



PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS

23 June 2015

Senator the Hon Nigel Scullion
Minister for Indigenous Affairs
MG. 50
Parliament House
CANBERRA ACT 2600

Dear Minister

Review of Stronger Futures in the Northern Territory Act 2012 and related legislation

As you know, the former Chair of the Parliamentary Joint Committee on Human Rights wrote to you on 18 March 2014 advising you that the committee would be undertaking a review into the *Stronger Futures in the Northern Territory Act 2012* and related legislation. This follows from the inquiry the committee undertook in 2013, as reported in its *Eleventh Report of 2013*, whereby the committee recommended it undertake a further review to consider the latest evidence to evaluate the continuing necessity for the Stronger Futures measures.

As foreshadowed in that letter, the committee now seeks updated information about the implementation of these measures to assist its consideration of this legislative package. The specific information and questions the committee seeks your advice on are set out below.

Future approach

1. You provided advice in June 2014 that work was underway to revise Stronger Futures in collaboration with the Northern Territory Government. Can you advise the committee on the progress of these negotiations, including any proposed changes or any relevant findings as a result of this review? If negotiations are continuing, can you please advise the committee on the timeframe for the conclusion of these negotiations?

Customary law

2. Can you please provide the committee with an assessment of whether sections 15AB and 16A(2A) of the *Crimes Act 1914* (which precludes consideration of customary law or cultural practice in bail applications or sentencing in certain circumstances) is compatible with the right to a fair trial, the right to freedom from arbitrary detention and the right to equality and non-discrimination.

Food security

3. In relation to the food security measures in the Northern Territory, in particular the requirement for food stores in prescribed communities to be licensed, can you please provide the committee with an update as to whether these measures have improved the accessibility and affordability of food in the Northern Territory.

Land reform

4. The statement of compatibility for the Stronger Futures in the Northern Territory Regulation 2013 set out that consultation took place in relation to the draft regulation before it was adopted, and that views provided in the consultation meetings are summarised in an Outcomes Paper released by the Australian Government on 21 June 2013. The committee requests a copy of the 2013 Outcomes Paper be provided to the committee.
5. Can you please advise how many communities affected by the changes to the Northern Territory laws in relation to community living areas were consulted before the introduction of the Stronger Futures in the Northern Territory Regulation 2013?

Measures to address alcohol abuse

6. How many alcohol protected areas, which were originally prescribed as a result of the *Northern Territory Emergency Response Act 2007* and continued as an alcohol protected area under the *Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Act 2012*, remain?
7. Is it intended that rules will be made prescribing areas in the Northern Territory as alcohol protected areas under section 27 of the *Stronger Futures in the Northern Territory Act 2012*?
8. How many Alcohol Management Plans (AMPs) have been approved by the Minister in total to date?
9. Where an AMP has been approved, have any rules been made under subsection 27(3) of the *Stronger Futures in the Northern Territory Act 2012* revoking or varying the original rules so that the area now covered by the AMP is no longer an alcohol protected area?
10. How many Alcohol Management Plans, if any, have been refused approval by the Minister in total to date? If any have been refused, on what basis were the plans refused?
11. What is the average time taken to approve an Alcohol Management Plan once it has been endorsed by the community?
12. If a community within an alcohol protected area does not wish to enter into an Alcohol Management Plan and, as a community, decides it wishes to ease alcohol restrictions, what steps can the community take to ensure it is no longer considered an alcohol protected area?
13. Is there a timetable in place to transition all alcohol protected areas to AMPs?
14. What is the latest evidence as to how effective AMPs have been in achieving the stated aims?

Income Management

15. In relation to the 15 income management sites outside of the Northern Territory, what proportion of those subject to income management are Indigenous in each site?
16. Can you provide a list of the most recent evaluations of all the income management measures across Australia?

School Enrolment and Attendance through Welfare Reform measure (SEAM)

17. When will the latest evaluation of the effectiveness of SEAM on school enrolment and attendance rates be made available?
18. What evidence is there as to whether SEAM has had beneficial outcomes for children?
19. As at 2015, how many schools in how many communities were subject to SEAM?
20. As at 2015, how many parents/guardians were subject to SEAM and what proportion of the people subject to it are Indigenous?
21. As at 2015, how many people have had their welfare payments suspended and for how long, because of a failure to comply with the enrolment measure and with the non-attendance measure? How many people, if any, have had their payments cancelled as a result of either measure?
22. Are there any arrangements that have been granted, such as, emergency payments, to enable persons who have their welfare payments cancelled or suspended to meet basic needs?

It would be appreciated if you could provide the committee with your views on these issues by 31 July 2015.

Should you have any queries, please contact the acting committee secretary, Ivan Powell, on (02) 6277 3066.

I look forward to your response.

Yours sincerely

The Hon Philip Ruddock MP

Chair