Territory governments allocated $291.2 million over 6 years to fund a series of initiatives to be undertaken within 29 priority communities in remote Australia, of which 15 are in the NT. Breakdown of funding to the NT Government under the NPA was as follows:

<table>
<thead>
<tr>
<th>Remote Service Delivery National Partnership Agreement funding¹⁶</th>
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<tbody>
<tr>
<td>Baseline mapping, monitoring and evaluation</td>
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<tr>
<td>Governance</td>
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<tr>
<td>Single Government interface</td>
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<tr>
<td>Local Service Delivery plans (LIPs)</td>
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<tr>
<td>Fixed costs per State and NT</td>
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<tr>
<td>Location based costs</td>
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<td>Building community governance capacity</td>
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<td>Land Tenure</td>
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<td>Cultural awareness training</td>
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<td>Translation services</td>
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<td>Total</td>
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A total of $269.5 million was committed for governance and building community governance capacity. However, it is unclear what this has been spent on, or if this funding has been spent at all as there does not appear to be any clear and transparent account of the funding. The CAEPR ICGP reported:

... there is a relative absence of publicly available evaluation and administrative data about current major government policy and program initiatives in Indigenous Affairs. This lack of government program transparency compares poorly with governments’ own requirements on Indigenous organisations for mandatory reporting on outcomes and expenditure in regard to the same program areas.¹⁷

While the above comment was made in 2007, it is unfortunately still true. There needs to be a two way process where government is accountable to the community, and evaluations of government programs are publicly available and easily accessible.

The Government has committed $427.4 million over 10 years as part of the Stronger Futures funding package to increase the number of Indigenous Engagement Officers, ensure local services are effective, support governance and leadership and local planning, and continue to support interpreting services.¹⁸ The detail of how this substantial amount of new funding will ‘support governance and leadership’ has not yet been provided.

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¹⁷ CAEPR, op cit, p. 41...
5.9.7 What is ‘governance’?

The current definition of governance is narrow and reflects government objectives. Existing governance arrangements are designed to provide mechanisms for governments to better deliver government programs. This does not allow for communities to genuinely participate in decision-making. There needs to be a wider discussion about governance based on strengthening Aboriginal organisations to build their capacity.

The current narrow concept of governance includes: operations of government; operations of the Corporations (Aboriginal and Torres Strait Islander) Act 2006; cross cultural training for government officers; and the placement of GBMs and IEOs.

Knowledge needs to be shared both ways. As well as providing cross cultural training to government employees, people in regional/remote areas require training on how to engage with government. An example from Alaska illustrates that Indigenous governance can be much more than limited notions of corporate governance:

Arctic Village, in the northern part of the Alaskan interior, used to have a housing program that was run by a central bureaucracy hundreds of kilometers away. Dissatisfied with the program’s failure to address the housing needs of the tribe, Arctic Village took advantage of federal legislation allowing them to take over the program and run it themselves, using federal dollars but placing them under Village control. Prior to the takeover, no local people were involved in housing decisions; worse, no new homes were being built in a community chronically short of housing and facing long and harsh Alaskan winters. Since the takeover, the tribe has built 25 new homes. Last year, they employed 100 people in home construction, all tribal residents, rotating employment among community members so as to spread out both training and job opportunities. Furthermore, community involvement has created a new sense of home ownership, leading to better home maintenance and further reducing costs.¹⁹

There is significant international research about the evolution of Western understandings of governance including a 2002²⁰ report by the Inter-American Development Bank produced a report that points out that:

By exploring organizational aspects other than effectiveness and efficiency, practitioners began to recognize the importance of stakeholders—clients, staff, customers and suppliers—in the performance equation . . . . By the 1990s, ways to describe organizational performance and the factors associated with it in the governmental, private and non-profit sectors were clearly more holistic and comprehensive (Harrison, 1987; Osborne and Gaebler, 1992; Scott and Meyer, 1994).

There needs to be an exchange of expertise on the boards of both Aboriginal and non-Aboriginal organisations. Aboriginal organisations would benefit from having non-Aboriginal board members with financial expertise, and non-Aboriginal

¹⁹ Cornell, op cit, p. 6.
Governance

The incorporation of Indigenous organisations under the CATSI Act remains a key government policy and one that seeks to ensure strong and effective governance of Indigenous organisations with [sic] goes directly to the capacity of the organisations themselves. (FaHCSIA response to ANAO Audit Report into capacity development, No.26 2011–12, page 25.)

As at 30 June 2011 there were 2286 Indigenous organisations registered under the Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act) nationally. A quarter of these, 570, were registered in the NT and Alice Springs had the largest national concentration with 289 corporations, although some of these operate interstate.

<table>
<thead>
<tr>
<th>Number of NT organisations incorporated under the CATSI Act</th>
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<tbody>
<tr>
<td>Alice Springs</td>
</tr>
<tr>
<td>Katherine</td>
</tr>
<tr>
<td>Nhulunbuy</td>
</tr>
<tr>
<td>Tennant Creek</td>
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<tr>
<td>Darwin</td>
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<tr>
<td>TOTAL</td>
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Based on ORIC Yearbooks 2009/10 and 2010/11

The Commonwealth Government favours registration under the CATSI Act and all groups determined by the Federal Court to hold and manage native title must do so. In the NT, CATSI Act corporations undertake a wide range of business and include community stores, art centres, community controlled health centres, outstation resource centres, pastoral, media, youth and development groups. When Laynhapuy Homelands Association found itself in financial and administrative difficulties in late 2011, the release of funding from the Aboriginal Benefits Account was, in part, dependent on the organisation registering under the CATSI Act and an administrator being appointed.*

The Office of the Registrar of Indigenous Corporations (ORIC) regulates and supports CATSI Act corporations and the demand for ORIC corporate governance training is increasing.** In 2010-11, 325 corporations received training representing 14% of all registered corporations. Of the 225 corporations that undertook the Introduction to Corporate Governance training, 64 were Territory organisations, or 11% of all NT based CATSI Act corporations.

ORIC has been delivering capacity development programs since 2001 and since March 2007, this has become part of its base funding. ORIC was allocated $28.1 million in the 2006–07 Budget to be spent over four years to:

- deliver a targeted intensive training program in good corporate governance (ongoing delivery of accredited and non-accredited training);
- redesign poorly designed constitutions or rationalise unsustainable Indigenous corporations and sectors;
- establish a register of disqualified directors and senior staff; and
- establish a specialist recruitment service for use by Indigenous corporations.***

ORIC also conducts examinations that review the governance and financial management of corporations. The majority of examinations are selected randomly with around 30% selected due to complaints or other concerns. In 2010-11 ORIC undertook 72 examinations nationally, 22 of these were NT corporations representing less than 4% of all NT CATSI Act registered corporations.

The majority of corporations to make up ORIC’s Top 500 for 2009-10 were from the NT, 144 corporations or 28.8%, and those located in the NT generated the largest percentage of combined income. As in 2008-09, the largest group in ORIC’s top 500 was the health and community sector.

ORIC provides recruitment support, dispute mediation and access to legal assistance through its LawHelp program, however a partnership with Indigenous Community Volunteers aimed at placing independent directors on the Boards of CATSI Act corporations, announced in December 2010, does not seem to have been developed.

*Joint media release, Laynhapuy Homelands Association, Ministers Jenny Macklin and Warren Snowden, 06 Dec 2011

**ORIC Yearbook 2010-11, p 5

non-government organisations in the NT would benefit from having Aboriginal representatives on their boards.

There were a number of outcomes from the Indigenous Governance Conference held in Jabiru in November 2003, including the creation of the Indigenous Community Governance Project run by CAEPR. There does not appear to be any action taken by the Commonwealth Government to implement any of the other recommendations arising from this conference.

The CAEPR ICGP report notes the importance of developing Indigenous governance capacity:

The delivery and funding of governance capacity development remains ad hoc, poorly coordinated, poorly funded and poorly monitored. The research confirms that where a facilitated, community development approach is taken to Indigenous governance development, greater progress is made in creating sustained capacity and legitimacy. Indigenous skills, abilities, knowledge and leadership are mobilised and most effectively exercised when initiatives are Indigenous-driven, towards Indigenous goals. Building the institutions (rules) for governance is an essential foundation. Governance is greatly strengthened when Indigenous people create their own rules, policies, guidelines, and codes, as well as design the mechanisms for enforcing those rules and holding leaders accountable. The effectiveness of Indigenous-designed rules and procedures is greatest when their legitimacy is derived from local cultural realities and they also support organisations to get things done and gain external confidence.21

Tsey et al suggest a development approach to improve Indigenous community governance:

Strengthening Indigenous organisational capacity is a context-dependent process. It needs to be carried out within a developmental approach requiring collaboration, trust and long-term commitment. The process should not become an excuse for the failings of education systems, but must reflect Indigenous cultural values and norms and include both soft and hard capacities. Strengthening the capacity of Indigenous and government managers is beneficial in its own right. It also improves Indigenous community governance which, in a cyclical process of improvement, is the precursor to capacity strengthening for further sustainable development.22

5.9.8 International approaches to development

As stated to the Senate Inquiry into the Stronger Futures legislation:

   ... Aboriginal people also need to have appropriate levels of resourcing and access to independent professional and technical assistance to enable communities to make informed decisions when they are participating in those negotiations. I think it would also be helpful for government to pay much more attention to the question of capacity development. ... I think if we were to use [the United Nations Develop Program] definition about capacity development,

21 CAEPR, op cit, p.34.
engagement and decision making we might make substantial progress on the kinds of targets and initiatives that government and communities both want.23

The United Nations Development Program (UNDP) defines ‘capacity development’ as ‘the process through which individuals, organisations and societies obtain, strengthen and maintain the capabilities to set and achieve their own development objectives over time.’24

International development approaches could provide a framework for development work in remote communities in the NT. Principles contained in the United Nations Development Program Capacity Assessment Practice Note could be applied in the Australian domestic context. In mobilising and designing a capacity assessment, the UNDP suggests there are three guiding questions: capacity for why; capacity for whom; and, capacity for what?25 A more informed understanding of the reasons for capacity building will assist governments to clarify development priorities.

Terrence Loomis from the University of Waikato in New Zealand has made a number of observations about the utility of Indigenous approaches to sustainable development.26 The United Nations Development Program defines ‘social capital’ as ‘those features of a society—such as networks, institutions, codes and values—that facilitate cooperation for mutual benefit’.27 Loomis notes the considerable weight of evidence suggesting social/cultural capital is already being used as a resource for Indigenous peoples in the effort to conceptualise and accomplish their self-determined development, noting that:

First Nations peoples, particularly in the more advanced economies, are not waiting for the World Bank or Western economists to create a workable framework for sustainability, or to tell them how their social and cultural values should contribute to their development.

Loomis describes an experiment to implement a more holistic approach to development which was tested on the West Coast of the North Island, led by academic Dr Whatarangi Winiata and tribal leaders. A resources inventory framework was created after extensive consultation with tribal members in accordance with Maori custom.

The framework is being used to guide strategic planning and to monitor the outcomes of new tribal programs and commercial ventures. Loomis suggests that development projects like this which are driven by Indigenous people are pressuring governments to take notice. He notes that:

Sustainable development is unlikely to be accomplished without a fundamental shift in the way governments and development agencies do business, from

27 Loomis, Terrence, 2000, op cit, p. 894.
policy formation to implementation... [Holistic Indigenous development projects] provide insights into different ways of conceptualising and achieving a sustainable development.\textsuperscript{28}

\textbf{5.9.9 Observations}

As the Australian National Audit Office has noted in its report on capacity development:

There are a limited number of other specific capacity development programs across the Australian Government. For example, while governance and leadership is a strategic area for action under the \textit{Closing the Gap} strategy, according to the Strategic Review, only four programs fell into the functional category of governance and leadership category out of 232. This was the smallest category with the four programs costing $17.2 million, which was 1 per cent of total expenditure... this indicates a limited number of programs that specifically seek to address capacity at a whole-of-government level.\textsuperscript{29}

Despite there being substantial funding being committed for governance under the RSD National Partnership Agreement there is no record or evidence of expenditure in this area.

\begin{footnotesize}
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\item 29 ANAO Report Number 26, p. 94.
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