Appendix 3: Ministerial correspondence

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.

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Email: human.rights@aph.gov.au Internet: http://www.aph.gov.au/joint_humanrights/

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 are 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

PO Box 6100, Parliament House Canberra ACT 2600 Tel: (02) 6277 3823 Fax: (02) 6277 5767

Email: human.rights@aph.gov.au Internet: http://www.aph.gov.au/joint_humanrights/

MINISTER FOR INDIGENOUS AFFAIRS

Reference: B15/1391

The Hon Phillip Ruddock MP
Chair
Parliamentary Joint Committee on Human Rights
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Chairman PHILLIP

Thank you for your letter of 23 June 2015 about the review of Stronger Futures measures by the Parliamentary Joint Committee on Human Rights (the Committee).

Improved Outcomes under Stronger Futures
The Stronger Futures legislation and associated measures can deliver real change for Aboriginal people in the Northern Territory. To date, Stronger Futures measures have delivered real outcomes in relation to many of the policy objectives they were designed to achieve. Some significant achievements include:

- essential ear and oral health checks to support improvements to the health of Aboriginal children across the Northern Territory;
- placement of short-term health staff to help address critical workforce shortages in remote Aboriginal communities;
- 60 additional remote police employed and a police presence maintained in 18 priority remote communities to make Aboriginal communities safer;
- 200 additional teachers and engagement officers employed in remote schools;
- early childhood services for over 300 children and youth, which support children's social, emotional, physical and cognitive abilities; and
- 100 licensed stores operating across the Northern Territory, carrying a range of grocery items that encourage good nutrition and meet community needs.

Stronger Futures Revision Process
Despite these achievements, I acknowledge that the original National Partnership Agreement on Stronger Futures in the Northern Territory was complex and often overly bureaucratic. That is why I am working in partnership with the Northern Territory Government on a revised Agreement, which will reduce unnecessary administration and result in funding flowing towards real reform and practical outcomes on the ground for Aboriginal people in the Northern Territory.

As announced in the 2015 Budget, while the overarching outcomes of the original Agreement remain the same, the new Agreement is refocussing the Commonwealth's substantial investment into the Northern Territory to get children to school, adults into work, and keep Aboriginal kids and communities safe and healthy.

Revisions are primarily administrative and will not require changes to legislation. Rather, the new Agreement will reduce unnecessary administration and red tape and ensure that funding is going to programmes and services that have a real and lasting benefit to Aboriginal people.

Extensive consultation was undertaken prior to the introduction of Stronger Futures and the new Agreement will continue to address those issues that Aboriginal people in the Northern Territory said were most important to them.

The streamlined and simplified Agreement will reduce the number of Implementation Plans from nine to four: Remote Australia Strategies; Children and Schooling; Community Safety; and Health. These Implementation Plans are being developed in partnership between the Northern Territory Government and the Department of the Prime Minister and Cabinet, and negotiations are progressing well.

Timing of the new Agreement, and the implementation of any changes that result, will depend on how negotiations with the Northern Territory Government continue.

Reviews of Stronger Futures measures
As you know, we introduced legislation to repeal requirements in the Stronger Futures and related legislation to conduct independent reviews on Stronger Futures measures. The Bill seeking these repeals has not yet passed through both Houses of Parliament. In accordance with the legislation, I have initiated two independent reviews into laws relating to material prohibited in certain areas of the Northern Territory, and Commonwealth and Northern Territory laws relating to alcohol. The reports of these reviews are due to be tabled later this year.

I understand that you have requested specific information on various legislative measures under Stronger Futures. That detail is at Attachment A.

The Government is very interested in the Committee's review process, and I look forward to receiving the recommendations and findings of the Committee's review.

Yours sincerely

NIGEL SCULLION
28 / 07 / 2015

ATTACHMENT A

Stronger Futures in the Northern Territory

The Commonwealth has been working with the Northern Territory (NT) Government to jointly strengthen the way we tackle the disadvantage experienced by Aboriginal peoples and communities. Of all states and territories, the NT has the highest proportion of Aboriginal peoples, most of who live in remote or very remote areas, and the widest gap in outcomes between Indigenous and non-Indigenous Australians.

The *Stronger Futures in the Northern Territory Act 2012* (the Stronger Futures Act) was enacted with the objective to support Aboriginal people in the NT to live strong, independent lives, where communities, families and children are safe and healthy. Measures under Stronger Futures aim to improve outcomes in Indigenous health, education, child and family wellbeing, community safety, employment and housing.

Extensive consultation was undertaken prior to the introduction of Stronger Futures to discuss the issues that Aboriginal people in the NT considered most important to them. Consultation is also undertaken for specific measures, where further input and discussion is warranted. For example, Community Living Area land reform consultations were undertaken by the former Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) prior to the introduction of the land reform measure in the Stronger Futures legislation in 2013. In-community meetings were held in 16 selected community living area communities across the NT. In addition to these meetings, FaHCSIA also met with cattle station owners and/or managers where possible. Plain English communication materials were distributed in advance of, and used during, in-community meetings. Interpreters attended a majority of in-community meetings. As requested at point four of your letter, please find a copy of the *Community Living Area Land Reform in the Northern Territory Outcomes Paper* at Appendix A.

Ensuring Aboriginal communities have access to fresh and healthy food is one measure contributing to improving the health of Aboriginal families and children. The licensing scheme under Stronger Futures enables the Secretary of the Department of the Prime Minister and Cabinet to impose conditions on a community store licence that set minimum requirements for community stores. These requirements can ensure they operate in a safe and appropriate manner and carry a range of grocery items that encourage good nutrition and meet community needs. Licensed stores are also encouraged to develop and implement policies relating to nutrition, pricing and employment. At some stores these policies may have contributed to making nutritious food more affordable including through lower price mark-ups on healthy products.

There is a range of evidence suggesting that the licensing scheme has contributed to its objective of promoting a reasonable ongoing level of access to a range of food, drink and grocery items that are reasonably priced, safe and of sufficient quantity and quality to meet nutritional and related household needs in Aboriginal communities in the NT. An evaluation by the Cultural and Indigenous Research Centre in 2011 found that store licensing has had a positive impact on food security, including the ongoing access to food that is safe and of sufficient quality and quantity to meet household needs. More recently, the *Northern Territory Market Basket Survey 2014* showed the average number of varieties of fresh fruit

and vegetables available in remote NT stores was 29 in 2014, compared with only 22 in 2007 when the licensing scheme was not in place.

Measures to reduce alcohol-related harm also contribute to improvements in Aboriginal health, as well as the safety of Aboriginal families and communities. Alcohol restrictions within Alcohol Protected Areas (APAs) and Alcohol Management Plans (AMPs) are two such measures under Stronger Futures.

The Stronger Futures Act gives the Commonwealth Minister the power to make rules to: (1) prescribe an area in the NT as an Alcohol Protected Area (APA), or (2) to vary or revoke a rule prescribing an area as an APA, provided that the correct procedure is followed (for example, undertaking consultations with people living in the area about the proposed changes) and having regard to the matters set out in the Act.

Under subsection 27(5)(b) of the Stronger Futures Act, the Minister may prescribe, revoke or vary an APA:

- on the Minister's own initiative; or
- following a request by or on behalf of a person who is ordinarily a resident in the area to which the APA rules relate, regardless of the status of an AMP covering that area; or
- following the revocation of an approval of an AMP; or
- following the cessation of an approval of an AMP.

The Minister is yet to use this power under the Stronger Futures Act.

Although AMPs and APAs interact, AMPs are not simply a function of the APAs. AMPs are designed to support communities to drive locally tailored solutions to alcohol-related harm in their community. While some communities may wish to alter the boundaries of their APA, others prefer to remain within APAs. For example, the Titjikala community submitted an AMP for approval in February 2014. The Minister approved the AMP on 26 May 2014. The Minister did not make a rule revoking or varying the Titjikala APA rule as the community had not applied for a revocation or variation.

The requirements for AMPs set out in the AMP Rule have proven rigid and time-consuming and make it difficult for communities to prepare AMPs that the Minister can approve in accordance with the legislation. As a result the Government has adopted a new streamlined approach to AMP approvals in which the Government is supporting communities to work directly with the NT Government to implement activities that reduce alcohol-related harm in a more timely and responsive manner. Both the Commonwealth and NT Governments are currently working with communities to implement the new approach.

The AMP process continues to assist many communities to address alcohol-related harm. The effectiveness of an AMP is largely dependent on the quality of the projects and aims proposed within the plans themselves. In 2008, an evaluation of four remote communities in the NT found AMPs were effective in reducing serious injury in the assessed communities.

As part of the commitment to improve educational outcomes for Indigenous children, the Improving School Enrolment and Attendance through Welfare Reform Measure (SEAM) currently operates in 52 schools in 23 communities across the NT. As at 19 June 2015 there were 2605 parents in-scope for the Attendance component of SEAM in relation to 4214

children. Data on the percentage of Indigenous parents that are in-scope is not collected, however given that SEAM is operational in remote communities in the NT, it is understood that a large percentage of parents in-scope are Indigenous.

The SEAM programme evaluation (undertaken by the former Department of Education, Employment and Workplace Relations in 2014[1]) indicates that SEAM has a positive impact on enrolment and a minimal to modest impact on reducing unauthorised absences. There was a high compliance rate for the enrolment component of SEAM. While a small percentage of income support payments were suspended for the enrolment component, no payments were cancelled during the evaluated period. This indicates that once suspended, parents very soon complied with SEAM and ensured their children were enrolled and/or taking steps to return to school on a regular basis.

The evaluation has assisted in the continuous improvement of SEAM, including the implementation of a reformed model in Maningrida and Tiwi Islands. This model has demonstrated some positive early outcomes. As at 19 June 2015 (Term 1, 2015), parents and carers in Maningrida have attended 120 conferences, resulting in substantially more children receiving assistance through the development of attendance plans to address barriers to school attendance.[2]

Across all sites, as of 19 June 2015, 218 parents have had their income support payments suspended as part of the attendance component of SEAM, with less than 20 cancellations. Under the enrolment component 1,232 parents have had their income support payments suspended, with less than 20 cancellations. Data is not available on the duration of suspensions.

As part of their role in the SEAM programme, Department of Human Services' social workers pro-actively make attempts to contact families who are subject to payment suspensions in order to re-engage the family with SEAM as soon as possible. Social workers identify and work to address any barriers that are contributing to non-compliance to ensure families meet the requirements of the SEAM programme and maintain eligibility for income support payments.

The SEAM programme has the flexibility to respond to circumstances outside a family's control, which assists families to meet their basic needs. Where a family identifies valid reasons for non-compliance with SEAM, social workers can grant a 'Special Circumstances' exemption and enable the payment suspension to be lifted. Where this occurs payments are reinstated and backdated to the start-date of the SEAM suspension period, unless the parent is also subject to a non-SEAM related suspension. Social workers can apply a special circumstances exemption for a number of reasons, including cases of domestic violence (or other personal issues), serious illness (such as mental health issues), or where the parent is unable to comprehend a notice about complying with SEAM.

There is a range of social security payments available to customers experiencing severe financial hardship or in need of special assistance. Examples include:

[1] The report will be available on the SEAM website by the end of the July 2015 at http://www.dpmc.gov.au/school-enrolment-and-attendance-measure-seam

[2] When compared to existing SEAM communities of comparable demographics.

- Urgent Payment – the early delivery of part of a current customer's accrued eligible Social Security entitlement;
- Crisis Payment – a one off payment to help people who are experiencing difficult or extreme circumstances such as domestic violence;
- Advance Payment – eligible to Family Tax Benefit customers, where repaying the advance will not cause the individual to suffer financial hardship.

Under Social Security Law a person must be in receipt of an income support payment and meet the relevant eligibility criteria to qualify for these payments. Some Family Tax Benefit customers will not be able to receive an Advance Payment, where they owe a debt to the Commonwealth or where they have already received their maximum Advance Payment entitlement and are still repaying the advance. Customers whose income support is suspended or cancelled do not qualify for these forms of assistance.

If a customer contacts the Department of Human Services to request assistance due to hardship, and is not entitled to Commonwealth financial assistance, often the most appropriate action is to refer the customer to a welfare agency for assistance with meeting their basic needs.

The Department of Human Services' Social Work Services are also available for customers who are vulnerable and in hardship. Social workers assess customer needs (including entitlement to payments), offer short term counselling and support and work with other government and non-government agencies to address the needs of vulnerable people.

Like SEAM, Income Management is not an Indigenous-specific measure. Of the income management sites outside the NT, the majority of the population (exact percentages are not disclosed) is Indigenous in the four Cape York communities, APY Lands, Ng Lands (including Kiwirrkurra) and Ceduna. In Perth Metro and the Kimberly, 63 per cent of the population is Indigenous and in locations where place-based income management is implemented (Bankstown, Greater Shepparton, Logan, Playford, Rockhampton) 18 per cent of the population is Indigenous. This data is publically available. A list of recent evaluations of all income management measures across Australia is at Appendix B.

Customary Law

Sections 15AB and 16A of the *Crimes Act 1914* (the Crimes Act) provide a general prohibition on considering customary law in bail and sentencing for federal offences. The intention of these provisions is to prevent customary law from being used to mitigate the seriousness of any offence that involves violence against women and children, giving effect to a 2006 Council of Australian Governments (COAG) decision.

These provisions were amended by the *Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Act 2012* to enable customary law and cultural practice to be considered in bail and sentencing decisions for offences against Commonwealth and NT laws that protect cultural heritage, including sacred sites or cultural heritage objects. This continued measures under the now repealed *Northern Territory National Emergency Response Act 2007* (the NTNER Act).

A key reason for this amendment was to ensure that appropriate cultural considerations would be regarded in matters regarding the protection of cultural heritage.[3] The circumstances in which customary law and cultural practice may be considered is a matter for judicial discretion but is limited to bail and sentencing matters.

Right to a fair trial

Article 14 of the *International Covenant on Civil and Political Rights* (ICCPR) guarantees the right to equality before courts and tribunals, and the right to a fair and public criminal trial. The right to a fair trial is generally considered to guarantee procedural rights, and includes the presumption of innocence and minimum guarantees in criminal proceedings, such as the right to counsel and not to be compelled to self-incriminate.

The relevant provisions of the Crimes Act do not place limitations on any of the procedural guarantees set out in Article 14. Further, there is no international jurisprudence suggesting that the right to a fair trial includes a right to be tried under customary law, or the right to have customary law taken into account. In fact, trial by customary law would be incompatible with the ICCPR to any extent that it was inconsistent with the requirements of Article 14. Accordingly, the relevant provisions of the Crimes Act are compatible with the right to a fair trial in Article 14 of the ICCPR.

The right to freedom from arbitrary detention

The right to freedom from arbitrary detention (Article 9, ICCPR) requires that persons not be subject to arrest and detention except as provided for by law, and provided that neither the arrest nor the detention is arbitrary. The right applies to all forms of detention where people are deprived of their liberty, including to considerations regarding granting bail.

The UN Human Rights Committee has stated that detention may be arbitrary where it includes elements of inappropriateness, injustice and lack of predictability. Provisions for the granting of bail, or restrictions on factors to be considered in the granting of bail, must be reasonable in the circumstances.

[3] *Aboriginal Areas Protection Authority v S & R Building & Construction Pty Ltd* [2011] NTSC 3.

The Crimes Act provisions create a general exclusion on the consideration of customary law and cultural factors. This ensures and promotes certainty and predictability in criminal trials, and should not result in a person being unjustly or inappropriately detained.

While section 15AB (3A) of the Crimes Act creates an exception to the rule against considering 'any form of customary law or cultural practice', the exception is narrowly confined to a small range of Acts for the purposes of protecting cultural heritage, an obligation incumbent upon Australia under Article 27 of the ICCPR and Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as the *Convention for the Elimination of All Forms of Racial Discrimination* (CERD).

Accordingly, the relevant provisions of the Crimes Act are compatible with the right to freedom from arbitrary detention.

The right to equality and non-discrimination

Australia's international human rights obligations prohibit discrimination on various grounds, including race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth and 'other status'. Australia's human rights obligations also guarantee equality before the law and to equal protection of the law without discrimination.

Separate legal rules for particular ethnic or racial groups may be discriminatory if they function to impair the equal enjoyment of rights. In this respect, Australia's obligations under international human rights law limit the extent to which separate legal rules can be established for particular ethnic or racial groups. Recognition of customary law or cultural practice in domestic law could constitute discrimination, either against members of the group whose cultural practice is recognised, or against another group whose cultural practice is not recognised.

The prohibitions excluding consideration of customary law in bail and sentencing decisions in the Crimes Act are universal and apply throughout Australia to all people and all cultural backgrounds. They ensure that all persons are subject to the same legal rules, except in a limited range of circumstances.

Those limited circumstances allow for the consideration of customary law in relation to bail and sentencing decisions for offences under a small number of Acts protecting cultural heritage.[4] Under international human rights law, differential treatment such as this will not constitute discrimination if the differentiation is reasonable and objective and the aim is to achieve a legitimate purpose.[5]

The exceptions for offences relating to the protection of cultural heritage recognise customary law or cultural practice in domestic law for the legitimate purpose of preservation of minority culture and ensure relevant cultural practice can be taken into account in relation to bail and sentencing decisions for offences which relate to practices that are inherently cultural. They ensure the adequate development and protection of Indigenous peoples in Australia, as required under Article 2(2) of the CERD, and protect cultural rights under Article 27 of the ICCPR and Article 15 of the ICESCR.

[4] See sub-ss 15AB(3A), 16A(2AA).
[5] UN Human Rights Council, General Comment 18, [13]; CERD Committee, General Comment 14, [2].

Accordingly, the relevant provisions of the Crimes Act are compatible with the right to equality and non-discrimination.

Community Living Area Land Reform in the Northern Territory Outcomes Paper

Introduction

The Australian Government has made a 10-year commitment to work with Aboriginal people in the Northern Territory (NT) to build strong, independent lives where communities, families and children are safe and healthy.

Reforms to Community Living Area (CLA) land will help the Australian Government to respond to the things Aboriginal people in the NT said were important to them during the Stronger Futures consultations which includes reducing barriers to economic development in remote communities.

The Australian Government's Discussion Paper

On 15 March 2013, the Australian Government released a Discussion Paper on CLA land reform in the NT, marking the formal commencement of the Government's consultations on CLA land reform as part of the Stronger Futures in the NT initiative.[1]

The purpose of the Discussion Paper was to encourage discussions through written feedback and CLA community meetings in the NT.

The Discussion Paper provided background on relevant issues, explained how meaningful consultation on CLA land reform would occur and presented issues and ideas that the Australian Government sees as relevant to these reforms.

The Discussion Paper outlined the Australian Government's commitment to implementing CLA land reform, which is demonstrated by the land reform measure of the Stronger Futures legislation.

[1] Ctrl + Click here for the Community Living Area Land Reform in the Northern Territory Discussion Paper at the Department of Families, Housing, Community Services and Indigenous Affairs web site.

The land reform measure of the Stronger Futures legislation

The land reform measure enables the Australian Government to make amendments to NT legislation relating to CLAs. The Australian Government is committed to reforming the current arrangements that apply in CLAs in order to facilitate voluntary long term leasing, including for the granting of individual rights or interests and the promotion of economic development.

The Australian Government considers that the land reform measure is a special measure within the meaning of section 8(1) of the *Racial Discrimination Act 1975*, as the measure was enacted to address specific Aboriginal disadvantage and help Aboriginal people to enjoy their human rights equally with others in the Australian community. Further information on the land reform measure, including review provisions, is outlined in the relevant Explanatory Memoranda to the Stronger Futures legislation.[2]

Purpose of the Outcomes Paper

This Outcomes Paper summarises views provided in CLA land reform consultations during April and May 2013 and outlines proposed reforms, including specific immediate reforms and options for longer term reforms.

The Outcomes Paper invites written feedback on Draft Regulations to effect the proposed immediate reforms and on other issues raised in the Outcomes Paper, particularly longer term reform options. Please see the 'Proposed immediate CLA land reforms', 'Longer term reform options' and 'Next steps' sections of the Outcomes Paper for more information.

Consultations during April and May 2013

Written feedback to the Australian Government's Discussion Paper was requested by 12 April 2013. Seventeen formal submissions were received and are listed at **Appendix A**. These submissions are available online at the Department of Families, Housing, Community Services and Indigenous Affairs web site.[3] Please see the 'Summary of feedback provided in submissions on the Discussion Paper' section of the Outcomes Paper for more information.

The submissions helped to inform discussions at consultation meetings that took place in April and May 2013. **Appendix B** lists meetings Australian Government officials held with CLA communities and with cattle station owners and managers.

As **Appendix B** outlines, extensive CLA community meetings were held across the NT. Plain English communication materials were distributed in advance of, and used during, these meetings. Interpreters attended a majority of CLA community meetings.

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[2] Legislation relevant to CLA land reform within the Stronger Futures legislation package includes the *Stronger Futures in the Northern Territory Act 2012* and the *Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Act 2012*.
Ctrl + Click here for the Stronger Futures in the Northern Territory Bill 2012 web page at the Parliament of Australia web site.

[3] Ctrl + Click here for access to all formal submissions at the Department of Families, Housing, Community Services and Indigenous Affairs web site.

In addition to the meetings listed at **Appendix B**, Australian Government officials met with NT Government officials in Darwin on 2 April 2013 and 23 May 2013, and met with representatives of the NT Cattlemen's Association in Alice Springs on 10 April 2013 and via teleconference on 17 April 2013.

The consultation process meets the Australian Government's commitment to meaningful engagement in association with Stronger Futures in the NT and consultation requirements under the Stronger Futures legislation.

The Australian Government has prepared this Outcomes Paper after considering submissions received and consultation meeting discussions.

Summary of feedback provided in submissions on the Discussion Paper

Submissions were received from a number of key stakeholders.

- Submissions from the Central Land Council (CLC) and the Northern Land Council (NLC) broadly support CLA land reform. A number of issues are raised in these submissions, and in earlier submissions from the CLC and NLC to the Senate Community Affairs Committee Inquiry into the Stronger Futures in the Northern Territory Bill 2011 and two related bills, and will be discussed in later sections of this Outcomes Paper.

- A submission from the NT Cattlemen's Association opposes reforms that would allow for fundamental changes in the nature and use of CLAs. Should reforms proceed however, the NT Cattlemen's Association seeks a legislated right for any adjoining pastoralist to a CLA to be consulted on new proposals in CLAs. This issue will be discussed in a later section of this Outcomes Paper.

- The NT Government did not lodge a formal submission.

Submissions were also received from other interested organisations and individuals.

- A number of these submissions broadly support CLA land reform.

- A number of these submissions broadly oppose CLA land reform, and criticise the adequacy of the consultation process.

Some of the submissions that oppose CLA land reform state that as part of the Stronger Futures process, CLA land owners' consent to development on their land has been removed. This is incorrect. None of the proposed reforms remove the need for CLA land owners' consent in relation to developments (including leasing) on their land.

Summary of consultation meeting discussions

CLA community meetings

Representatives from the CLC attended CLA community meetings where requested to do so by CLA land owners except on very few occasions where this was not possible due to staff availability. The NLC attended a number of meetings in the NLC region. NT Government officials were invited to attend all CLA community meetings and attended a number of these meetings.

Across communities there was broad support from meeting attendees for CLA land reform.

Specifically, many meeting attendees supported reforms that will enable CLA land owners to lease their land for a broader range of purposes. Meeting attendees understood that this would underpin service delivery and government investment in infrastructure, allow for greater rental income for land owners and help facilitate local business development. These were seen as positive parts of potential reforms, providing CLA land owners with the same opportunities to use their land as other Aboriginal land owners. Local examples of where leasing is not currently possible were discussed and included community stores, Government Engagement Coordinator complexes and certain other infrastructure.

Some meeting attendees indicated that the threshold at which leases on CLA land require NT Ministerial consent should be lifted, particularly if the CLA land-holding association or corporation has strong governance. The requirement for Ministerial consent currently applies to all leases (except those on CLA land owned by an incorporated association for a term of 12 months or less). Many community members spoke positively of the support provided by the Office of the Registrar of Indigenous Corporations on governance matters.

Meeting attendees generally supported consultations with cattle station owners and managers regarding CLA land reform but a number of people indicated that pastoralists should not be consulted on potential leases enabled by reforms.

Finally, where the relevant CLA was surrounded by *Aboriginal Land Rights (Northern Territory) Act 1976* land rather than a pastoral lease, a range of views were expressed regarding pursuing changes in the future to simplify and achieve consistency in tenure arrangements. Please see the 'Longer term reform options' section of the Outcomes Paper for further discussion on this matter.

Meetings with cattle station owners and managers

The cattle station owners and managers that Australian Government officials met with held varied views on CLA land reform.

Those supportive of CLA land reform noted the possible benefits from increased commercial activity to both the community and pastoral operations, and the pressing need for changes to allow CLAs to function as normal towns.

Those opposed to CLA land reform noted the strain on resources and infrastructure that potential increased commercial activity could contribute to and indicated that pastoralists should be consulted regarding leasing of CLA land.

Both those supportive of and those opposed to CLA land reform noted the need to ensure increased commercial activity does not impact adversely on pastoral operations.

Other issues noted included the need to strengthen the governance of CLA land-holding associations and corporations.

Proposed immediate CLA land reforms

After considering submissions on the Discussion Paper and consultation meeting discussions, the Australian Government proposes the following immediate reforms to help address priorities for CLA communities. Draft Regulations to effect the legislative amendments required to deliver these reforms are available online at the Department of Families, Housing, Community Services and Indigenous Affairs web site.[4]

Leasing restrictions

The Australian Government proposes that immediate reforms include allowing CLA land owners to grant leases for a greater variety of purposes, including for commercial, infrastructure and public purposes. These changes would bring the purposes for which CLA land can be leased under the *Associations Act (NT)* in line with the purposes for which CLA land can be used or developed under the NT Planning Scheme. This is not currently the case. For example, while a community store is a use or development that falls within the scope of the NT Planning Scheme, CLA land owners are not currently able to lease a community store to a store operator. The proposed changes correct this discrepancy and recognise that leasing is now part of normal business in remote communities in the NT.

It is proposed that these changes are able to be achieved by modifying provisions in the *Associations Act (NT)* which deal specifically with CLA land owners that are incorporated associations and those that are Aboriginal corporations. Therefore, it is proposed that new subsections 6(d) and (e) be included in the *Associations Act (NT)* for land owners that are incorporated associations and 8(d) and (e) be included in the *Associations Act (NT)* for land owners that are Aboriginal Corporations (refer to items 4 and 9 of the Draft Regulations).

For the avoidance of doubt, the proposed changes also clarify that relevant *Associations Act (NT)* provisions relating to leasing restrictions also apply to licenses (refer to items 2, 3 and 4 and 7, 8 and 9 of the Draft Regulations).

The Australian Government notes that the proposed changes complement and build on provisions included in the Associations Act Amendment Bill introduced by the former NT Government in 2012 but which lapsed upon prorogation of the legislature prior to the 2012 NT elections.

[4] Ctrl + Click here for access to the Draft Regulations at the Department of Families, Housing, Community Services and Indigenous Affairs web site.

CLA community meeting discussions demonstrated consistent support from CLA land owners for reforms to enable leasing for a greater variety of purposes. This support is reflected in submissions from NT Land Councils on the Discussion Paper and to the Senate Community Affairs Committee Inquiry into the Stronger Futures in the Northern Territory Bill 2011 and two related bills.

NT Ministerial consent provisions

The Australian Government proposes that immediate reforms also include changing the current arrangements in relation to NT Ministerial consent for leases on CLA land (refer to items 1, 5, 6 and 10 of the Draft Regulations). This change would provide that NT Ministerial consent is only required for leases with a term greater than ten years. As stated above, the requirement for Ministerial consent currently applies to all leases (the only exception being leases for a term of 12 months or less on CLA land owned by an incorporated association).

A range of views was presented on this issue in submissions on the Discussion Paper and consultation meeting discussions. CLA community meeting discussions demonstrated general support for measures that give more control to CLA land owners to make decisions. The CLC submission on the Discussion Paper specifically states that, in line with similar provisions under the *Aboriginal Land Rights (Northern Territory) Act 1976*, the requirement for NT Ministerial consent should only apply for a lease period of 40 years or more. Conversely, the NT Cattlemen's Association submission on the Discussion Paper seeks, as part of the NT Ministerial decision-making process, a legislated consultation right for adjoining pastoralists to any new proposals on CLA land. This request appears to presuppose the continuation of current NT Ministerial consent processes. A ten year threshold represents a balanced position. The ten year period recognises the potentially competing priorities of giving greater control to CLA land owners and retaining appropriate checks and balances in relation to land dealings on CLA land while longer term reform options are considered further.

With regard to any consultation that occurs as part of the NT Minister's decision-making process, the Australian Government considers that this is a matter for the NT Government and notes that it will necessarily involve considering the interests of different parties. Should the CLA land reform provisions of the Stronger Futures legislation be used to make the Draft Regulations, the NT Government remains able to complement these reforms with its own amendments to the relevant NT legislation.

Longer term reform options

The Australian Government recognises that longer term reforms require further consideration in order to ensure sustainable models for CLA land. Some of the key issues that were raised in submissions on the Discussion Paper and in consultation meetings are outlined below.

The CLC submission on the Discussion Paper notes the importance of comprehensive reform of CLA title in order to address issues such as the vulnerability of title and administrative uncertainty.

The CLC notes that while land councils may provide assistance to CLA land owners on request, this does not necessarily mean than CLA land-holding associations and corporations have the necessary administrative and legal support to deal effectively with their land. The same checks and balances do not exist in relation to CLA land dealings as exist with regard to land dealings under the *Aboriginal Land Rights (Northern Territory) Act 1976*, and therefore the same level of certainty cannot be provided to lessees and licensees. Similar views were also presented in a number of consultation meeting discussions.

The Australian Government agrees that comprehensive reform may be needed to strengthen the way CLA title is held and to systematise the available support. This could include lessening the administrative burden on CLA land-holding entities that do not engage in any other activities beyond holding title to CLA land.

As noted in Appendix 1 of the CLC submission on the Discussion Paper, these outcomes could be provided for via a statutory land trust model established under NT legislation, similar to those provided for in the *Kenbi Land Trust Act 2011 (NT)* and the *Parks and Reserves (Framework for the Future) Act 2003 (NT)*. There may be additional models that merit consideration.

In addition, a number of submissions on the Discussion Paper highlighted that planning issues require careful consideration, including the application of the NT Planning Scheme to CLA communities and the way in which town planning frameworks can best be applied. Area plans have been developed for a number of towns on *Aboriginal Land Rights (Northern Territory) Act 1976* land, with the intention that these towns are added to Schedule 5 of the NT Planning Scheme. One option is that a similar process could apply in the future to CLA communities, particularly larger communities.

The consultation process demonstrated the significant diversity that exists across CLAs, both in relation to the geography and size of communities, as well as communities' governance, aspirations and capacity. Any longer term reforms will therefore require the flexibility to respond to the specific needs of individual CLA communities.

For example, specific approaches may be required for CLA communities that are surrounded by *Aboriginal Land Rights (Northern Territory) Act 1976* land (rather than a pastoral lease), as well as communities which consist of CLA title for one area and *Aboriginal Land Rights (Northern Territory) Act 1976* title for the remainder. In these circumstances, CLA land holders may wish to pursue changes in the future to simplify and achieve consistency in tenure arrangements. This is particularly relevant to communities such as Minyerri, where community members indicated to Australian Government officials that the current inconsistent and complex tenure arrangements impact on the effectiveness of community decision-making.

Next steps

The Australian Government invites **written feedback to the Draft Regulations by 5 July 2013**. The Australian Government will take into account this written feedback before settling on the final form of the proposed regulations.

The Australian Government also invites **written feedback on broader issues raised in the Outcomes Paper, particularly on longer term reform options, by 30 September 2013**.

Feedback can be submitted by post:
Land and Economic Development Branch
Department of Families, Housing, Community Services and Indigenous Affairs
PO Box 7576
Canberra Business Centre
ACT 2610

By email:
CLAlandreform@fahcsia.gov.au

Or in person:
To your local Government Engagement Coordinator or Indigenous Engagement Officer.

This Outcomes Paper is available on the FaHCSIA website at
http://www.fahcsia.gov.au/community-living-area-land-reform-in-the-northern-territory

All written feedback on broader issues raised in the Outcomes Paper will be made public at this web address.

The Australian Government will hold a second stage of consultations on longer term CLA land reform options after considering written feedback on broader issues raised in the Outcomes Paper.

Appendix A – Formal Submissions received on the Discussion Paper on Community Living Area Land Reform in the Northern Territory

1. Mr Digby Habel
2. Ms Michele Harris OAM on behalf of Concerned Australians
3. Mr Greg Marks
4. Ms Bev Patterson, Commun ty Facilitator, Binjari
5. Mr Ray Jackson on behalf of the Indigenous Social Justice Association
6. Mr Don Stokes
7. Ms Jan Aitken
8. Ms Fairlie Arthur
9. Indigenous Business Australia
10. Mr Mick Gooda, Aboriginal And Torres Strait Islander Social Justice Commissioner
11. Ms Marlene Hodder on behalf of the Intervention Rollback Action Group
12. Ms Joy Dahl
13. Central Land Council
14. Northern Land Council
15. Name Withheld
16. L & S Nominees Pty Ltd
17. Northern Territory Cattlemen's Association

Appendix B – Consultation Meetings

CLA community Meetings

- Engawala *8 April 2013*
- Atitjere *9 April 2013*
- Bulla *23 April 2013*
- Laramba *29 April 2013*
- Wilora (including participants from Tara) *30 April 2013*
- Titjikala *1 May 2013*
- Imanpa *7 May 2013*
- Kings Canyon Outstations (Lila and Ulpanyali) *8 May 2013*
- Wutunugurra *14 May 2013*
- Imangara *15 May 2013*
- Alpurrurulam *22 May 2013*
- Binjari *28 May 2013*
- Jilkminggan *28 May 2013*
- Minyerri *29 May 2013*
- Urapunga *29 May 2013*

Cattle Station Meetings

- Auvergne Station *23 April 2013*
- Napperby Station *29 April 2013*
- Stirling Station *30 April 2013*
- Kings Creek Station *8 May 2013*
- Palmer Valley Station *8 May 2013*
- Epenarra Station *14 May 2013*
- Lake Nash Station *22 May 2013*

APPENDIX B

Income Management Evaluations

Evaluation of the Child Protection Scheme of Income Management and Voluntary Income Management Measures in Western Australia, Orima Research, September 2010

Evaluation of New Income Management in the Northern Territory, The Social Policy Research Centre at UNSW and the Australian National University,

First Evaluation Report July 2012

Final Evaluation Report September 2014

A Review of Child Protection income Management in Western Australia, Evaluation Hub in the Australian Government Department of Social Services, February 2014

Placed Based Income Management Evaluation (PBIM), Deloitte Access Economics,

Baseline, Process and Short-Term Outcomes Report, May 2014

Medium-Term Outcomes and consolidated Final Report is not yet publically available

Voluntary Income Management in the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Report, Social Policy Research Centre at UNSW and Colmar Brunton, October 2014

PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS

8 September 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

Thank you for your letter dated 28 July 2015 (received in full on 25 August 2015) responding to the committee's inquiries in relation to the *Stronger Futures in the Northern Territory Act 2012* and related legislation. The committee appreciates the information that you have provided addressing its specific inquiries regarding the Stronger Futures measures.

As noted in my previous letter, the committee is seeking updated information about the Stronger Futures measures to assist in its consideration of this legislative package.

While your response provided answers to some of the committee's questions, I note that a number of the questions were not addressed in your response. This is particularly the case in relation to the measures to address alcohol abuse.

As such, I write again to seek your advice in relation to the following questions:

Land reform

1. You advised that community meetings were held in 16 selected communities before the introduction of the Stronger Futures in the Northern Territory Regulation 2013. Can you advise how many communities in total were affected by the regulation and whether, in relation to the selected communities consulted, these 16 communities were reflective of the type of communities affected by the regulation?

Measures to address alcohol abuse

2. 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?
3. How many Alcohol Management Plans (AMPs) have been approved by the Minister in total to date?
4. 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* (the Act) revoking or varying the original rules so that the area now covered by the AMP is no longer an alcohol protected

PO Box 6100, Parliament House Canberra ACT 2600 Tel: (02) 6277 3823 Fax: (02) 6277 5767
Email: human.rights@aph.gov.au Internet: http://www.aph.gov.au/

area? We understand, based on the example provided in your original response, that some communities have not specifically applied for a revocation or variation of the original rules However, the question remains as to whether any alcohol protected areas have been revoked or varied under the Act.

5. How many AMPs, 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?
6. What is the average time taken to approve an AMP once it has been endorsed by the community?
7. If a community within an alcohol protected area does not wish to enter into an AMP and, as a community, decides it wishes to ease alcohol restrictions, what steps can the community take to ensure it is no longer designated as an alcohol protected area?
8. Is there a timetable in place to transition all alcohol protected areas to AMPs?
9. What is the latest evidence as to how effective AMPs have been in achieving their stated aims? Is the 2008 evaluation referred to in your original response the most recent evaluation? Could you provide the committee with a copy of that evaluation?

Income management

10. In relation to the 15 income management sites outside of the Northern Territory, could you provide the specific proportion of those subject to income management who are Indigenous in *each* site? (While we understand that the data is publicly available, it would assist the committee if the department could provide the percentages in each site).

School Enrolment and Attendance through Welfare Reform measure (SEAM)

11. You have stated that the SEAM programme evaluation will be available on the SEAM website by the end of July 2015. However, to date it is not available on this website. Could you please provide the committee with a copy of this evaluation?

It would be appreciated if you could provide your response by 22 September 2015, and if you could ensure that the response addresses each of the questions above individually.

I note that the committee is seeking this information via correspondence with you in lieu of holding public hearings. However, in the event that sufficient information is not able to be obtained through our correspondence, the committee has determined that it may be necessary to hold a public hearing of the inquiry.

Should you or your department have any queries, please contact the Acting Committee Secretary, Ivan Powell, on (02) 6277 3066.

Thank you, in anticipation, for your assistance with this matter.

Yours sincerely

The Hon Philip Ruddock MP

Chair

MINISTER FOR INDIGENOUS AFFAIRS

Reference: C15/90430

The Hon Philip Ruddock MP
Chair
Parliamentary Joint Committee on Human Rights
Parliament House
CANBERRA ACT 2600

Dear Chairman

Thank you for your further letter of 10 September 2015 with additional questions from the Parliamentary Joint Committee on Human Rights (the Committee) in relation to Stronger Futures measures. Please find responses prepared by my Department below.

Land Reform

All community living area communities were potentially affected by the regulation. There are over 100 community living areas in the Northern Territory. They range in size from towns to small family outstations. The 16 communities consulted are the largest (by population) community living areas. The 16 communities were selected in consultation with the Central and Northern Land Councils.

Measures to address alcohol abuse

In relation to the Committee's question as to the number of alcohol protected areas (APAs), it is not feasible to provide a numerical answer. Existing APAs were originally 'prescribed areas' under the *Northern Territory National Emergency Response Act 2007* (NTNER Act). These prescribed areas were preserved as APAs under the *Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Act 2012*. In broad terms, the following areas under the NTNER Act were deemed prescribed areas:

- Aboriginal land as defined in the *Aboriginal Land Rights (Northern Territory) Act 1976*;
- Community living areas under the *Lands Acquisition Act* of the Northern Territory; and
- Town camps that have been declared for the purpose by the Minister.

To date I have approved one Alcohol Management Plan (AMP) for the Titjikala community. It was approved on 26 May 2014. So far, seven AMPs have been rejected. Each AMP was rejected because it had the potential to increase alcohol related harm.

No APAs have been revoked or varied under the *Stronger Futures in the Northern Territory Act 2012* (SFNT ACT).

In terms of timing, the Titjikala AMP was finalised by the community in June 2013 and approved on 26 May 2014. In the intervening period, additional documentation was sought from the Northern Territory Government, to ensure an informed decision was made about the proposed AMP.

A community can request at any time to the Minister to have an APA varied or revoked, regardless of whether an approved AMP is in place. As I outlined in my previous response, subsection 27(5) of the SFNT Act outlines the circumstances in which a rule to vary or revoke an APA may occur. An APA may be varied or revoked:

- On the Minister's own initiative; or
- Following a request made to the Minister by, or on behalf of, a person who is ordinarily resident in the area to which the rule APA rules normally relate; or
- Following approval of an AMP relating to the area subsection 17(1) of the SFNT Act related to the determination to approve or refuse an AMP.

Before varying or revoking an APA the Minister must undertake community consultation in accordance with subsection 27(6) of the SFNT Act. Any decision to vary or revoke an APA must also take into account the matters set out in subsection 27(9) of the SFNT Act.

Although AMPs and APAs may interact, AMPs are not a function of APAs. AMPs are designed to support communities to drive locally tailored solutions to alcohol-related harm in their community. Approval of an AMP may be accompanied or followed by a request for a revocation or variation to an APA in accordance with the Act, but an approved AMP will not automatically lead to a revocation or variation of an APA.

The SFNT Act ceases to have effect at the end of 10 years after its commencement, which will be in July 2022.

There is a range of information in the public domain about the effectiveness of AMPs as a policy tool, including:

- Clough, A.R. et al (2014) 'Study Protocol - Alcohol Management Plans (AMPs) in remote indigenous communities in Queensland: their impacts on injury, violence, health and social indicators and their cost-effectiveness', Biomedical Central Public Health. Available at: www.biomedcentral.com/content/pdf/1471-2458-14-15.pdf
- Smith, K., Langton, M., d'Abbs, P., Room, R., Chenhall, R., Brown, A. (2013) 'Alcohol management plans and related alcohol reforms'. Written for the Indigenous Justice Clearinghouse. Available at: www.researchgate.net/profile/Kristen_Smith/publication/262818179_Alcohol_management_plans_and_related_alcohol_reforms/links/548fad9d0cf2d1800d862987.pdf
- d'Abbs, P., McMahon, R., Cunningham, T., Fitz, J. (2010) 'An evaluation of the Katherine Alcohol Management Plan and Liquor Supply Plan'. Menzies School of Health Research. Written for the Norther Territory Department of Justice. Available at www.nt.gov.au/justice/documents/KatherineAMPEvaluation.pdf
- Senior, K., Chenhall, R., Ivory, B., & Stevenson, C. (2009) 'Moving beyond the restrictions: The evaluation of the Alice Springs Alcohol Management Plan', Menzies School of Health Research & Monash University, Medicine Nursing and Health Sciences, School of Public Health and Preventive Medicine. www.territorystories.nt.gov.au/bitstream/10070/218442/2/Vatskalis-110609-Alcohol_restrictions_working_in_Alice_Springs_attachment.pdf

- Margolis, S. A., Ypinazar, V. A. and Muller, R. (2008) 'The impact of supply reduction through alcohol management plans on serious injury in remote Indigenous communities in remote Australia: A ten-year analysis using data from the Royal Flying Doctor Service', *Alcohol & Alcoholism*. vol. 43, no. 1: 104-110. Available at: http://alcalc.oxfordjournals.org/content/43/1/104.long. This is the evaluation referred to in PM&C's July 2015 response to the Parliamentary Joint Committee on Human Rights.

On a related matter, I would like to advise the Committee that in accordance with section 28 of the SFNT Act, and section 114 of the *Classification (Publications, Films and Computer Games) Act 1995*, I tabled reports of the independent reviews into laws relating to prohibited material and alcohol legislation in both Houses of Parliament on 16 September 2015.

School Enrolment and Attendance through Welfare Reform measure (SEAM)

The *Improving School Enrolment and Attendance Through Welfare Reform Measure (SEAM) Trial 2009-2012* Final Evaluation Report is available on the PM&C website: www.dpmc.gov.au/sites/default/files/publications/Improving_School_Enrolment_Attendance_through_Welfare_Reform_Measure_trial.pdf

Income management data

The attached information has been provided by the Department of Social Services, and is as at 28 August 2015. Data is no longer collected by income management site, but by standard statistical boundaries. The areas below most closely align with income management sites.

Yours sincerely

NIGEL SCULLION

28 / 9 / 2015

Attachment – Income Management Data

Total Number of People on Income Management^	Total	Per Cent Indigenous
Northern Territory	**20,778**	**88%**
— Alice Springs	5,372	96%
— Barkly	1,481	96%
— Katherine	3,487	95%
— Daly-Tiwi-West Arnhem	3,942	95%
— East Arnhem	2,827	97%
— Rest of Northern Territory	3,669	53%
Western Australia	**1,835**	**65%**
— Kimberley	826	97%
— Goldfields (*Ng Lands, Laverton and Kiwirrkurra*)	194	98%
— Greater Perth	749	20%
— Rest of Western Australia	66	82%
South Australia	**1,021**	**43%**
— Greater Adelaide (*Playford*)	637	17%
— Western & West Coast (*Ceduna Region*)	66	97%
— APY Lands	235	97%
— Rest of South Australia	83	47%
Victoria	**395**	**18%**
— Shepparton	310	17%
— Rest of Victoria	85	22%
New South Wales	**258**	**14%**
— Greater Sydney (*Bankstown)*	187	9%
— Rest of NSW	71	26%
Queensland	**1,916**	**44%**
— Greater Brisbane *(Logan)*	1,000	16%
— Rockhampton	454	29%
— Far North *(Cape York)*	100	98%
— Rest of Queensland	362	54%
ACT	**<5**	**n/a**
Tasmania	**12**	**n/a**
Unknown/Missing	**n/a**	**n/a**
Total	**26,231**	**78%**

^ Potential inconsistencies from any data reported prior to 1 July 2015 are due to a change in reporting method for the income management programme, to conform to the Australian Statistical Geography Standard (ASGS). The data represents the current residential address of income managed customers within designated statistical areas.