

A proposed *Emergency Response and Development Plan* to protect Aboriginal children in the Northern Territory

A preliminary response to the Australian Government's proposals

By the Combined Aboriginal Organisations of the Northern Territory

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Summary

The following proposals to protect children in Northern Territory Aboriginal communities have been developed by the Combined Aboriginal Organisations (representing Aboriginal organisations in Darwin, Alice Springs, Tennant Creek and Katherine) and community sector organisations from across the country.

A comprehensive approach to child protection in an emergency context gives priority to protection from immediate physical or emotional harm, but must go further. It should also address community safety and access to essential services including housing, health care and education. A failure to also commit to addressing these underlying issues will ensure the current risk factors contributing to existing child abuse and neglect will remain.

We propose a two stage response to the problems of child abuse in remote Aboriginal communities:

1. An emergency response over the next 3-6 months, on which agreement can be reached quickly between Governments and community leaders.
2. A more comprehensive plan and costed financial commitment that addresses the underlying issues within specific timeframes and has bipartisan political support. This plan would include specific objectives, timeframes and mechanisms that ensure transparency and ongoing independent rigorous evaluation. The performance of both governments and Aboriginal organisations would be included. This would also involve thorough planning and negotiation to ensure that the correct strategies are adopted, the substantial resources required are efficiently used, and funding is stable and predictable over the longer term. This plan should be developed and negotiated under a partnership approach with the targeted communities during the current emergency response phase and be implemented as soon as is practicable.

These stages are not mutually exclusive. During the emergency response phase, the emphasis must shift from immediate child endangerment goals to the underlying and wider child protection goals of health, housing, education and ongoing community safety. Funding must be organised so that short term needs are met and long term development funding is also available. In these ways the emergency measures provide a foundation for stable long term investment that results in longer term solutions. Otherwise it is likely that the emergency measures will have little or no long term impact.

The response must be informed and led by local Aboriginal communities. It is only by strengthening the capacity of families and communities to protect and nurture children that the problems will be resolved. Aboriginal ownership and control of land and access to communities are important in this regard.

The response should build on the knowledge base already available to Government, starting with the recommendations of the *Little Children are Sacred* Report.

1. Guiding principles

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

2. Emergency Response

Objectives

- Act in conjunction with local community representatives and services to reduce the immediate risks to children and to plan and commence investment in the services and governance systems required to address the underlying causes
- Establish systems of planning, service delivery, and monitoring and evaluation at the Territory-wide and community level that are based on partnerships between the two Governments and Aboriginal community representatives and services.
- Together with community representatives, assess the nature and scope of the problems and capabilities (strengths) within each community, both in terms of the direct risks to children (e.g. violence, overcrowded housing, and alcohol or substance abuse), and contributing factors (such as joblessness). Most of this information is available from previous reports, administrative data, and from local communities and there is no need to collect it yet again.

Priority actions – July to September 2007

Priority Actions in this period include:

- Consultations with all local communities to establish the scope and nature of risks to children, community needs including key service gaps, the resources available locally, and to establish bodies to coordinate the Emergency Response at the local level (see below).
- Recruitment and training of suitably skilled, culturally aware child protection staff and police, in consultation with local community representatives on the understanding that these positions will be filled permanently as soon as practicable.
- Where the capacity exists within communities or external agencies approved by them, funding to be provided for community controlled child safety services such as safe houses, night patrols and Aboriginal Community Police.
- Introduction of tougher restrictions on sale of alcohol outside the communities (including take away trade).
- Establishment of emergency treatment and rehabilitation services, where possible controlled by local communities, for people affected by the alcohol restrictions.
- Recruitment and training of voluntary and paid medical staff to assist Aboriginal Medical Services and clinics to assess the health and health service needs of aboriginal children where their parents seek such assistance, using the auspices of the Aboriginal Medical Service Alliance of the Northern Territory to assist with selection and training, including cultural awareness training.

- Funding and recruitment to commence for community based family support and foster care services
- Recruitment and training of appropriately qualified teachers and Aboriginal Education Workers to schools to fill gaps in schools on a priority basis.
- Construction on a priority basis of multipurpose family centres
- Where local communities agree, establish community justice groups to assist the authorities with education and administration on the law (e.g. night patrols, court support for victims)
- Commence extension of financial services (especially savings accounts) and financial education to Aboriginal communities and fund local community organisations to assist residents to use these facilities as well as the Centrepay system.
- Finance and establish school meals programs in communities, paid for in part by parents.
- Commit funds to a major upgrade and repairs and maintenance program along with construction of new housing on communities on a priority basis, and commence training of local Aboriginal people in home construction and maintenance.

3. Long Term Development plan – community capacity and governance

Objectives

- The Development Plan is a fully costed plan of action by the Australian and Northern Territory Governments with set goals and measurable targets to be achieved within fixed time frames.

Actions

The Plan should be developed in full negotiation with the relevant Aboriginal community organisations during the Emergency Response stage. It should include such actions as:

- the progressive roll-out of new housing built mainly by workers drawn from the communities,
- more effective employment development and assistance programs,
- expansion of school infrastructure and better training and career development for teachers and Aboriginal Education Workers.

Action in these areas should commence now, but will take more time to roll out than the Emergency Response. The Plan would also continue and build on the initiatives commenced during the Emergency Response phase.

Coordination and funding

- The Australian and NT Governments should jointly develop the Plan in consultation with Aboriginal community organisations. This work should be led by the Department of Prime Minister and Cabinet.
- It should provide adequate and stable funding for the services and infrastructure required to protect Aboriginal children in the communities, including special funding arrangements and components of mainstream funding programs.
- A permanent monitoring and evaluation body should be established after the Emergency Response phase.
- Aboriginal communities and services should continue to be fully resourced to engage with Government in the development and implementation of the Plan.

4. Planning and coordination for services in communities

A national lead agency is needed to oversight, co-ordinate and monitor co-ordination plan for the necessary for services and supports for communities in the Northern Territory to ensure that children are protected. The lead agency needs to take overall responsibility for the development and resourcing of the Emergency Response and Development Phases. The lead agency should be accountable to Parliament to: ensure negotiations with Aboriginal communities are conducted in fair, open and transparent manner; to improve standard setting, monitoring and advocacy ; establish and strengthen capacity and financial resources needed; establish training and vetting processes; to establish or improving access to services; develop and monitor a plan to address gaps in child protection including the provision of essential services in Aboriginal communities.

Governments should establish sector leads in each of the following sectors: *child safety, community safety and services, health, education, housing and infrastructure*. These should generally be drawn from relevant Australian and Territory Government Departments. They should work closely with Aboriginal community organisations and prioritize the use of Aboriginal owned and controlled service providers. Their tasks would include developing clear targets and timelines for access to basic services, mapping community needs, service gaps, and the resources and capabilities of local regional and national actors, strengthening response capabilities (especially human resources), establishing links with other sectors to enhance the resources available, applying benchmarks to measure performance (in conjunction with the monitoring and evaluation body described below), and acting as a provider of last resort.

Sector leads should negotiate with representatives of Aboriginal communities, and consult with the providers of relevant services (child safety, police, community, health and education services), over the provision of services in each community as part of the Emergency Response. Regular community meetings should be organised and resourced to inform the community of proposed actions, progress, and to assist in local planning. Communities must be properly resourced (including appropriate fulltime paid staff) to engage with the Emergency Response.

Monitoring and Evaluation

An independent monitoring and evaluation body should be established to report on the scope and nature of the problems identified, actions taken at local and Territory wide level, and their effectiveness and contribution to long term planning and solutions. This body should include Aboriginal community as well as Australian and NT Government representatives, and independent experts.

Introduction

Three weeks ago, the Australian Government responded to the report of the Northern Territory Board of Inquiry into Protection of Aboriginal Children: *Little Children are Sacred*. The Government announced a package of 12 'emergency' measures. This short paper comments on the likely effectiveness of the proposals and puts forward a set of practical immediate measures and long term reform proposals to address the problem. These draw upon the experience of Aboriginal communities and service providers on the ground, and some of the many reports detailing problems in Aboriginal communities in the Northern Territory and elsewhere, including the *Little Children are Sacred* Report and reports from organisations such as the Secretariat of National Aboriginal Islander Child Care (SNAICC), the Human Rights and Equal Opportunity Commission (HREOC), and the Centre for Aboriginal Economic Policy Research (CAEPR).

These proposals have been developed by the Combined Aboriginal Organisations (representing Aboriginal organisations in Darwin, Alice Springs, Tennant Creek and Katherine) and community sector organisations from across the country. It proposes a two tiered response to the problems of child abuse in remote Aboriginal communities:

- An Emergency Response' on which agreement can be reached quickly between Governments and community leaders.
- This would include such actions as more resources for communities, police, child protection and health services to protect the victims of violence and abuse (such as safe houses, night patrols, and Aboriginal Community Police), tougher restrictions on sale of alcohol outside the communities (including take away trade), community based family support, improved access to mediation, treatment and rehabilitation services, and better access to primary health care and education services.
- A Long Term Development Plan' to improve the capacities and services in Aboriginal communities to continue the work commenced in the Emergency Response and to combat the underlying risk factors for Aboriginal children.

This requires more thorough planning and negotiation to ensure that the right strategy is adopted, the substantial resources required are efficiently used, and funding is stable and predictable over the longer term.

This would include such actions as the progressive roll-out of new housing built mainly by workers drawn from the communities, more effective employment development and assistance programs, and an expansion of school infrastructure and better training and career development for teachers and Aboriginal and Islander Education Workers. Consultations to develop this Plan should commence during the Emergency Response phase, but the delivery of these services will take more time.

From Emergency Response to Development Plan

Australian Government proposals:

- The Australian Government to acquire five year leases over townships and to resume leases on town camps, and appoint administrators to manage all government programs.
- Emergency measures include introduction of police from interstate, medical checks for children, alcohol bans, and quarantining of social security payments.

Comment:

The serious nature of Aboriginal child abuse and family violence in the Northern Territory demands an emergency response. However, in developing this response governments must show confidence and faith in Aboriginal communities to take ownership of these problems and support them to protect and nurture their children over the long term. This has been the expressed desire of Aboriginal communities. Consultation and engagement with community leaders is crucial to ensure that policy is informed by knowledge of local conditions, priorities are properly set and mistakes are avoided in implementation.

Further, if the 'emergency measures' are implemented without community consent and ownership, there is a risk that the problems (e.g. alcohol addiction) will be driven underground and that initiatives to help prevent child sexual abuse and family violence will be resisted.

More fundamentally, a Government 'takeover' of community administration risks undermining local community leadership and initiative that is essential to resolve the problems of child abuse and neglect, alcohol misuse, joblessness and inadequate services. Strategies to resolve these problems are more likely to succeed if local Aboriginal governance and the capacity of communities to pursue their own solutions are strengthened. This does not preclude or excuse Governments from providing and administering services such as schools and health care, but it means that any 'takeover' of Aboriginal controlled services would be counterproductive.

The *Little Children are Sacred* Report states that many communities said that the Board of Inquiry's meetings with them were the first opportunity they had been given to comprehensively discuss these issues with Government. However, there is broad agreement over many of the changes that are necessary (including safe places and better support for victims). To consult properly over these measures need not take long and it would improve the effectiveness of implementation.

Many of the Government's 'emergency' measures to stop child sexual abuse extend well beyond an immediate response to the problem. The resolution of wider problems such as joblessness, poor housing, and the destruction of family, culture and community cohesion is part of any effective strategy to stop child sexual abuse and violence in the communities. However, these long standing and deeply entrenched problems cannot be resolved by a set of 'emergency measures' imposed from above.

In particular, proposals to take control of Aboriginal land (through five year leases, administrators, and removal of the permit system controlling access to lands) are likely to weaken the communities' capacity to deal with these problems. There is no evidence to suggest that these measures would contribute to resolving them (see 'notes on proposed changes to land tenure' below).

In addition to an Emergency Response, a longer term community capacity and service Development Plan is needed to establish the basic services and facilities that are lacking in the communities, to build job opportunities and proper housing, and to strengthen community governance so that the communities themselves can take the lead in addressing their problems. It is vital that the Governments and the communities work together to get these medium to long term strategies right from the outset, to avoid the demoralising cycle of 'stop-start' policy making and frequent changes of direction that have characterised Aboriginal affairs for many years.

Proposed actions:

1. The Australian and Northern Territory Governments should urgently consult with Aboriginal community representatives on an **Emergency Response** over the next 3-6 months to address problems identified in the *Little Children are Sacred* Report. Implementation of these measures should follow meetings with the each community to ensure that it is be responsive to local needs, circumstances and views.
2. During the Emergency Response stage, the two Governments should negotiate with Aboriginal community representatives over a Community Capacity and Service **Development Plan** to commence on completion of the Emergency Response phase. The Plan should be fully costed, include appropriate goals and targets for the provision of services, and extend over at least a five year period.
3. Systems of Government funding for community services should be redesigned to enable the communities to focus on effective service delivery rather than compliance with a multitude of funding agreements, 'red tape' and compliance mechanisms. Funding should be sustained and predictable – a succession of temporary or pilot schemes should be avoided.
4. Government funding programs should be streamlined and pooled, with less emphasis on detailed 'inputs'. While targets should be set for access to basic services, communities should be able to adapt program funding (such as family support and alcohol rehabilitation services) to meet local needs. Some progress has been made along these lines with the funding of health services through the Primary Health Care Access Program.
5. An independent audit should be undertaken of the services that Aboriginal community organisations are providing and the costs of their delivery. This should include assessment of funding adequacy and cost-shifting by Governments, to better align both mainstream and Aboriginal-specific funding with service provision.
6. Aboriginal groups and incorporated organisations should receive sustained governance support and training, including the statutory implications and obligations of incorporation, and locally workable options for asset and funds management.
7. A national, sector-wide 'human resource development strategy' is required to build the Aboriginal workforce needed for community and regional governance.
8. Community organisations and Government service providers should be supported to develop mechanisms to share knowledge on 'what works' at the local level and to evaluate the quality and effectiveness of their services.

Safety for children and families

Australian Government proposal:

- As an emergency measure, police to be brought in from the AFP and interstate police forces to supplement the Northern Territory police presence in communities.

Comment:

A comprehensive approach to child protection in an emergency context gives priority to protection from immediate physical or emotional harm, but must go further. It should also address community safety and access to essential services including housing, health care and education. A lack of any of these elements is a risk factor contributing to child abuse.

Effective child abuse prevention and child protection occurs where local community agencies, police and child protection staff work in a collaborative and coordinated manner. Working in a three way partnership that sees the safety of children as paramount is the most effective and sustainable way to remove risk of abuse from a child's life. This approach minimises the need to remove children from their families and takes account of the already overburdened out of home care system in the Northern Territory. Significantly it alleviates rather than exacerbating community concerns about child removal encouraging a culture of reporting child abuse as opposed to staying silent.

The emergency measures announced by the Australian Government lack insight into effective child protection interventions and in effect seek to strengthen only one partner in the three way partnership - the Northern Territory police. Whilst the allocation of increased police resources for Aboriginal communities is a priority, other key elements of the child protection system also require immediate additional resources. Only by providing additional resources for Police, local Aboriginal agencies and statutory child protection staff to all play their part in child protection interventions will we see a significant improvement in how abuse is reported and dealt with.

A permanent police presence is needed so that police can work effectively with the communities and other authorities. However, the quality and effectiveness of policing is more important than increased numbers of police on the ground. Effective policing in Aboriginal communities requires local knowledge and cultural awareness, and an ability to work collaboratively with other services including child and family welfare services, health services, schools and child protection services. There is also a need for specialised training in domestic violence and child abuse. Police brought in from outside the Territory will in most cases lack the necessary local/cultural knowledge and networks.

Policing against child abuse, domestic violence, and alcohol and drug abuse will be more effective if the police have the trust and consent of the communities. Many Aboriginal people are fearful of police, especially the risk that children may be taken away. To ensure that incidents are reported, this fear must be overcome.

Programs are already in place in many communities that provide an immediate response to issues of safety – for example night patrols and the Safe Families Program run by Tangentyere Council in Alice Springs - but these have been grossly under funded.

There are many reports and evidence of what works in the Northern Territory and elsewhere and the main elements of these are:

- long term investment
- local control.
- trusting Aboriginal families and communities to look after their own children.

- re-engaging men.

Communities have varying capacity to respond and it is important to identify, support and extend those capacities over time. At present a significant issue in the Northern Territory, relative to other jurisdictions, is the limited role afforded to and level of capacity of local Aboriginal agencies to work alongside police and child protection staff in responding to abuse. Experience in Canada, the United States and New Zealand demonstrates that building that capacity is best managed and coordinated through a long term process that delegates responsibility for child protection as capacity increases. There is a case for an independent statutory authority to coordinate the ongoing development of child protection services in the Northern Territory and the monitoring of service standards and outcomes for children. Such a model has been established in Canadian Province of Manitoba with significant improvements achieved in terms of child abuse reporting and prevention.

There is certainly an immediate opportunity to tap into the capacity for communities to assist police and the courts in the administration of justice. Examples include night patrols, safe houses, community justice groups, and mediation services (e.g. to separate offenders from their families while rehabilitation and treatment take place).

It is also vital that police work closely with the child protection authority (FACS), schools and health clinics. This requires the establishment of good working relationships between individual staff and officers over time.

It should be recognised that improved policing is only one element of an effective immediate response to ensure that children and families are safe from violence and sexual abuse.

It must also be recognised that the criminal justice system is failing Aboriginal communities. Offenders are simply removed from their communities for a period of time, receive little or no rehabilitation, and may re-offend when they return. A transition program from prison back to community would reduce recidivism and associated family trauma.

An urgent priority for the Northern Territory is to fund a Territory wide network of Aboriginal child and family welfare services to provide detailed input and advice on child protection matters. It is imperative that this function is seen as distinct from the provision of alternative care and other types of family support services.

Proposed actions:

To ensure that abuse and violence are reported and the victims are properly supported:

9. Additional resources must be provided for the effective delivery of child protection services including:
 - funding for recruiting of additional child protection staff with staff seconded from other states and territories
 - expanding specialist non-government agency programs to advise on child protection issues, support children at risk and provide safe living arrangements for children that cannot remain with family
 - additional Northern Territory police.
10. Police should be stationed permanently in the communities where they can establish the long term relationships and networks essential to their work. More Aboriginal police and Community Police Officers should be trained and appointed, and police should be trained and supported to work collaboratively with the local communities, child protection authorities, schools and health services.

11. The Australian and Northern Territory governments should jointly fund the establishment and operation of a Joint Child Protection Specialist Advice and Support Program across the Northern Territory. In establishing this program, the Northern Territory Government should consult with Aboriginal communities and existing Aboriginal community based services with knowledge and experience in child welfare and protection

One effective model is the Victorian Lakidjeka program which established teams of Aboriginal workers across the state to provide specialist advice and support on the protective needs of children who have been notified to the Department. ACSASS receives immediate notice of any child protection notifications involving, or thought to involve, Aboriginal children through a central intake service. ACSASS caseworkers attend investigations and work in partnership alongside Department child protection workers. Their role is to assess the family's capacity to address the protective concerns, coordinate assistance to the family in this regard and provide advice on the best options to remove risk from children – not children from risk.

12. The Northern Territory Government should establish an independent statutory Aboriginal Child and Family Services Authority through legislation. (The Manitoba Child and Family Services Act 2002 provides a good model).

This authority should have functions including:

- the development of culturally appropriate standards for services, practices and procedures across the continuum of child protection and welfare services
- issuing mandates to government and non-government organisations to provide child protection and welfare services for particular Aboriginal communities
- monitoring of compliance with the Aboriginal Child Placement Principle and all other relevant standards for out of home care
- funding and coordinating capacity building of the Aboriginal non-government services sector to facilitate the transfer of all mandates to Aboriginal community organisations within ten years of the authority being established
- reporting to the Northern Territory parliament on
 - new measures required to secure the protection and well being of Aboriginal and Torres Strait Islander children in the Northern Territory
 - ongoing child protection reforms
 - the annual performance of mandated child protection services (government and non-government) in terms of their effectiveness in preventing and responding to child abuse

Ongoing funding should immediately be extended to any Australian Government funded programs and services focused on prevention of child abuse and neglect, family violence and community safety, Aboriginal early childhood, family support and parenting where grants and pilot programs are due to run out within the next 12 months.

13. Communities should be resourced and trained to provide safety and support for victims, including local safe houses, night patrols, sexual assault referral centres (for medical assessment, treatment and personal support) and removal of perpetrators from the immediate area (for example to sobering up facilities).

Community hubs, such as the Yarrenyty-Arltere Learning Centre at Larapinta Town Camp in Alice Springs, should be resourced to facilitate the delivery of health,

education and social programs.

14. Governments should actively encourage, support and resource the development of community-based and community-owned Aboriginal family violence intervention and treatment programs.
15. Community justice groups should be established in the communities to assist in the administration of the law in regard to child abuse and violence, and alcohol and drug abuse.

Successful models include the Law and Justice Committees in Walpiri communities, which were instrumental in establishing night patrols and safe houses in those communities.

16. Court processes should be reformed so that they are less traumatic for victims.
17. Sexual abuse of children by persons from outside the communities should be targeted by the authorities, as well as abuse by other community members. This should include appropriate background checks for people providing services in the communities.
18. Alternatives to incarceration which focus on rehabilitation and reintegration into communities should be established wherever possible and appropriate. One model is the use of weekend detention within communities.

To help break the cycle of violence and abuse within families:

19. Where it is safe to do so, victims, perpetrators, and their families should be assisted within the community through family support mediation and behavioural reform programs, to prevent the problems from recurring and reduce the levels of imprisonment of Aboriginal people. A whole of community approach is more likely to work than 'treatment' of individuals or families in isolation.

For example, the Hollow Water program, which is used with sexual abuse cases in Manitoba Aboriginal communities in Canada, works with the victim, the perpetrator, and their families over a number of years. It is widely viewed as a successful example of an Aboriginal-controlled sexual abuse treatment program, with only two clients re-offending over a 10 year period.

20. Culturally appropriate education programs about child sexual abuse and family violence should be introduced in all communities.
21. Age-specific programs for Aboriginal children and young people should be developed to discuss and explore a wide range of 'sensitive' topics, from self-identity, emotions and positive relationships through to sexual issues and rights.

Alcohol

Australian Government proposal:

- A minimum 6 month ban on alcohol in the communities, apart from approved canteens.

Comment:

Alcohol is a factor in a very high number of welfare and criminal justice interventions in Aboriginal families. It is associated with incapacity to care for children, violence, lack of money for food and other essentials, stealing, poor health and many other problems. Given that alcohol has been identified as such a critical problem for some time, many programs have already been tried and implemented and many programs such as the Northern Territory Governments Alcohol Framework aimed at supply, harm and demand reduction are continuing.

The Australian Governments proposal is not new or comprehensive. Nearly all communities are 'dry' already, following long standing campaigns by local community leaders. Some communities also run successful wet canteens, and others have tried and abandoned the idea. Canteens have been successful where the circumstances and governance capacity of communities have allowed that success.

The main problem in most communities is the availability of alcohol in the towns and other settlements outside the communities. Restrictions on alcohol are more likely to be effective if they build on the work the community leaders have already done. But the communities need help to stem the flow of alcohol from sites off the communities. The proposed removal of the 'permit system' for access to the communities is likely to undermine community efforts to stem illicit trade in alcohol and other drugs – this issue is highlighted in the Land Tenure section below.

Although it is necessary, a more intensive crack-down on alcohol abuse could also have negative consequences that should be addressed. People addicted to alcohol would need timely access to rehabilitation services. Communities would have to be adequately resourced and supported to prevent the growth of illicit trade in alcohol. Strategies are also needed to prevent and treat addictions to other drugs, to which some may turn if they cannot obtain alcohol.

Strategies that simply lead to higher levels of incarceration of Aboriginal people should be avoided. Local alcohol rehabilitation and treatment services are needed to prevent perpetrators from re-offending and cycling in and out of the prison system. These services should adopt a 'whole of community' approach, rather than simply treating individuals.

While removal of alcohol and other drugs of addiction is an essential part of any strategy to reduce child abuse, it should be recognised that abuse of alcohol and other drugs is a coping strategy for deeper problems such as entrenched joblessness and the destruction of family and culture. The underlying causes must also be addressed.

Proposed actions:

Community based strategies to restrict consumption of alcohol and other drugs of addiction should be supported and strengthened by:

22. Extending these strategies to the minority of communities that have not yet implemented them.

23. Restricting access to alcohol outside the communities, especially take away trade, including through tougher restrictions on new hotel licenses in areas close to the communities, and a 'buy back' of existing licenses by Government where necessary.
24. A program should be trialled to identify and remedy problematic liquor sales practices. This should use a combination of education, negotiation, and sanctions to inculcate a culture of responsible serving by all outlets to all segments of the population. For this purpose, data should be collected identifying the last premises where an individual drank or purchased alcohol before being involved in any alcohol-related incident.
25. Retaining the 'permit system' to restrict access to Aboriginal communities by those engaged in illicit trade in alcohol and other drugs so that the restrictions are not circumvented.
26. Providing resources and training for community based rehabilitation services and prevention initiatives.
27. Adopting a rigorous social assessment process for any application for a remote community wet canteen which includes assessment of the circumstances of individual communities, and ensuring that wet canteens are not promoted to alleviate alcohol problems within the major town.
28. Continued implementation of the Northern Territory Governments Alcohol Framework
29. Supporting the development and expansion of culturally appropriate and comprehensive youth programs to offer young people active and healthy alternatives to drug and alcohol abuse.

The Mooditj program is one model that has worked and is the result of an extensive consultation and development process. It is a grass roots program that's been built on solid consultation with a wide range of Aboriginal communities. To ensure the program is sustainable, training workshops are held and participants have included social workers, police officers, teachers, Aboriginal Elders, health workers and community members. Training local community members to deliver the program helps build community capacity.

Social security payments

Australian Government proposal:

- Reduce social security payments for Aboriginal people in the communities who are long term recipients (over 2 years) by 50% for 12 months, with the remainder to be paid in-kind.

Comment:

This will adversely affect the majority of people on the communities who are not involved in child abuse. It may, for example, include pensioners. The outcomes would be to arbitrarily deprive many people of income and undermine community support for initiatives to end child sexual abuse. It may also have adverse effects on the local economy if the only stores at which food vouchers or cards can be used are located outside the communities. It is unlikely that it would achieve the Government's stated objective of reducing alcohol consumption in the communities in a sustained way.

Withdrawal or 'quarantining' of income support payments is not a 'magic bullet' to resolve deep seated problems such as child abuse and neglect, alcohol and drug use, and joblessness.

It is not widely understood that conditions are already attached to social security payments, including job search, training, and working on CDEP (where payments are converted into a wage to work on local projects and services). In any consideration given to extending the obligations attached to social security payments, the communities affected should be properly consulted first, and the following principles should be followed:

- Is it fair?
For example:
Is it reasonable to require people to meet the proposed conditions in order to receive social security payments?
Is it fair to apply the conditions to one group in the community and not to others?
Is the proposed process of decision-making and implementation fair?
- Will it work?
Will attaching further conditions to payments meet the stated objective? For example, withholding social security from parents when their children miss school is likely to be less effective than initiatives to improve the quality and attractiveness of schooling (see below).
- The least intrusive alternatives should be tried first.
For example, to assist families to budget Tangentyere Council encourages and supports people to use the existing Centrepay system to pay rent and bills. Over 800 people voluntarily use the Centrepay system to have part of their payments each week in the form of food vouchers.
- How will it be administered?
For example, who decides whether the conditions have been met and are they the appropriate people to do so?
- What supports will be put in place?
For example, financial literacy training to assist people to manage their money.
- Are there any unintended consequences?
For example, restrictions on cash payments may be circumvented if 'vouchers' or 'cards' used to purchased goods in stores are traded.

Proposed actions:

30. Greater use should be made of existing systems to protect people's money and discourage the diversion of social security benefits on alcohol or gambling, including the Centrepay system and direct deduction of rent payments.
31. Access to financial services, including savings accounts and ATMs, and to financial counselling and training, should be progressively extended to people in Aboriginal communities in the Northern Territory.

Education

Australian Government proposal:

- Reduce social security payments for Aboriginal people in the communities whose children miss school without good reason by 50% (and 100% in the case of family tax benefits). There are suggestions that this proposal could extend beyond Aboriginal communities in the Northern Territory.
- Meals to be provided in schools at the parents' expense.

Comment:

Penalising parents when their children don't attend school is unlikely to resolve the problem. In Aboriginal communities, extended family members share the responsibility for raising children with biological parents, so an exclusive focus on parents is not culturally appropriate. In any event, parents may not be the main influence over whether their children attend school, especially where non attendance has occurred for some time or where there are problems at school, such as bullying or poor quality schooling.

The official evaluation by Department of Employment and Workplace Relations (DEWR) of the 'Halls Creek trial' (in Western Australia), in which the threat of withdrawal of income support was used in an attempt to reduce local truancy rates, raises some problems with this approach. It notes that:

*'In an environment where children make up their own minds each day as to whether to go to school or not, the significance of the parent as a 'method of engagement' for the children declines and the role of the school – particularly in terms of teacher quality and school culture – increases.'*¹

Many Aboriginal children find the school environment unsupportive or uninspiring. Some programs that focus on these problems, such as the Clontarf Program, have been extraordinarily successful. When this program was implemented with Aboriginal boys in Alice Springs, it raised attendance rates to 92%. The program used participation in sport and behaviour modification techniques to motivate boys to stay at school. Other success stories, based on effective school leadership and close cooperation with communities, include Cherbourg in Queensland, and Yirkala and Yipirinya and Barunga in the Territory.

More broadly, there are serious weaknesses in education facilities in Aboriginal communities in the Northern Territory, including lack of access to schools (especially secondary schools) in many communities, and an inadequate supply of classrooms and teachers in others (for example Wadeye). 94% of Aboriginal communities in the Northern Territory have no preschool, 56% have no secondary school and 27% have a loCAL primary school more than 50km away.

Teachers are inadequately trained, prepared and supported to work in the communities, especially with regard to cultural awareness and how to support children in distress. Consequently, there is a high turnover of teachers on the communities. There is a lack of Aboriginal and Islander Education Workers (especially important in communities where English is not the first language). There is a lack of staff dedicated fulltime to working with families to improve attendance, and inadequate access to preschool education or play centres. The Northern Territory Government's *Learning Lessons* Report and the *Little Children are Sacred* Report recommended action to address these weaknesses. This includes provision of meals at school, funded in part by parents.

¹ DEWR 2006, *Evaluation report, Halls Creek Engaging Families Trial*.

The Northern Territory Government conservatively estimates that an additional \$60 million a year is required over the next 10 years to provide teachers and facilities for growing Aboriginal communities in the Territory. As well as additional resources, a long term vision and plan to improve education for Aboriginal people is required, one that is developed with the communities. The Centre for Aboriginal Economic Policy Research estimates that if all students in remote communities in the Territory attended school, an extra \$79 million per year would be required to expand the number of teachers and other resources, together with \$295 million for infrastructure including teacher housing.

Much work has been done at an international level to develop minimum standards for education in emergencies. For example, the Interagency Network for Education in Emergencies (INEE), has developed a set of minimum standards with the following components²:

- Participation: Emergency-affected community members actively participate in assessing, planning, implementing, monitoring and evaluating the education programme.
- Resources: Local community resources are identified, mobilised and used to implement education programmes and other learning opportunities.
- Initial assessment: A timely education assessment of the emergency situation is conducted in a holistic and participatory manner.
- Response strategy: A framework for an education response is developed, including a clear description of the problem and a documented strategy for action.
- Monitoring: All relevant stakeholders regularly monitor the activities of the education response and the evolving education needs of the affected population.
- Evaluation: There is a systematic and impartial evaluation of the education response in order to improve practice and enhance accountability.

Proposed actions:

32. Consultations should immediately be undertaken to develop an agreed model for ensuring that family tax benefit payments are paid to the carer of the a child and not necessarily the parents
33. Successful models to encourage greater engagement in schooling by Aboriginal children, such as the Clontarf Program, should be extended to more communities.
34. Primary and secondary schooling through to Year 12 should be readily accessible to children and young people in Aboriginal communities. The Northern Territory and Australian Governments should commit to a five year plan, including detailed costings, providing for a systematic upgrade and expansion of education services across remote communities in the Northern Territory.
35. The Australian and Northern Territory Governments should invest in effective training (especially cultural training) and improved career structures for teachers with expertise in teaching Aboriginal students, Aboriginal teachers and managers, Aboriginal and Islander Education Workers, and school infrastructure, to raise the standard and cultural safety of schools in and near the communities.
36. As well as the mainstream education curriculum, Aboriginal students should have access to education based on their own languages, cultures and heritage.
37. Home school liaison officers should be appointed in every community and strategies developed to track students as they move between remote communities.

² See <http://ineesite.org/page.asp?pid=1240>.

38. Preschool and remedial programs should be available to all children.
39. Schools should be resourced to ensure that students who experience trauma are identified, counselled and supported, and to connect with local family support and child protection services.
40. A universal school meals program should be introduced, delivered by the communities and partly funded by parents.
41. Adult education programs should be available to Aboriginal communities to tertiary level, with priority to critical community needs.

Health and community support services

Australian Government proposal:

- Medical examinations of all children in Aboriginal communities in the Northern Territory, together with unspecified follow up treatment.
- There are no other specific proposals to extend or improve health and community services as part of the proposed 'emergency response'.

Comment:

There is widespread concern within the communities about the possibility of compulsory medical checks for children, especially potentially invasive checks for sexual abuse. Statements from Australian Government Ministers are ambiguous on this important issue, indicating that the medical checks for children will be voluntary but also raising the prospect that parents may have to agree to them in order to continue to receive social security payments

These health checks are likely to reveal multiple health problems, which require medical treatment, counselling, and community education. It is not clear whether provision has been made for this follow up treatment and support, but given the paucity of primary health care and other support services in the communities this poses a major challenge and would have to be carefully planned. As with the introduction of police from outside the Territory, medical staff brought in on a temporary basis who lack specialised training (especially cultural awareness) are likely to be less effective than a permanent increase in locally provided and controlled services. For example, Aboriginal controlled health services affiliated with ACHHO have considerable experience in assessing sexual abuse in ways that are culturally safe and less traumatic for children.

The overall health status of the Aboriginal community is a national disgrace, with a 17 year mortality gap and much higher incidences of obesity, hypertension, high cholesterol, cardiovascular disease, diabetes and renal failure among Aboriginal people compared to non-Aboriginal people. Aboriginal children under 2 years in the Top End of the Northern Territory have a malnutrition rate of 20% and Aboriginal children are more likely to be admitted with skin diseases, infectious and parasitic diseases, endocrine, nutritional and metabolic disease than other Australian children.

99% of all Aboriginal communities in the Northern Territory have no substance abuse service and 99% have no dental service. Only 54% have state funded primary care services and 47% have an Aboriginal primary health care service more than 50km distance away.

The Australian Medical Association estimated recently that a minimum of \$460 million in extra funding for Aboriginal health services is needed per year nationwide. If 20% of this is required in the Northern Territory alone, then approximately \$90 million per year is required in the Territory.

The cost of bringing health hardware (housing, water, sewerage) to an acceptable minimum standard in Aboriginal communities has been estimated at \$3.5 billion. If 20% of this is required in the Northern Territory alone, then approximately \$700 million is required in the Territory.

It is critical to work with communities, families and children in a manner which builds upon and extends their existing strengths. Services and programs must avoid undermining the

role of families as the main source of nurturing and guidance for children. Aboriginal and Torres Strait Islander cultures and child rearing practices should also be used as a key resource for building children's resilience, self esteem, sense of identity and self-confidence.

One of the most significant and frequent problems identified by Aboriginal people is trauma and grief. The impact on health and mental health and well-being is extensive. The impact of trauma and grief relates to the history of invasion, the ongoing impact of colonisation, loss of land and culture, high rates of premature mortality, high levels of incarceration, high levels of family separations, particularly those consequent upon the forced separation of children and parents, and also Aboriginal deaths in custody. Domestic violence, sexual and physical abuse, and a whole range of other traumas also contribute.

The responsibility of parents, families, individuals and communities has been raised and is relevant, but Aboriginal peoples would also demand that Australian and Territory and State Governments take responsibility for providing Aboriginal people, no matter where they live, with the health standards and conditions enjoyed by other Australians. An example is where the Northern Territory Government has not provided medical services to Aboriginal Territorians but has left it to the Aboriginal controlled health organisations which are federally funded.

Proposed actions:

42. Applicants who wish to assist in the Federal Government's response to the *Little Children are Sacred* Report should ideally come from the Aboriginal community controlled health sector so they would be sensitive to, and respectful of, Aboriginal social and cultural values. The Aboriginal Medical Service Alliance Northern Territory, the peak Aboriginal health body in the Northern Territory, should receive expressions of interest from the health professionals wishing to assist in the Federal Government's response, so they can coordinate the massive—and highly skilled—workforce that is necessary to meet the health demands of Aboriginal people in remote communities.
43. Undertake coherent planning with communities about what is needed to tackle immediate, preventative and long term issues at the same time.
44. Develop a comprehensive long term strategy to build a strong and equitable core service platform in Aboriginal communities, to address the underlying risk factors for child sexual abuse and to develop functional communities in which children are safe. Through this strategy, address the delivery of core educational and primary health care services to Aboriginal people including home visitation and early years services.
45. Expand and strengthen comprehensive primary health care for Aboriginal people, for example through expansion of the Primary Health Care Access Program (PHCAP) and initiatives such as the establishment of multi-disciplinary health teams to provide family focused health care.
46. Expand programs that provide nutritious foods, at affordable prices, to Aboriginal communities such as the Outback Stores Program.
47. Develop and fund community based cultural revival and parenting programs which assert the proper place of children in Aboriginal culture.
48. Actively pursue the provision of new services, and better resource existing services, for the counselling, healing, education, treatment and short term crisis accommodation of Aboriginal men in regional town centres and remote communities.

49. Establish an ongoing program of professional development focussed on issues of child abuse and child neglect for government and non government staff who have contact with Aboriginal children. These programs should be designed and implemented in consultation with Aboriginal communities and services, take account of the historical practices of child removal and take a holistic community based approach to child welfare and protection.
50. Facilitate and fund a network of Aboriginal family support services and programs, which are universally accessible and focussed on primary prevention of family conflict, breakdown, family violence, child abuse and child neglect.
51. Social and Emotional Wellbeing Centres which can provide trauma and grief treatment should be established within primary health care services to specifically address the issues of dealing with past trauma such as child abuse as well as healing the current effects of violence.

One such model for trauma and grief treatment, the We Ai-li program, utilises the concept of a healing circle using Dadirri – an "inner depth listening and quiet still awareness"; workshops such as "lifting the blankets", and "recreating the circle" (Atkinson, 1994). Another model is provided by the Sacred Site Within Healing Centre in Adelaide, based on the belief that Aboriginal peoples' unresolved grief is a major contributing factor to the range of social and health issues which exist in Aboriginal communities today.

52. Effective foster care programs should be established and funded for all Aboriginal communities in the Northern Territory.
53. The expansion of Multi-functional Aboriginal Children's Services (MACS) should be considered as a model for a range of Aboriginal managed programs for Aboriginal children including long day care, occasional care, play groups, after school care, vacation care, transport and support and information for parents, and as a hub for other family services.
54. Planning mechanisms should be introduced at the state, territory or national levels to assess the effects of demographic change in Aboriginal communities, especially projected growth in the numbers of children and young people, on future demand for services. In the absence of such planning, and appropriate adjustments to funding and workforce planning, levels of unmet need for services such as schools, preschool services, and child health services will continue to rise.

Housing

Australian Government proposal:

- Introduce market based rents for community housing with 'normalised tenancy arrangements', and 'improve housing stock'.

Comment:

The issues of land tenure and housing management are not linked, and must be considered separately.

On 1st July 2008 the NT Government have stated they will no longer be providing housing management funds to indigenous community housing organisations (ICHO's). From this date onwards, all housing management services in remote community townships and town camp communities will be done through Territory Housing. Territory Housing has indicated all residents will be charged market based rents and will sign Territory Housing tenancy agreements. Given this fact, it is difficult to understand how obtaining 5 year leases over community townships and resuming Town Camp leases can be justified, when it is clear that these systems will be introduced across the board irrespective of changes to land tenure.

Poor housing management services by either an ICHO or by a mainstream public housing provider such as Territory Housing cannot be used as justification for changes to land ownership. If a public housing funding provider is not happy with the services provided with their funds, then they should either enhance the capacity of that provider, or seek an alternate provider. The federal government has been in the process across all other states of introducing the Indigenous Housing Management Improvement System (IHMIS), which involves a critical assessment of ICHO's, and the introduction of an accreditation system. Successful ICHO's were to be given a green light to proceed, those with room to improve an orange light and a list of practices, policies and performance outcomes to improve, and those failing ICHO's a red light with no accreditation and funding reallocated to an alternate provider. Many communities currently charge market based rents, and operate 'normalised tenancy arrangements'. Where these systems are operating well those community housing organisations should be strengthened and supported.

Centralised public housing management of remote community housing is destined to fail without a true partnership with 'community'. There is no capacity or corporate knowledge within the existing Territory Housing Department alone to manage housing in remote communities. Territory Housing has proved itself in regional centres such as Alice Springs to have little or no understanding of complex cultural considerations that must be considered with any tenancy management system. Town Camp communities in Alice Springs are full of people who have 'failed' their Territory Housing tenancies. If this model were to be rolled out across the NT, where would everyone who will become evicted from their public housing live? This model will establish a new wave of fringe 'bush camps' being established on the edge of town centres, and we will be back where we were at the beginning of the town camp movement 30 years ago.

Territory Housing has no appreciation of the shift over the past 10 years in current housing management models in indigenous communities towards 'housing for Health' environmental health principles. Most effective ICHO's focus their limited resources on improvements to the Critical Healthy Living Practises (CHLP's), adopted by FACSIA through their 'National Indigenous Housing Guide' including; electrical safety, ensuring people can have a shower, they can wash their clothes and bedding, that all waste water is removed safely etc. Housing management models must remain focused on improving

peoples' health, rather than on looking after the asset, as in the case of Territory Housing. Funding for housing service providers must be firmly focused on quantitative improvements to environmental health, and a quantitative evidence based system must be established to ensure that residents are afforded these basic rights to a healthy living environment.

Over the last 30 years there seems to have been 2 major policy strategies regarding the delivery of services to indigenous communities. The first being characterised in the 1970s by the domination of government agency control that dictated seemingly all aspects of indigenous life on communities (the government only model). The second being dominant from the 1980s and characterised by community control and self governance (the community only model). Time has shown that for the most part both models have been problematic and this 'either/or' approach has failed to deliver successful and sustainable outcomes for indigenous people.

Unfortunately, there now seems to be a tendency by some state housing agencies and the Australian Government who feel that community control has failed to deliver adequate housing outcomes to simply revert to the other 'extreme' of complete government control, yet again. This is the 'circular development' model that people who have been around in indigenous affairs for a long time often see over and over again, and will not produce the improvements in housing management assumed by the Federal Government, and expected by the tax paying public.

Rather than continue this circular approach, a framework for a restructure of housing services across remote communities must be based on a collaborative, community/government partnership where mandatory requirements and government expectations can be achieved while appropriate service delivery and direct community involvement in decision making is encouraged and supported.

The main problem with housing in Aboriginal communities in the Northern Territory, and its main contribution to child sexual abuse, is overcrowding. It is common for 20-30 people to live in a single building, without a capacity to stop perpetrators from gaining access to different parts of the house.

There is an estimated shortfall of at least 4,000 homes, which the Northern Territory Government conservatively estimates would cost \$1.4 billion to provide³. The construction of these homes could provide jobs for many community members, if they are trained in advance. This would also help resolve shortages of skilled construction workers in rural and remote areas.

Proposed actions:

55. The federal government to immediately introduce the Indigenous Housing Management Improvement System (IHMIS) across the NT, to assess the effectiveness of all Indigenous Community Housing Organisations (ICHO's) and make recommendations for either improvements in service delivery or a reallocation of funds.
56. A need for significant increases in the provision of safe and healthy living environments through a focus on the improvement of Critical Healthy Living Practices (CHLP's). This to be aided by the introduction of a quantitative system to assess all housing providers' (including Territory Housing and ICHO's) performance against the environmental health based CHLP's.

³ Given average population growth of 2% per year, this would rise to around \$1.7 billion after 10 years.

57. An improvement in informed reporting across the ICHO and Territory Housing sector covering CHLP's, tenancy records, staff performance and management, and repairs and maintenance.
58. An increase in resident participation focussing on tenant/landlord rights and responsibilities, rent/arrears/damage payments, information and consultation.
59. The introduction of a framework for a restructure of housing services across remote communities, based on a collaborative, community/government partnership where mandatory requirements and government expectations can be achieved while appropriate service delivery and direct community involvement in decision making is encouraged and supported.
60. The Australian and Northern Territory Governments should commit to a substantial investment in new housing stock and renovations in Aboriginal communities over the next 10 years to sharply reduce levels of overcrowding and substandard housing.
61. Governments should consult with each community over the nature, location, and priorities for housing investment, to ensure that resources are not wasted on inappropriate housing.
62. Priority should be given to training and employment of local Aboriginal people in the construction and renovation of homes on the communities.

Employment

Australian Government proposals:

Following separate policy announcements with regard to Aboriginal employment, the Government is implementing major changes to employment programs and income support for jobless people in remote communities including:

- Progressive removal of 'remote area exemptions' from Newstart Allowance activity requirements, so that recipients must engage with Job Network and other mainstream services, and either train or seek employment.
- Dismantling of CDEP programs in regions where mainstream jobs exist, and replacing them with job placement, training and work experience programs such as STEP which are increasingly 'outsourced' to mainstream employment service providers.
- Converting around 825 of the 30,000 'CDEP jobs' into mainstream jobs in land management and local health and community services through various funding programs.

Comment:

Lack of stable employment is a major underlying cause of poverty and social disintegration in Aboriginal and other communities. In the Northern Territory, only 38% of Aboriginal people of workforce age are employed, and 16% of the labour force is unemployed. In 2005, of the 12,800 Aboriginal people who had jobs, 8,000 were employed in the Community Development Employment Program (CDEP) program in which people work for little more than their social security payments. Employment levels are particularly low for young Aboriginal people, despite the fact that most leave school early. Many young Aboriginal people who are out of work do not even receive social security payments, reinforcing the point that simply restricting access to social security is no 'magic bullet' to resolve the social problems in Aboriginal communities.

However, there is no easy solution since stable employment is still scarce for people with limited education and skills in rural and remote areas. Around 70% of Aboriginal people in the Northern Territory live in areas where mainstream jobs are scarce. There is no evidence to suggest that moving people into larger communities would improve their job prospects.

More Aboriginal people in remote communities would have meaningful employment on mainstream wages if services in the communities were properly funded, rather than through CDEP or voluntary effort alone. In this regard, the Government's initiative in this year's Budget to convert 100 community ranger positions from CDEP jobs to mainstream employment is welcome. Much more could be done to improve service and provide employment opportunities at the same time. Employment of local Aboriginal people to overcome the housing shortages in their communities is another option that should be pursued.

More business development opportunities could also be opened up for Aboriginal people. For example there are already around 5,000 Aboriginal arts practitioners in the Northern Territory and they could be trained and supported to expand their operations. There may also be employment opportunities in carbon abatement and commercial wildlife harvesting.

A small number of Aboriginal people in remote communities are employed in mining and related industries. These opportunities are more likely to be opened up and sustained where respectful partnerships exist between the communities and the companies

concerned. Where mining and other companies require access to Aboriginal lands to carry out their business, it is reasonable for the communities to require them to train and employ local Aboriginal people on these projects.

It is not realistic to expect that, even where mainstream job opportunities exist locally, most Aboriginal people will be able to fill them immediately. Many jobless people in rural and remote Aboriginal communities need considerable support before they can sustain a job. Research suggests that simply intensifying job search through tighter activity requirement will make little difference to employment outcomes.⁴ Unemployed Aboriginal people are more likely to succeed if supported intensively by employment services based in their own communities, but in many areas these are being supplanted by mainstream employment services.

Proposed actions:

63. The development of a stable paid workforce within the communities should be supported through adequate and sustained funding of services including management of traditional lands, employment of local Aboriginal people to improve housing in the communities, support for local business and employment development initiatives, obligations and support for mainstream employers such as mining companies to employ local Aboriginal people rather than ‘fly in-fly out’ arrangements, and by assisting community members to live in areas where jobs exist but return regularly to their communities.
64. The CDEP or a similar program should be available in the communities to provide purposeful work on useful community projects for people who otherwise lack it. However, the program should be reformed so that it encourages and supports people to progress towards mainstream employment. In particular, substantial training and mainstream work experience components should be built into the program. Those who are already have the skills to operate local community service programs should be employed through mainstream funding arrangements rather than CDEP.
65. Funding arrangements for employment services operating in the communities should acknowledge the benefits of local community control and involvement, the ‘distance from employment’ of many of their clients, and their need for ongoing support (including mentoring) to sustain jobs once they obtain them.

⁴ Gray & Hunter 2005, *Indigenous job search success*, CAEPR.

Land Tenure and Permits

Australian Government proposal:

- Acquire communities over 100 people (on Aboriginal land and Community Living Areas) through five year leases including payment of compensation.
- Scrap the permit system for access to Aboriginal land for community 'common areas', main roads and airstrips.

Comment:

The 97 recommendations in the Anderson and Wild child abuse report make no mention of land tenure or permits.

For its part, the Australian Government has not provided any justification for linking land tenure measures with interventions aimed at preventing child sex abuse. It has indicated that community acquisition is necessary for parallel measures such as changes to housing arrangements and governance of communities. This is simply not the case

The Land Rights Act already provides a clear and efficient mechanism for granting leases and there is no evidence to suggest that service provision in Aboriginal communities has been stymied by tenure arrangements. One argument that has been made in the past by both the NT and Australian governments is that a change in tenure from communal title is needed in order to secure public housing stock, and provide for private home ownership. This is already possible under s.19 of the ALRA and negotiations between the Central Land Council and the NT Government to facilitate new community housing arrangements are underway. Other housing management issues are outlined below.

The Australian Government's intention to compulsorily acquire 5 year leases over Aboriginal communities is problematic for many reasons:

- The proposal undermines and disempowers community residents, existing community governance arrangements and institutions, and traditional landowners.
- Unless it is handled sensitively it has the capacity to cause conflict between community residents and traditional landowners.
- What happens to existing leases and other tenure arrangements within the community? Are these leases and other tenures acquired as well? What happens to the assets on those leases?
- What will be the terms of the Australian Government lease to ensure it can be used appropriately by residents for private and community space?

Apart from these significant problems, before leases could take effect, communities would need to be surveyed and cleared for sacred sites. As well, a mechanism would need to be developed to compensate traditional owners for loss of their rights over community land.

At the conclusion of the proposed 5 years, similar problems would arise when the land reverts to being Aboriginal land – any leases and other tenures created in the interim period would need to be accommodated.

With regard to scrapping permits for communities, the Australian government has not provided any explanation of why free access to communities will not undermine the strict alcohol prohibitions proposed. Police already face significant problems with controlling grog runners and unscrupulous dealers who target remote communities. But without the requirement for permits to access private Aboriginal land, more grog runners and shonky art dealers are likely. Remote police use permits as an important policing tool.

More broadly, Minister Brough's permits review argued that permits contribute to criminal behaviour and hinder economic development. But there is simply no evidence that 'open' communities are better off than communities on Aboriginal land where access is regulated by permits. To imply that the permit system is responsible for disadvantage is simplistic and wrong. Many reports have shown the real barriers to a better future are poor education, poor health, poor infrastructure and poor opportunities.

Aboriginal people are entitled to a system on their own land which allows access but maintains privacy and protects sacred sites. The system allows media access for news of the day and court hearings. The system is free.

Where Aboriginal people have identified a need for more open access, such as the art centres and heritage precincts in Yuendumu and Hermannsburg, permits have been lifted to visit those places. Thousands of tourists visit them each year.

The Australian Government has not provided proper justification for acquiring communities and scrapping the permits system in communities. It has not given a clear guarantee that communities will be returned after 5 years or that traditional owners will be entitled to a "just terms" formula for compensation for loss of their property rights.

Proposed actions:

66. Maintain the permits system on all Aboriginal land.
67. Abolish the proposal to acquire 5 year leases over communities on Aboriginal land and Community Living Areas.
68. Use existing provisions in Land Rights Act to grant head leases to provide for public housing on Aboriginal land. A standard housing head lease could be developed.