

**Senate Community Affairs Legislation Committee**

**Inquiry into Stronger Futures in the Northern Territory Bill 2011 and two related bills**

**Canberra Hearing, Thursday 1 March 2012**

**ANSWERS TO QUESTIONS ON NOTICE**

**Question No: FaHCSIA 6**

**Topic:** Stronger Futures legislative measures

**Hansard Page:** 33

**Senator Crossin asked:**

What I am asking you to provide for me is what is not in this legislation. I know we have repealed 2007, but I do not hear people saying, 'Compulsory leases are not there; that's a good thing.' Everyone is concentrating on what is there, and I think there is not any focus at all on what was there in 2007 and what, as a government, we are not taking forward beyond 1 July. We have changed it. We have listened to people's concerns, and therefore it is not in the legislation.

**Mr Dillon:** Absolutely. For example, the original legislation had requirements for quite overwhelming or quite robust signs, and there was a lot of push-back from communities. That requirement has gone, but there are now provisions generally in the NTER for much more respectful signage, and we are actively working with communities and engaging with them about signage in their communities. Secondly, there are a range of other, more minor provisions that are no longer there. Perhaps I should just take it on notice and give you a list of the most significant ones.

**Answer:**

The *Northern Territory National Emergency Response Act 2007* will be repealed in full.

The following Northern Territory Emergency Response key measures will not be continued under the Stronger Futures legislation:

- Five-year leases;
- The Statutory Rights provisions under the ALRA that provide a mechanism for Government to retain certain rights and interests in buildings and infrastructure constructed or upgraded on Aboriginal land with government funds;
- The requirement to install filters and conduct audits of publicly funded computers;
- The power enabling Police to enter a private residence as if it were a public place to apprehend an intoxicated person; and
- The 'business management areas' powers.

**Senate Community Affairs Legislation Committee**

**Inquiry into Stronger Futures in the Northern Territory Bill 2011 and two related bills**

**Canberra Hearing, Thursday 1 March 2012**

**ANSWERS TO QUESTIONS ON NOTICE**

**Question No: FaHCSIA 2**

**Topic:** Stronger Futures consultations

**Hansard Page:** 31

**Senator Siewert asked:**

You took a question on notice from me earlier about whether there were any materials produced in language. One of your answers was:

*... research indicates that if people are literate in their own languages they are likely to be literate in English.*

Could you take on notice the research behind that statement please?

**Answer:**

The Department of Families, Housing, Community Services and Indigenous Affairs does not usually translate written materials into Indigenous languages. Evidence to support this approach comes from both formal research and other more anecdotal feedback, including advice from the Northern Territory Aboriginal Interpreter Service and feedback from Government Business Managers.

The Department does, however, make every attempt to translate audio presentations into Indigenous languages. During the Stronger Futures consultations this included the use of interpreters at community meetings and the translation of radio advertisements notifying residents of consultations in their community (13 languages as well as English).

More recently the Department has produced a DVD outlining the main points of the Stronger Futures legislation in simple English, and voiced also in 15 Indigenous languages. This resource is available online and has been provided in disc form to Government Business Managers and Indigenous Engagement Officers to pass on to individuals or groups or for use in information sessions.

In 2008, the Department and Centrelink commissioned a communications research project on the first phase of communications for the Northern Territory Emergency Response. Some of the key findings from this research were:

- “Due to cultural preferences for oral information, reinforced by variable rates of literacy, verbal communication is the clear preference for the way people in communities want to obtain government information.
- Literacy levels in remote Indigenous communities are much lower than in the general community.
  - In general, if people can read local language material they are usually able to read English as well.

- Written English material should be kept to a ‘single message’ and kept simple.
- Local language material is not a key solution — literacy problems are often in both English and local languages”.

The researchers commented generally on the ‘limitations inherent in written communications products’ and reiterated in the more detailed discussion that ‘written local language material is unlikely to be particularly effective at raising or reinforcing awareness’.

These research findings are consistent with other research including recent developmental research undertaken by the Department of Health and Ageing to inform the social marketing campaigns arising from the National Partnership Agreement on Closing the Gap in Indigenous Health Outcomes. The ear health research report undertaken by CIRCA in June 2010 found that:

- “... the overwhelming majority noted that face-to-face information delivery was the most appropriate, as sharing information in this way is considered culturally relevant and overcomes potential literacy issues associated with written material.
- “...the resources that generated the most positive comment were those that were highly visual, such as graphic posters, flipcharts and a DVD. Participants were less engaged with resources that were ‘text heavy’ or featured complicated pictures and language.”

**Senate Community Affairs Legislation Committee**

**Inquiry into Stronger Futures in the Northern Territory Bill 2011 and two related bills**

**Canberra Hearing, Thursday 1 March 2012**

**ANSWERS TO QUESTIONS ON NOTICE**

**Question No: FaHCSIA 3**

**Topic:** Stronger Futures consultations

**Hansard Page:** 31

**Senator Siewert** asked:

Did you do any discussion papers in more easily understandable English or provide any materials or an overhead or something?

Could you provide us with a copy of that?

**Answer:**

Hard copy versions of the following materials have been provided separately to the Committee Secretariat:

1. A simpler English version of the discussion paper, which was produced for use in communities. This became known colloquially as the 'consultation paper'.
2. Four A3 size colour posters used to notify the time and place of the Tier 2 community meetings;
3. Two double-sided A4 flyers that were used in communities to provide general information about the Stronger Futures consultation process.
4. A flip-chart that was provided to assist in the conduct of local meetings;
5. A double-sided flyer that was circulated after the consultations were completed, thanking people for their input to the consultations, summarizing the feedback and briefly explaining the next steps;
6. A double-sided flyer that was released in communities in November 2011 to provide a summary of the measures in the Stronger Futures legislation, and explain the opportunities for input to the Senate Committee inquiry; and
7. A DVD that was provided to communities in early 2012, outlining the measures in the legislation; the voice-over text is translated into 15 Indigenous languages.

In its independent review of the Stronger Futures consultations, the Cultural and Indigenous Research Centre Australia (CIRCA) had generally positive comments about the communication products, in particular the 'consultation paper' (item 1 above).

The 'consultation paper' was the most commonly used product and was made available at the majority of consultations attended by CIRCA. Many community members picked up the consultation paper and appeared interested in the content; the illustrative photographs appeared to assist understanding and encourage discussion of the specific issues.

The 'consultation paper' was used consistently by facilitators throughout the Tier 2 consultations. The benefits of this communication tool were:

- It provided details on the purpose of the consultation, the three key areas for future work and prompts for discussion on each of the eight themes;
- The photographs clearly illustrated the themes to be discussed and were useful for people with low literacy or who had difficulty reading; and
- It provided sufficiently detailed information that could be accessed easily by those with good English literacy skills.

**Senate Community Affairs Legislation Committee**

**Inquiry into Stronger Futures in the Northern Territory Bill 2011 and two related bills**

**Canberra Hearing, Thursday 1 March 2012**

**ANSWERS TO QUESTIONS ON NOTICE**

**Question No: FaHCSIA 4**

**Topic:** Stronger Futures consultations

**Hansard Page:** 31

**Senator Boyce** asked:

**Mr Dillon:** I am advised that we do have some materials on engagement and the engagement framework that we do apply—they are principles.

**Senator BOYCE:** Could we have a copy of that please?

**Mr Dillon:** Yes. It is a public document. I am happy to give you a copy.

**Senator BOYCE:** Thank you.

**Answer:**

A copy of the Government's Engagement Framework "*Engaging Today, Building Tomorrow*" has been provided separately to the Committee Secretariat.

**Senate Community Affairs Legislation Committee**

**Inquiry into Stronger Futures in the Northern Territory Bill 2011 and two related bills**

**Canberra Hearing, Thursday 1 March 2012**

**ANSWERS TO QUESTIONS ON NOTICE**

**Question No: FaHCSIA 5**

**Topic:** Stronger Futures consultations

**Hansard Page:** 32

**Senator Siewert** asked:

Can I ask a supplementary question? How many of those eight [meetings] that the Minister attended did the audit people attend?

**Answer:**

During the Stronger Futures consultation period, Minister Macklin led community consultation meetings at Tennant Creek, Lajamanu, Maningrida, Ngukurr, Angurugu, Kaltukatjara (Docker River) and Engawala.

None of these meetings was observed by Cultural and Indigenous Research Centre Australia (CIRCA) as part of its quality assurance of the consultations. The communities where CIRCA observed the consultation meetings are listed in the CIRCA report.

CIRCA was required to observe a representative sample of meetings and made its own decision as to which meetings it would attend.

It should be noted that at most, if not all, of the meetings attended by the Minister, members of stakeholder organisations, community leaders and the media were present.

**Senate Community Affairs Legislation Committee**

**Inquiry into Stronger Futures in the Northern Territory Bill 2011 and two related bills**

**Canberra Hearing, Thursday 1 March 2012**

**ANSWERS TO QUESTIONS ON NOTICE**



**Senate Community Affairs Legislation Committee**  
**Inquiry into Stronger Futures in the Northern Territory Bill 2011 and two**  
**related bills**

**Canberra Hearing, Thursday 1 March 2012**

**ANSWERS TO QUESTIONS ON NOTICE**

**Question No: FaHCSIA 7**

**Topic:** Stronger Futures consultations

**Hansard Page:** 33

**Senator Moore (Chair)** asked:

Mr Dillon, was there any document or piece of information that was given out during the consultations that did a comparison? One of the core issues that we found was that people had absolute confusion about what they were talking about: was it the intervention or Stronger Futures? Was there a document that had intervention measures? Maybe you would even have to have a 2010 change column and then the proposed Stronger Futures. Was there something that showed that?

**Mr Dillon:** I might ask my colleague Mr Stacey to provide an answer.

**Mr Stacey:** There was a document called *What's New, What's Different?* As far as I know it is already published on a web page but I am happy to provide it. I do not think it is in the form of a table quite the way you put it but it certainly explains what is new in the Stronger Futures legislation, what is different and what is not there.

**CHAIR:** It just seems to me that that may be a useful—

**Answer:**

A copy of the "*What's New, What's Different*" document is attached.

This was initially provided as a resource document for FaHCSIA staff who were conducting feedback sessions in communities to provide information about the Stronger Futures legislative measures.

The document has subsequently been reproduced with Stronger Futures badging to be made available to interested people.

## **Stronger Futures in the Northern Territory – What’s New, What’s Different**

This series of Fact Sheets summarises the changes proposed by the Government in the three Bills forming the Stronger Futures in the Northern Territory legislative package, namely:

- Stronger Futures in the Northern Territory Bill 2011
- Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011; and
- Social Security Legislation Amendment Bill 2011.

### **Repeal of the *Northern Territory National Emergency Response Act 2007* (NTNER Act )**

- The NTNER Act will be repealed in full.
- Any measures that are currently enacted under the NTNER Act, and which the Government wishes to continue in their current or a revised form, will be re-enacted under one of the new Bills.

## **Stronger Futures in the Northern Territory – What’s New, What’s Different**

### **Improving School Enrolment and Attendance**

#### **Current provisions**

- The Australian Government’s Improving School Enrolment and Attendance through Welfare Reform Measure (SEAM) provides a mechanism for encouraging parents (or those with responsibility for a child) to ensure that their children of compulsory school age are enrolled in and attending school regularly.
- SEAM helps identify where there are problems with a child’s enrolment or attendance at school and puts in place assistance for families, such as the offer of support from Centrelink social workers, to fix the problems.
- As a last resort, if a parent fails to take reasonable steps to ensure their child’s enrolment and regular attendance at school, the parent’s income support payments will be suspended. The payment will be restored with back payment when the parent can demonstrate that they are taking reasonable steps to ensure their child is attending school.
- SEAM is a non-discriminatory measure that already applies to all parents on income support in some areas in the Northern Territory and Queensland:
  - Katherine, Katherine town camps, Hermannsburg, Wallace Rockhole, Tiwi Islands and Wadeye in the NT (14 schools in total); and
  - Four suburbs in the Logan area of Brisbane, as well as Doomadgee and Mornington Island in Queensland (across 30 schools in total).
- Concurrently the Northern Territory Government has established the *Every Child, Every Day* (ECED) strategy to improve the enrolment, attendance and participation of young Territorians. The strategy includes a number of linked priority action areas and as a last resort, provides for infringement notices and fines for persistent non-attenders and those whose attendance fails to improve after repeated warnings and intervention.

#### **Proposed changes under the Stronger Futures legislation**

- SEAM will be improved and expanded so that it aligns with the NT’s ECED strategy. This will establish a clear and consistent set of processes and consequences for parents whose children are not enrolled or consistently do not attend school.
- SEAM will continue to apply in schools in the six locations where it is currently operating. Over the next two years SEAM will be expanded to

the Remote Service Delivery communities of Yirrkala, Maningrida, Galiwin'ku, Ngukurr, Numbulwar, Umbakumba, Angurugu, Gapuwiyak, Gunbalanya, Milingimbi, Lajamanu and Yuendumu, the townships of Alyangula and Nhulunbuy and to Alice Springs, Tennant Creek, and remaining schools in Katherine not currently participating in SEAM.

- Proposed approaches within SEAM to improve attendance will include:
  - Seminars will be held in each community prior to implementation of the new model of SEAM to explain to parents their responsibilities. This will ensure parents understand the new arrangements and explain to them that a parent's income support entitlements may be affected if their children are not enrolled or attending school regularly;
  - A letter will be sent to parents at the start of each school semester reminding them of the new arrangements and outlining their responsibilities;
  - Families will be directed to participate in a conference if a child's attendance falls below a set benchmark (ie if there are more than 10 unexplained absences in a school term).
    - : These conferences will involve a school representative, a Centrelink social worker and the NT Government's truancy support worker.
    - : The conference is an opportunity for the school and family to jointly discuss barriers to the child's attendance and engagement. A plan to improve the child's attendance will be developed as part of this conference.
  - Parents will be required to agree to the attendance plan developed through the conference with the school and others. Where the young person is 14 and over, they must also agree to the plan.
  - Additional support and links to the school will be provided for families who most need it, as agreed in the attendance plan.
  - As a last resort, parents who do not meet their part of the agreed attendance plan will have their income support payments suspended, unless certain circumstances apply.
  - Once a parent begins complying with their responsibilities under the attendance plan and re-engaging with the school, their income support payments will be reinstated.

**Date of effect (subject to passage of the legislation)**

- The changes to SEAM are intended to come into effect on 1 July 2012

- Extension of SEAM to new locations in the NT will be phased in over the following two years.

## **Stronger Futures in the Northern Territory – What’s New, What’s Different**

### **Tackling Alcohol Abuse**

#### **Current provisions**

- Under the initial Northern Territory Emergency Response (NTER) alcohol restrictions, the drinking, possession or supply of alcohol in, or transporting alcohol into, a prescribed area in the NT was banned.
  - Liquor licences previously issued under the NT *Liquor Act* for licensed premises in prescribed areas could continue in operation – although with tighter conditions, such as not allowing for the sale of take-away alcohol.
- There are some limited exemptions from the NTER alcohol restrictions, including for recreational boating, commercial fishing, and recreational activities when part of a tour group in national parks.
- Under the NTER Redesign changes from July 2010, the NTER alcohol restrictions were continued, but provisions were introduced to enable communities to request local alcohol restrictions tailored to their particular circumstances. Approval of such requests would be based on careful consideration of factors including:
  - evidence about alcohol-related harm in the community;
  - community views about the effectiveness of restrictions; and
  - whether an alcohol management plan is in place.
- The Northern Territory Government introduced its *Enough is Enough* alcohol reforms from 1 July 2011. These reforms include:
  - bans on problem drinkers purchasing, possessing and consuming alcohol;
  - a Banned Drinkers Register, supported by photo ID scanners at takeaway alcohol outlets;
  - the Substance Misuse Assessment and Referral for Treatment Court (SMART Court) for dealing with alcohol-related criminal offenders; and
  - a new Alcohol and other Drugs Tribunal and additional treatment options to help problem drinkers.

#### **Proposed changes under the Stronger Futures legislation**

- The existing alcohol restrictions (as changed in 2010) will continue.
- The penalties for grog running in contravention of the alcohol restrictions will be increased.
  - This will include the option of imprisonment for people supplying less than 1,350 millilitres of alcohol.
- Minimum standards will be applied to alcohol management plans (AMPs) – ensuring that they are focused on harm reduction and protecting vulnerable women and children. The Commonwealth Minister has the power to approve

AMPs.

- The Commonwealth Minister can request the NT Government to appoint an assessor to examine the trading practices of liquor licensees, which are linked to substantial alcohol-related harm being caused to Aboriginal people – and to recommend changes for improvement.
- There will be an independent review within three years on the effectiveness of current alcohol regulation arrangements in reducing alcohol-related harm among Aboriginal people in the NT.
  - This will cover the NT Government's *Enough is Enough* reforms, the *Stronger Futures* alcohol restrictions and the NT *Liquor Act*.
- There will be a provision to allow the Alcohol and Other Drugs Tribunal to refer problem drinkers for income management.
  - This will work on a similar basis to the arrangements for referring people for income management under the Child Protection income management measure.
- The community signs about alcohol and pornography restrictions will be made more respectful, with direct community input.
  - Communities can get in touch with Government Business Managers at any time to start talking about making changes to the signs in their community.
- All of the current provisions that allow Police to enter a private residence as if it were a public place in order to apprehend an intoxicated person will be discontinued.

# **Stronger Futures in the Northern Territory – What’s New, What’s Different**

## **Community Safety and Child Protection**

### ***1. Prohibited material (pornography) restrictions***

#### **Current provisions**

- The current pornography restrictions prohibit the possession and supply of sexually explicit and very violent material in the form of publications, films and computer games in NTER communities.
  - The types of material covered by these restrictions include violent and sexually explicit material that is classified, or is likely to be classified, X 18+, or Category 1 or Category 2 restricted - which are legally restricted to adults.
  - Prohibitions also apply to the possession and supply of material that is, or would be, classified Refused Classification (RC) - this is content that exceeds the acceptable standards of any other classification.
- Under changes introduced in 2010 as part of the NTER Redesign, communities can ask to have the pornography restrictions lifted in their community.
- In deciding on requests to lift pornography restrictions in a community, the Minister will consider factors including:
  - the well-being of the people in the community
  - evidence about the levels of problem sexual behaviour and pornography in the community;
  - the views of people in the community; and
  - advice from relevant law enforcement agencies.

#### **Proposed changes under the Stronger Futures legislation**

- The current pornography restrictions will be continued.
- They will be re-enacted under the Stronger Futures legislation.
- The restrictions will apply in newly named “prohibited material areas”.
  - These will be declared by the Minister for Indigenous Affairs in a legislative instrument.
- The new restrictions will cease after 10 years and an independent review of the effectiveness of this measure is to be undertaken after seven years of operation.

#### **Response to concerns about inappropriate content on TV, mobile phones and internet.**



- There is already a regulatory scheme that prohibits illegal and offensive material being distributed online (eg through internet, mobile phones and devices such as iPods).
  - this prohibits much the same material that is prohibited under the NTER pornography restrictions, based on the same National Classification Scheme that applies to publications, films and computer games
- If people have complaints about online content they should send them to the Australian Communications and Media Authority (ACMA). Contact details are:
 

Mail: Australian Communications and Media Authority  
GPO Box Q500  
QUEEN VICTORIA BUILDING NSW 1230

Email: [online@acma.gov.au](mailto:online@acma.gov.au)

Fax 02 9334 7799
- If ACMA considers the content to be of a sufficiently serious nature, such as depicting child sexual abuse, it must notify the police.
- Commercial television broadcasters operate under codes of practice that are designed to meet community expectations, particularly in relation to offensive language and the portrayal of sex and violence.
- If a person has a complaint about material that has been broadcast on TV, they should firstly write to the TV station within 30 days of the broadcast
  - If there has been no answer within 30 days – or the response is considered unsatisfactory – the complaint can be referred to ACMA.

## **2. Australian Crime Commission powers**

### **Current provisions**

- Under the NTER, the Australian Crime Commission (ACC) Board has the power to authorise an ACC intelligence operation or investigation into 'Indigenous violence or child abuse'.
- The National Indigenous Violence and Child Abuse Intelligence Taskforce (NIITF) operates under these powers.
- Under changes implemented in 2010 as part of the NTER Redesign the definition of 'Indigenous violence and child abuse' was amended to 'serious violence or child abuse committed *against* an Indigenous person'.

### **Proposed changes under the Stronger Futures legislation**

- These powers will continue as they are now.
- This is a national measure.

### **3. Customary law**

#### **Current provisions**

- The current legislation prohibits consideration of customary law in making bail and sentencing decisions under Northern Territory and Commonwealth law.

#### **Proposed changes under the Stronger Futures legislation**

- A change will be made to these provisions, so that decisions on offences relating to the protection of cultural heritage and cultural objects will be exempt.
- This means that judges will be able to take into account the cultural consequences of damage to a sacred site or object in bail and sentencing decisions.
- However the provisions restricting consideration of all forms of customary law or cultural practice will continue to operate in relation to other offences under Northern Territory and Commonwealth law
  - This is intended to help protect women and children from violence and abuse.

### **4. Controls on the use of publicly funded computers**

#### **Current provisions**

- Under the NTER legislation the person in control of a publicly funded computer located in the prescribed areas within the NT is required to:
  - install, and keep in place, a content filter designed to prevent, and record, access to illegal material;
  - maintain a policy on acceptable use of computers, covering all users and confirming that all use will be audited;
  - keep records that identify each user;
  - undertake six monthly audits of material on, or accessed by, the computer; and
  - provide to the Australian Crime Commission the outcome of any audit undertaken.
- This provision was retained in the NTER Redesign process in 2010.

### **Proposed changes under the Stronger Futures legislation**

- The Government will not continue this provision in legislation. The measure is due to cease in August 2012.
- However, the Government will introduce a new requirement through Commonwealth funding agreements to help ensure that all funded organisations take steps to minimise inappropriate use of publicly funded computers.

## **Stronger Futures in the Northern Territory – What’s New, What’s Different**

### **Food security – Community stores licensing**

#### **Current provisions**

- Community store licensing currently applies to over 90 stores in remote Aboriginal communities in the NT.
- A number of changes were introduced as part of NTER Redesign in 2010 to extend, improve and clarify the licensing scheme.

#### **Proposed changes under the Stronger Futures legislation**

- All stores outside of major centres (Darwin, Alice Springs, Katherine, Tennant Creek, Nhulunbuy) that are an important source of food and groceries for remote Aboriginal communities will need to be licensed.
  - The area outside of major centres is referred to as ‘the food security area’.
  - Licensing is no longer only linked to stores that accept income managed funds.
- Compliance arrangements under the new arrangements will be more flexible, meaning that community stores that consistently perform well will face less monitoring.
- There will be a wider range of penalties available to be used for compliance breaches, depending on the level of seriousness of the offence.
  - For example fines will be able to be imposed, whereas under the existing scheme, the only available sanctions are to revoke or refuse to grant a licence.
  - This will allow action to be taken against a store while it continues to trade and is aimed to encourage better performance and service.

## **Stronger Futures in the Northern Territory - What's New, What's Different**

### **Housing and Land Reform**

#### **Current provisions**

- The Commonwealth acquired compulsory five-year leases over 64 communities in the Northern Territory under the original NTER legislation.
- Changes were made in 2010 as part of the NTER Redesign to clarify the purpose and operation of the five-year leases.
- The five-year leases are set to expire in August 2012. The Australian Government has publicly stated that it will not be extending the five-year leases.
- The Australian and Northern Territory Governments have been negotiating voluntary long term leases with Aboriginal land owners to ensure secure tenure arrangements for Government investment in housing and infrastructure on Aboriginal land.

#### **Proposed changes under the Stronger Futures legislation**

- The Australian and Northern Territory Governments will continue to negotiate leases with Aboriginal land owners over social housing and other Government assets in advance of the end of the five year leases.
- The Stronger Futures legislation provides the Australian Government with the ability to remove barriers in Northern Territory legislation to enable Aboriginal land holders of town camps and community living areas to make use of their land for a broader range of purposes, including for economic development and private home ownership, if they choose to do so.
- The Stronger Futures legislation will allow community living area land owners to request to be represented by Land Councils, which will provide administrative and legal assistance to these land owners.

#### **Date of effect (subject to passage of the legislation)**

- The five-year leases are set to expire at the end of 17 August 2012. The Stronger Futures legislation will allow for the five-year leases to be ended early with the transition to voluntary arrangements.

#### **Additional measures**

- Separate from the Stronger Futures legislation the Government has announced that it is working with the Northern Territory Government on two initiatives to help improve the delivery of housing:

- Ensuring that non-government social housing providers meet appropriate housing management standards, as part of a national effort to improve regulation of housing providers. This will be important to support the continuation of property and tenancy management reforms, irrespective of who manages the housing.
- Ensuring that building regulations and protections are extended to remote areas where they do not currently apply – starting with those communities where township leases have been agreed.

## **Stronger Futures in the Northern Territory – What’s New, What’s Different**

### **Business management areas powers**

#### **Current provisions**

- Under the NTER, the Government has a range of powers that were intended to help address issues around the governance of ‘community services entities’ and the delivery of Government- funded services in ‘business management areas’ in the NT.
- The powers include a power to vary or terminate funding agreements
  - and allow the Commonwealth Minister to make directions relating to the provision of Commonwealth or NT Government-funded services and assets required for delivery of those services.
- These provisions were continued unchanged in the 2010 NTER Redesign process.

#### **Proposed changes under the Stronger Futures legislation**

- These powers will not be continued under the Stronger Futures legislation.
  - They have not been exercised since the commencement of the NTER.

**Senate Community Affairs Legislation Committee**

**Inquiry into Stronger Futures in the Northern Territory Bill 2011 and two related bills**

**Canberra Hearing, Thursday 1 March 2012**

**ANSWERS TO QUESTIONS ON NOTICE**

**Question No: FaHCSIA 8**

**Topic:** Stronger Futures consultations

**Hansard Page:** 35- 36

**Senator Boyce and Senator Siewert** asked:

**Senator BOYCE:** We have had serious criticisms, including from the Human Rights Commission and congress tonight, of the quality assurance used. In fact, it has been put to us that only two to three per cent of the meetings were covered by the quality assurance. So you can understand that we are somewhat concerned. I fail to see why, with some redaction, these written reports could not be made available to us, and I think it is in the public interest that they are.

**Senator SIEWERT:** Mr Dillon, I heard what you said about the non-availability of the reports. Could you supply us with some examples—I am hesitant to say that because you would get to choose the examples—in camera, so they would not be published, so we can get an understanding of what was said?

**Answer:**

We have considered the Committee's request to release feedback reports carefully. However, the Department remains concerned that to release the reports would be detrimental to the Government's relationship with the communities affected and also impact on our capacity to have meaningful consultations going forward. Moreover, the Department is of the view that the Stronger Futures consultations have integrity and that the Committee can be confident that it knows what was said by communities.

As was the case when the Department led consultations in 2009 around the redesign of the Northern Territory Emergency Response (NTER) legislation, the intention from the outset was that the feedback reports would not be made public. In the Department's training manual prepared to support staff conducting the consultations, we said the following: "The intention is that the Tier 1 and 2 consultation report records will not be made public. Some records will be made available to the quality assurance consultants on an in-confidence basis. The consultation feedback will not be used for any other purposes than for informing the Government for the development of the future directions of Northern Territory Emergency Response and the preparation of the consultation report."

The Tier 1 (small group, family and individual discussions) reports in many instances contain personal information, or information that could identify a person in a small community. In some instances participants asked for assurance that the Tier 1 reports be kept confidential. In Tier 1 and Tier 2 (community wide consultations) reports, comments are made about service providers and government agencies that may affect relationships between them and communities should they be made public. .

The Department made this point to the Committee when it provided evidence on 1 March. It is important that members of communities feel that they are able to speak freely about issues



that concern them and that those issues can be considered by the Government in an appropriate manner. If we were to release the feedback reports, that could risk community members feeling confident going forward that they do have the opportunity to speak freely about their concerns and that in doing so they do not risk compromising their relationships with any other parties.

Apart from this, a comprehensive report of the consultations, *Stronger Futures in the Northern Territory, Report on Consultations*, has already been released, in October 2011. Communities and consultation participants were informed during the consultation process that this report would be the manner in which feedback from the consultations would be made public.

We are confident the Report on Consultations provides a good understanding of what was said by communities. Feedback reports were audited by two consultants: the first to assess the accuracy of the reports (10 per cent of the Tier 2 reports were assessed – in all cases the reports accurately reflected the content of the consultations), and the second to provide assurance that the consultation report reflected what was said across all of the feedback reports (the consultation report was assessed as being consistent with an independent analysis of the feedback reports).

It is noted that copies of feedback reports prepared in response to community consultations in 2009 around the redesign of the NTER were also sought by the Committee inquiring into that legislation. The Department was concerned about releasing the feedback reports on that occasion for the same reasons as it is now. .

**Senate Community Affairs Legislation Committee**

**Inquiry into Stronger Futures in the Northern Territory Bill 2011 and two related bills**

**Canberra Hearing, Thursday 1 March 2012**

**ANSWERS TO QUESTIONS ON NOTICE**

**Question No: FaHCSIA 9**

**Topic:** Stronger Futures consultations

**Hansard Page:** 35

**Senator Boyce** asked:

On notice, could you tell me why the period of six weeks was chosen? What is the research behind picking six weeks for doing it? I am happy to put that on notice, but I would like a fairly full answer to that question.

**Answer:**

It is important to note that the Government has been engaging actively with Aboriginal people in the Northern Territory for a number of years, including through the 2008 consultations conducted by the NTER Review Board and the comprehensive 2009 NTER Redesign consultations. In addition Government Business Managers and Indigenous Engagement Officers have been working on the ground in communities for the last four years. These have helped create a more effective mechanism for engagement between communities and government.

The Stronger Futures consultation process was an intensive period of consultation but needs to be seen in the context of this ongoing engagement activity. A primary purpose of the Stronger Futures consultations was to hear what people had to say - about what works, what needs to be improved, and what more needs to be done – before the Government made any decisions about proposed legislative and funding measures.

The timing of the Stronger Futures consultations was determined by practical considerations relating to the lead time required for preparation of legislation and its consideration by the Parliament well ahead of the cessation of the Northern Territory Emergency Response legislation.

To provide optimum opportunity for Parliamentary consideration of the legislation, including the potential for referral to a Senate Committee, it was felt necessary to have the legislation tabled in the Parliament before the end of the 2011 sittings.

To meet this timeline, it was necessary to complete the consultations by mid-August 2011 so that the feedback from consultations could be considered in the development of policy and preparation of detailed legislation.

The commencement date of the consultation period was determined largely on the basis of the lead time required to prepare the discussion paper.

**Senate Community Affairs Legislation Committee**

**Inquiry into Stronger Futures in the Northern Territory Bill 2011 and two related bills**

**Canberra Hearing, Thursday 1 March 2012**

**ANSWERS TO QUESTIONS ON NOTICE**

**Question No: FaHCSIA 10**

**Topic:** Land Council assistance to community living area land owners

**Hansard Page:** 39

**Senator Crossin** asked:

**Senator CROSSIN:** Is the amendment to the act that is outlined in the NLC and CLC's submission 'at no additional cost' or whatever those three or four words are—I do not have it in front of me. Is that amendment now needed?

**Ms Moyle:** It was intended to make clear that the work the land councils would be able to do under the Aboriginal Land Rights Act would not be at the expense of the CLA association, which is unfunded. It was intended to make clear—

**Senator CROSSIN:** It does not do that, though, does it?

**Ms Moyle:** Our advice is that it does. It enables the land council to perform its functions in the usual way and to be funded in the usual way, and that is, as Mr Dillon said, through the ABA or by some cost recovery from lease proponents but not from the CLA association.

**Senator CROSSIN:** Perhaps as a committee we might need to go back to the land councils and ask them if that is their interpretation of it, because that certainly not the impression I got last week.

**Ms Moyle:** I understand that is the position of the NLC and the CLC—

**Senator CROSSIN:** Now but not last week?

**Ms Moyle:** They understand what we are saying but still would like to see the amendment from our last conversations.

**Senator CROSSIN:** Yes. I do not think it is clear. What you have said is quite a different interpretation from what we saw. Separate from that, though, are they actually funded to represent the organisations on CLAs under the current funding they get and under the ABA?

**Answer:**

Item 4 of the Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011 proposes to insert section 23(1)(eb), as follows, into the Aboriginal Land Rights (Northern Territory) Act 1976 (ALRA).

(eb) for land that is a community living area and in the area of the Land Council—to assist the owner of the land, if requested to do so and at the Land Council's expense, in relation to any dealings in the land (including assistance in negotiating leases of, or other grants of interests in, the land); and

FaHCSIA is aware that a Central Land Council representative stated at the Committee Hearing in Alice Springs on 21 February 2012 that “at the Land Council's expense” within section 23(1)(eb) is an unnecessary provision.

FaHCSIA is aware of the concerns raised by the Northern Land Council in its submission regarding the “at the Land Council's expense” provision within proposed section 23(1)(eb) and of related comments from a Northern Land Council representative at the Committee Hearing in Darwin on 23 February 2012.

The intent of proposed section 23(1)(eb) is to provide the Land Councils with a function to assist community living areas while ensuring that community living area landowners do not incur financial liability as a result of any assistance provided by Land Councils.

Northern Territory Land Councils receive funding to meet administrative costs for the purposes of section 34(1) and as defined in section 34(4) primarily from the Aboriginals Benefit Account established under the ALRA. The “at the Land Council’s expense” provision enables the application of these Land Council administrative cost arrangements including Aboriginals Benefit Account funding and cost recovery from proponents as contemplated under section 34 of the ALRA.

**Senate Community Affairs Legislation Committee**

**Inquiry into Stronger Futures in the Northern Territory Bill 2011 and two related bills**

**Canberra Hearing, Thursday 1 March 2012**

**ANSWERS TO QUESTIONS ON NOTICE**

**Question No: FaHCSIA 11**

**Topic:** Alcohol restrictions

**Hansard Page:** 40

**Senator Siewert** asked:

**Senator SIEWERT:** So what were the restricted areas that those rules applied to?

**Ms Edwards:** I would not be able to answer the question of what Northern Territory rules applied. We know that a lot of communities were general restricted areas, but I could not provide you the detail. There were large amounts of communities prior.

**Senator SIEWERT:** These now apply extensively and are now harmonising with what they used to be. What I would like to understand is where they applied, how extensive they were and who had control over the decision making for where they applied. In the past it was communities that made the decision of whether or not they were dry. That is what I would like to understand.

**Ms Edwards:** The decisions are made under the NT Liquor Act. We would be able to seek the information from them, but I cannot provide it to you today.

**Senator SIEWERT:** If you could take it on notice.

**Ms Edwards:** So you want to know the general restricted areas that were in force immediately before the NTER came into effect?

**Senator SIEWERT:** Yes—where the rules that we are now harmonising with used to apply, what the decision-making process was in terms of how those rules were made to apply to a particular area and whether communities had control over that decision making.

**Answer:**

General Restricted Areas (GRAs) in the Northern Territory and associated penalties fall under the provisions of the *Northern Territory Liquor Act 2007* (NT Liquor Act).

Under the NT Liquor Act, a community may apply to the Northern Territory Licensing Commission to have a restricted area or 'dry' area declared. Further information on restricted areas and the decision making process for declaring GRAs, including community consultation, is provided in the attached fact sheets from the NT Licensing Commission, namely:

- General Restricted Areas information; and
- How to Apply for a General Restricted Area.

A listing of locations subject to alcohol restrictions under the NT Liquor Act is provided in the attached document 'Restricted Areas' which is sourced from the NT Government website.

**Senate Community Affairs Legislation Committee**

**Inquiry into Stronger Futures in the Northern Territory Bill 2011 and two related bills**

**Canberra Hearing, Thursday 1 March 2012**

**ANSWERS TO QUESTIONS ON NOTICE**

**Question No: FaHCSIA 12**

**Topic:** Food security

**Hansard Page:** 54

**Senator Moore (Chair) and Senator Siewert asked:**

**CHAIR:** Ms Edwards, when you get a chance could you have a look at the evidence given by the Maningrida Corporation, which gave evidence particularly on this issue when we visited that community. They had significant concerns about their business future with these changes. Rather than me putting all those to you now, would you review the *Hansard* to get their particular concerns. They seemed to me to be a successful store. I always go and check the stores out when I visit a community, and this was a very good quality store. They gave commercial reasons for their concerns.

**Senator SIEWERT:** They talked about the increase in audit costs.

**CHAIR:** Yes.

**Ms Edwards:** I will take it on notice, but I would note that if it is a store at Maningrida we would expect it already to be subject to the current licensing arrangements and expect it to be licensed. But we will go away and check. If there is a need to go and tell people more about what is going on, then we will make sure we do.

**CHAIR:** They have felt they are going to have significant increased costs from this arrangement.

**Ms Edwards:** We will have a look at that and make sure we come back to the committee.

**Senator SIEWERT:** As you know, there is two stores there.

**CHAIR:** Both said the same thing.

**Senator SIEWERT:** Yes, both said the same thing. They thought that under this new process, despite the fact that they are licensed and they are good stores, there would be increased compliance costs for them, even though they seem to be operating really well.

**Answer:**

In its submission to the Committee, the Aboriginal Peak Organisations of the NT recorded its support for 'the continuation of a store licensing regime, including on-going monitoring and assessment of community stores to ensure licensing standards are maintained'. This reflects the positive feedback from store customers in communities about improvements in stores during both the Stronger Futures consultations and the independent evaluation of the scheme.

The Hansard records that the following concerns were expressed by Maningrida store managers and an owners' representative about the impact of the community stores licensing part of the Stronger Futures Bill.

- A view that licensing was unnecessary or over-regulation in Maningrida as both stores were of high standard; and
- A concern that the new provisions would involve additional regulation, which would increase compliance costs.

These views were qualified to some extent by further comments that there was no problem complying with the licensing requirements, that licensing had some good points and an acknowledgement that not all stores may be up to the standard of those in Maningrida. Witnesses did not comment on any specific elements of the Bill.

The concerns of the managers and owners that the new provisions would involve additional regulation and, therefore increased compliance, appear to be based on a number of misunderstandings. The new scheme will involve less – not more – regulation and corresponding reductions in compliance costs for well performing stores. The annual assessment will no longer be required and levels of monitoring will be determined on the basis of risk.

It is not correct that the information gathering powers are normally found only in Royal Commissions. The provisions are standard across a wide range of licensing schemes and penalties in such schemes are commonly more severe than those applying to stores licensing. The powers to obtain information in the new Bill are in fact more limited than the current legislation.

In relation to the view that licensing is unnecessary in Maningrida, there will be, in any licensing scheme in any field, many licensees who would meet good standards regardless of whether they were required by Government. However, licensing gives assurance to consumers that the store is meeting standards and is also a protection against a decline in standards at some future time, if circumstances change.

**Senate Community Affairs Legislation Committee**

**Inquiry into Stronger Futures in the Northern Territory Bill 2011 and two related bills**

**Canberra Hearing, Thursday 1 March 2012**

**ANSWERS TO QUESTIONS ON NOTICE**

**Question No: FaHCSIA 13**

**Topic:** Human rights aspects of the legislation

**Hansard Page:** 55

**Senator Moore (Chair)** asked:

I know you covered the human rights aspects in your opening statement, but I would be keen to have some more comment, which you may need to give on notice because you may need some contact with the Attorney-General's office about how this legislation works with the human rights area. You know that congress gave us contextual recommendations which relate to the soon-to-be formed joint standing committee on human rights, which is not yet in place, talking about compatibility of the new bills with the human rights obligations of Australia.

**Mr Dillon:** The simple answer is that these bills were introduced before that legislation came into effect.

**CHAIR:** Absolutely, but I would like to have some idea of the human rights aspect. You did touch on it with the Racial Discrimination Act. I think that is a core aspect. I read your submission. I would just like to have a little bit more reinforcement for my mind about the legal position, which we did get in the previous legislation—exactly what happened. That would be useful.

**Answer:**

All measures in the Stronger Futures legislative package were developed after careful consideration of Australia's domestic and international human rights obligations.

The measures have been designed to be consistent with the *Racial Discrimination Act 1975 (RDA)* and the legislation does not in any way limit the rights that any person has under domestic or international law to challenge or make a complaint about the legislation or any action under it.

The legislation includes some measures which are special measures within the meaning of the RDA. The Explanatory Memoranda to the Stronger Futures in the Northern Territory Bill 2011 and the Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011 provide an explanation of the special measures. Extracts are attached to assist the Committee.

There are no special measures in the Social Security Legislation Amendment Bill 2011. The measures in the Social Security Legislation Amendment Bill 2011 are designed to be non-discriminatory.

The Stronger Futures in the Northern Territory Bills and the Social Security Legislation Amendment Bill were introduced into the Parliament before the *Human Rights (Parliamentary Scrutiny) Act 2011* came into effect on 4 January 2012. This means that a Statement of Compatibility was not required in the Explanatory Memoranda to the Bills.



However, the Government gave very careful consideration to Australia's obligations under both domestic and international law in developing the Stronger Futures measures. Statements of Compatibility will be included with any disallowable instruments made under the legislation, when passed.

-----

## **Extracts from the Stronger Futures in the Northern Territory Bill 2011 Revised Explanatory Memorandum**

### **(At page 1: Outline):**

The Bill comprises three measures aimed at building stronger futures for Aboriginal people in the Northern Territory. These are the tackling alcohol abuse measure, the land reform measure and the food security measure.

The Government considers that these are special measures within the meaning of section 8(1) of the *Racial Discrimination Act 1975* (Racial Discrimination Act). The Bill is being enacted to address specific Aboriginal disadvantage and help Aboriginal people to enjoy their human rights equally with others in the Australian community. The object clauses relating to each of these measures reflect that intention. The Bill is intended to operate, and to be construed, consistently with the Racial Discrimination Act.

The measures in the Bill have been developed taking into account the views of the Aboriginal people expressed during the extensive consultation process following the release of the Stronger Futures in the Northern Territory Discussion Paper in June 2011. The results of these consultations were published in the Stronger Futures in the Northern Territory Report on Consultations in October 2011.

All measures in the Bill will be the subject of an independent review of the first seven years of operation. The review must include an assessment of the effectiveness of the special measures. The report of that review must be completed eight years after the measures commence and must be tabled in Parliament. All measures will sunset after 10 years of operation.

### **Tackling Alcohol Abuse**

#### **(At page 1):**

The object of the tackling alcohol abuse measure is to enable special measures to be taken to reduce alcohol-related harm to Aboriginal people in the Northern Territory. The continued harm caused by alcohol abuse was a consistent theme that arose from the 2011 Stronger Futures in the Northern Territory consultations, especially the harm to communities, families and children. The consultation feedback noted that the harm caused by alcohol included accidents, deaths and health problems in communities.

#### **(At page 3: Part 2: Tackling Alcohol Abuse):**

The Government considers that the tackling alcohol abuse measure is a special measure under the Racial Discrimination Act. The stated object of the measure is to enable special measures to be taken to reduce alcohol-related harm to Aboriginal people in the Northern Territory. The Government considers that this measure will assist in addressing the social, economic and health issues that affect Aboriginal people in relation to alcohol-related harm.

## **Land reform**

### **(At page 20: Part 3: Land reform):**

The Government considers the land reform measure to be a special measure for the purposes of the Racial Discrimination Act. The measure affords Aboriginal people opportunities for home ownership and economic development; conferring improved property rights and allowing similar opportunities that other Australians already experience.

## **Food security**

### **(At page 1: Outline):**

The object of this measure is to enable special measures to be taken for the purpose of promoting food security for Aboriginal communities in the Northern Territory. In particular, this measure is intended to enhance the contribution currently made by the community stores licensing system to continue to improve access to fresh, healthy food.

### **(At page 29: Part 4: Food Security):**

The Government considers that the food security measure is a special measure for the purposes of the Racial Discrimination Act. The Government is of the view that this measure improves the health and wellbeing of Aboriginal people in the Northern Territory. It advances the enjoyment by Aboriginal people of human rights, such as the right to an adequate standard of living, including adequate food, and the right to the highest attainable standard of physical and mental health. The licensing of community stores helps to achieve this outcome, resulting in an improved supply of food, drink and grocery items for Aboriginal people living outside of major centres.

## **Extract from the Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011 Explanatory Memorandum**

## **Prohibited material**

### **(At page 12):**

The Government considers this measure to be a special measure within the meaning of subsection 8(1) of the *Racial Discrimination Act 1975* (Racial Discrimination Act). The amendments are being enacted to address specific Aboriginal disadvantage and help Aboriginal people to enjoy their human rights equally with others in the Australian community. The object of Part 10 of the Classification Act, provided at

section 98A, reflects this intention. The Bill is intended to operate, and to be construed, consistently with the Racial Discrimination Act.

## LICENSING, REGULATION AND ALCOHOL STRATEGY

### General Restricted Areas Information

#### Background

Since 1979, many Northern Territory Aboriginal communities have been using the restricted areas (now called General Restricted Areas) provisions of the *Liquor Act* to support liquor management in their communities. Under Part VIII of the *Liquor Act*, a community may apply to the Licensing Commission to have a restricted or 'dry' area declared. It is illegal to possess (apart from transporting liquor through an area) or consume liquor in a General Restricted Area unless a liquor permit has been issued.

Penalties for breaking the restricted area law include the forfeiture and possible loss of any vehicles, i.e. cars or boats, used to transport liquor into or inside a General Restricted Area. Persons found guilty may also be fined up to \$1,000 or gaoled for up to six months for a first offence and fined up to \$2,000 or gaoled for up to twelve months for a second and subsequent offences.

Currently there are over 100 General Restricted Areas in place, all of which are on Aboriginal land.

#### Types of General Restricted Areas

General Restricted Areas may take a number of forms including:

- A total absence of liquor where no permits are available (most General Restricted Areas are like this).
- Liquor may be brought into a General Restricted Area under the conditions stated on a permit, eg for consumption at permit holders' homes, where there is no licensed liquor outlet within the restricted area (Ali Curung, Lajamanu, Maningrida, Ngukurr, Wadeye, Yirrkala and Yuendumu).
- Liquor is available from a local community outlet within the General Restricted Area for consumption at a defined drinking area (Beswick) or away from the point of sale (Barunga). Consumption is not allowed at the point of sale and there is no licensed club.

### LICENSING, REGULATION AND ALCOHOL STRATEGY

#### Darwin

Level 1, Enterprise House  
28-30 Knuckey Street, Darwin  
GPO Box 1154, Darwin, NT 0801  
Ph: 08 8999 1800  
Fax: 08 8999 1888

#### Katherine

18 Katherine Terrace, Katherine  
GPO Box 2138, Katherine NT 0850  
Ph: 08 8972 8906  
Fax: 08 8972 8910

#### Alice Springs

1<sup>st</sup> Floor Belvedere Hse  
Cnr Parsons & Bath Sts  
GPO Box 8470, Alice Springs NT 0871  
Ph: 08 8951 5195  
Fax: 08 8951 8591

- Liquor is available at a licensed club within the General Restricted Area for consumption within the boundary of the club's licensed premises, with no takeaway sales allowed (Gunbalanya, Kalkaringi).
- Liquor is available from a licensed premises within the restricted area for consumption at that licensed premises. Takeaway liquor is also available if the purchaser has a permit. Permits may specify where takeaway liquor may be consumed, eg at the residences of permit holders or other identified locations, and the type of liquor that may be purchased, eg beer and/or wine, no spirits (Daly River, Milikapiti, Nguiu, Peppimenarti, Pirlangimpi, Wurankuwu).

### **Permit Assessment Committees**

Applications for a liquor permit within a General Restricted Area should be sent to the local community council within the restricted area for comment. The council will forward the permit request with a recommendation to the Director of Licensing in Darwin or the Deputy Director of Licensing in Alice Springs.

Where a community has decided to allow liquor access within a General Restricted Area, community councils are encouraged to establish a Permit Assessment Committee. These committees are recognised by the Licensing Commission as an appropriate body to receive and comment on permit applications on behalf of a community or area, before being forwarded to Licensing, Regulation and Alcohol Strategy in Darwin or Alice Springs.

The composition of Permit Assessment Committees may vary from community to community.

Permit Assessment Committees may be composed of representatives from the:

- community council;
- homelands resource centre;
- traditional landowners or clan leaders;
- police;
- health clinic;
- school;
- women's centre;
- licensed club committee or liquor licensee; or
- other community organisation/s.

The purpose of Permit Assessment Committees includes the following.

- Provide information to the community about the General Restricted Area and the requirements of liquor permits that apply within the restricted area.
- Make liquor permit application forms available.
- Receive applications for liquor permits.
- Consult with relevant community groups about whether or not the permit application should be supported.

- Make recommendations to the Licensing Commission about the persons who should and who should not receive a liquor permit.
- Forward all liquor permit applications, (both those supported and those not supported), to Licensing, Regulation and Alcohol Strategy. Where a permit application is supported, make recommendations about any specific conditions that should be attached to a permit, eg light beer only. Where a permit application is not supported, state the reasons why the application is not supported. The reasons for not supporting an application must be based on the criteria as advised by the Licensing Commission. The criteria is included at the end of this Information Paper.
- Make recommendations to Licensing, Regulation and Alcohol Strategy if a permit holder has behaved in an inappropriate manner such that the permit should be revoked or revoked and re-issued with conditions, eg the permit holder only allowed access to light beer or a reduced amount of liquor. Reasons for recommending that a permit be revoked or revoked and re-issued with conditions must also be stated by the Permit Assessment Committee when making a recommendation to Licensing, Regulation and Alcohol Strategy. Again, the criteria as advised by the Licensing Commission should be used.
- Advise Licensing, Regulation and Alcohol Strategy about issues affecting the General Restricted Area and/or the operation of the liquor permit system.

The Licensing Commission takes careful note of the recommendations from Permit Assessment Committees. In instances where a Permit Assessment Committee is unable to agree and make a recommendation to the Licensing Commission, individual members of a Permit Assessment Committee, including Police, may make their own recommendation to the Commission. In these instances the Director of Licensing or the Licensing Commission is unlikely to act on a recommendation that was not supported by Police.

In cases where immediate action is required due to unacceptable behaviour, eg an outbreak of community violence caused by liquor and the Permit Assessment Committee is unable to meet in a short period of time, the Licensing Commission may take action. This may be to revoke individual permits or all permits within the General Restricted Area either on a recommendation from Police or on its own volition.

Where a liquor permit is revoked or revoked and re-issued with conditions by Licensing Commission, the permit holder may appeal in writing to the Licensing Commission. The appeal to the Commission may involve the permit holder appearing before the Commission to present their case.

Note: When a Permit Assessment Committee considers whether or not to recommend to the Licensing Commission that a liquor permit be granted, revoked or revoked and re-issued with conditions, the Committee must make its recommendation based on the criteria approved by the Licensing Commission, that a person has:

- a) caused substantial annoyance or disrupted community order and peace, assaulted a person or was involved in an alcohol related domestic or family violence or traffic or vehicular incident;
- b) brought liquor into, or possessed liquor in, a restricted area;
- c) brought a dangerous drug (defined in the *Misuse of Drugs Act*) into, or possessed a dangerous drug in, a restricted area;
- d) supplied liquor to another person who lives in the General Restricted Area but who was not a liquor permit holder;
- e) supplied a dangerous drug to another person;
- f) is banned from a licensed premises;
- g) the permit holder has breached any of the other conditions of their permit.

If a Permit Assessment Committee believes that the grant of a liquor permit will not meet the above criteria, granting of a permit should not be recommended. If a person who has a liquor permit acts in a way that is in conflict with the criteria a) to g) above, a Permit Assessment Committee may recommend to the Licensing Commission that the permit be revoked.

NB: The above conditions are not specific to every area. Some general restricted areas with permit systems may have additional conditions that apply to their specific area.

#### TERRITORY BUSINESS CENTRES

TOLL FREE LINE: 1800 193 111 (Australia Wide)

<b>Darwin</b>	<b>Katherine</b>	<b>Tennant Creek</b>	<b>Alice Springs</b>	<b>Postal Address</b>
Development Hse 76 The Esplanade Darwin NT 0800 Phone: (08) 8982 1700	1 Randazzo Bldg 18 Katherine Tce Katherine NT 0850 Phone: (08) 8972 8906	Shop 2, Barkly Hse Cnr Paterson & Davidson Sts Tennant Creek NT 0860 Phone: (08) 8962 4411	Peter Sitzler Bldg 67 Nth Stuart Hwy Alice Springs NT 0870 Phone: (08) 8951 8524	GPO Box 9800 Darwin NT 0801 <a href="mailto:territory.businesscentre@nt.gov.au">territory.businesscentre@nt.gov.au</a>

General Disclaimer: The material contained in this publication is intended for use as a guide and for general information only. It is not intended to be a substitute for independent professional advice. The Northern Territory Department of Justice accepts no responsibility or liability for the correctness, accuracy and completeness of any of the material contained in this publication and recommends that users of this publication exercise their own skill, care and judgment in the application of the information contained in the publication.

## LICENSING, REGULATION AND ALCOHOL STRATEGY

### How to Apply for a General Restricted Area

#### What is a General Restricted Area?

Under Part VIII of the NT *Liquor Act*, the Licensing Commission may declare a General Restricted Area. A General Restricted Area is an area of land, including buildings on the land, that has been defined and declared as a restricted area where possession of all or specified types of liquor is illegal.

#### Who may apply for a General Restricted Area?

Any person or group may write a letter to the Director of Licensing seeking that the Licensing Commission declare a General Restricted Area.

#### What does a General Restricted Area application need to contain?

Applications must:

- be in writing;
- be clearly signed by the applicant/s;
- include a clear description of the area of land requested to be the General Restricted Area with GPS coordinates where practicable;
- contain reasons why the General Restricted Area is sought; and
- state if the area will be completely dry, allow certain types of liquor and whether a liquor permit system is requested.

Applications should be sent to the Director of Licensing, GPO Box 1154, Darwin, NT, 0801.

#### What will the Licensing Commission do?

The Licensing Commission will:

- decide that the application is serious - and will then conduct a hearing to consider the application;
- decide whether the application is frivolous - and if so dismiss the application;

### LICENSING, REGULATION AND ALCOHOL STRATEGY

#### Darwin

Level 1, Enterprise House  
28-30 Knuckey Street, Darwin  
GPO Box 1154, Darwin, NT 0801  
Ph: 08 8999 1800  
Fax: 08 8999 1888

#### Katherine

18 Katherine Terrace, Katherine  
GPO Box 2138, Katherine NT 0850  
Ph: 08 8972 8906  
Fax: 08 8972 8910

#### Alice Springs

1<sup>st</sup> Floor Belvedere Hse  
Cnr Parsons & Bath Sts  
GPO Box 8470, Alice Springs NT 0871  
Ph: 08 8951 5195  
Fax: 08 8951 8591



- advise the people who live in the area sought to be declared as a General Restricted Area of the date, time and place of the hearing;
- advise other people who may wish to express an opinion to the hearing of the date, time and place of the hearing;
- conduct the hearing within the area being sought at a place convenient to persons who may wish to express an opinion about the General Restricted Area application;
- after the hearing, declare the General Restricted Area sought or an area smaller or larger than that sought; or
- advise the applicant of the reasons why the area sought has been refused;
- if the General Restricted Area is declared, publish details of this in newspapers, eg *Arafura Times* and the *NT News* and the *Government Gazette*;
- ensure that signs are erected at the main entry points to the General Restricted Area stating the penalties for disobeying the restricted area's conditions; and
- if requested through the hearing process, the Licensing Commission may also allow for liquor permits so that permit holders may possess and consume specified types and amounts of liquor within the General Restricted Area.

### **What will Licensing, Regulation and Alcohol Strategy (which contains the office of the Director of Licensing) do?**

Licensing, Regulation and Alcohol Strategy will:

- notify the liquor licensees in or near the area sought as a General Restricted Area of the restricted area application and details of the hearing;
- notify the town clerk of the community government council of the General Restricted Area application and details of the hearing; and
- seek the opinions of residents, community government councils and others regarding the application.

### **Who may write to or speak at the hearing?**

- Any person or a person representing a group may write to or speak at the hearing.
- People making a written submission to the Commission should do so at least seven days before the hearing.
- People who wish to speak at the hearing are also asked to advise the Licensing Commission of their intention.

### **What happens if people bring liquor into a General Restricted Area?**

When people are caught with or bringing liquor into a General Restricted Area:

- Police and Licensing Inspectors will stop and conduct searches of motor vehicles, boats, planes and houses;

- Police and Licensing Inspectors will take the liquor and charge the person who has the liquor;
- Police and Licensing Inspectors may also take the motor vehicle, boat or plane used to transport the liquor (the seized vehicle provision) into the General Restricted Area.

Note: The *Liquor Act* contains laws about seized vehicles. If a vehicle is to be returned, this will happen after an investigation has been undertaken and a decision made by the Minister. Due to the required process, this may take a long period of time.

If a person with a liquor permit has more or a different type of liquor than that allowed by their permit or is found to be giving liquor to person that liquor should not be given to, Police will report this to the Director of Licensing and the liquor permit will be revoked.

### **What penalties apply for breaking the General Restricted Area restricted area laws?**

If found guilty, a person may:

- be fined up to \$1,000 or sent to gaol for up to six months for a first offence;
- be fined up to \$2,000 or sent to gaol for up to twelve months for a second or additional offences; and
- not have their motor vehicle, boat or plane returned.

#### **TERRITORY BUSINESS CENTRES**

TOLL FREE LINE: 1800 193 111 (Australia Wide)

<b>Darwin</b>	<b>Katherine</b>	<b>Tennant Creek</b>	<b>Alice Springs</b>	<b>Postal Address</b>
Development Hse 76 The Esplanade Darwin NT 0800 Phone: (08) 8982 1700	1 Randazzo Bldg 18 Katherine Tce Katherine NT 0850 Phone: (08) 8972 8906	Shop 2, Barkly Hse Cnr Paterson & Davidson Sts Tennant Creek NT 0860 Phone: (08) 8962 4411	Peter Sitzler Bldg 67 Nth Stuart Hwy Alice Springs NT 0870 Phone: (08) 8951 8524	GPO Box 9800 Darwin NT 0801 <a href="mailto:territory.businesscentre@nt.gov.au">territory.businesscentre@nt.gov.au</a>

General Disclaimer: The material contained in this publication is intended for use as a guide and for general information only. It is not intended to be a substitute for independent professional advice. The Northern Territory Department of Justice accepts no responsibility or liability for the correctness, accuracy and completeness of any of the material contained in this publication and recommends that users of this publication exercise their own skill, care and judgment in the application of the information contained in the publication.

## RESTRICTED AREAS

Name of Area	Alternate Name	Declaration	Effective	Last Amended
ALCOOTA	Engawala	23/07/1979	17/12/1979	
ALI CURUNG	Warrabri	23/11/1979	17/12/1979	
ALPURRURULAM	Lake Nash, Wart Alparayetye	30/05/1990	20/06/1990	
AMANBIDJI	Kildurk, Mailuni	03/10/1990	10/10/1990	
AMMAROO	Atnwengerrpe	21/07/1993	21/07/1993	
ANGULA	Mulga Bore	20/09/1989	20/09/1989	
ANIMBURRA	Aileron	15/08/1990	15/08/1990	
ANNINGIE	Yanginj	12/09/1980	01/10/1980	
ANYUNGYUMBA	Pine Hill	09/09/1992	09/09/1992	
APIWENTYE		21/04/1993	21/04/1993	
AREYONGA	Utiju	12/09/1980	01/10/1980	
ATITJERE	Harts Range, Mt Riddock	20/09/1989	04/10/1989	
BARUNGA	Bamyili	21/08/1981	15/04/1981	
BATHURST ISLAND	Nguiu, Tiwi Islands	30/10/1981	30/10/1981	07/05/1997
BESWICK	Wugularr	03/06/1983	01/06/1983	
BINJARI	Wylunba, Katherine	19/06/1991	19/06/1991	
BUJANA	Bujan	21/10/1992	26/08/1992	
BULLA	Gudabijin, Auvergne Station	18/11/1983	11/11/1983	
CANTEEN CREEK	Orwairilla	02/05/1990	16/05/1990	
CROKER ISLAND	Minjilang, Darch Islands	16/10/1980	01/11/1980	16/04/1986
DAGARAGU	Wattie Ck, Wave Hill, Kalkaringi	12/10/1979	15/10/1979	10/10/1980
DALY RIVER	Naiyu, Naiyu Nambiyu	06/07/1979	06/07/1979	08/04/1998
DOCKER RIVER	Kaltukutjara	21/08/1981	24/08/1981	
ELCHO ISLAND	Galiwinku	09/01/1981	01/01/1981	
ELSEY	Jilkmingan	25/09/1981	11/02/1980	
EVA VALLEY	Manyallaluk	09/12/1992	16/12/1992	
FINKE	Aputula	25/07/1990	25/07/1990	
FIVE MILE CAMP	Buddawarka	09/09/1983	12/09/1983	
GALARU	East Woody	11/10/1995	11/10/1995	
GAPUWIYAK	Lake Evella	14/11/1980	01/12/1980	
GOULBURN ISLAND	Warruwi	12/12/1980	14/12/1980	
GROOTE EYLANDT	Angurugu, Umbakumba, Bartalumba Bay	20/06/1980	01/07/1980	27/10/1993
HERMANNSBURG	Ntaria, West Waterhole, Ijiltera, Gilbert Springs	19/11/1982	19/11/1982	
HODGSON DOWNS	Minyerri	11/09/1996	11/09/1996	
HODGSON RIVER STATION		01/08/1980	01/09/1980	
IKUNTJI	Haasts Bluff	19/08/1992	19/08/1992	
IMANPA	Mt Ebenezer	07/11/1990	21/11/1990	16/09/1992
JABIRU	Manabadurma	01/09/1993	01/09/1993	
KALANO FARM	Mialibrumby	21/08/1981	17/08/1981	
KARLANTIJPA	Kalumpurlpa, Bluebush	25/10/1995	01/11/1995	
KUNUYUNGKU	Kunyingu, Tennant Creek	12/12/1990	26/12/1990	

<b>Name of Area</b>	<b>Alternate Name</b>	<b>Declaration</b>	<b>Effective</b>	<b>Last Amended</b>
KYBROOK FARM		05/07/1989	05/07/1989	
LAJAMANU	Hooker Creek	24/08/1979	01/10/1979	
MAMUKALA	Jabiru	25/03/1992	25/03/1992	21/10/1992
MANINGRIDA		07/11/2001	07/11/2001	
MARALINJA	Marlinja, Newcastle Waters	01/07/1992	01/07/1992	
MARYVALE	Titjikala	02/11/1979	01/12/1979	
MATARANKA TRANSIENT CAMP	Mulgan, Town Camp	21/08/1996	21/08/1996	
MBUNGHARA	Umpangara Pularumpi 1/1/81, Milikapiti 13/2/84	12/07/2004	20/09/2004	
MELVILLE ISLAND		20/07/1979	01/08/1979	
MILINGIMBI		15/01/1992	29/01/1992	
MISTAKE CREEK	Moondabijerra	23/02/1994	23/02/1994	
MPWERINGE-ARNAPIPE	Yambah, Burt Creek	12/03/1986	12/03/1986	
MT ALLAN STATION	Yuelamu	25/03/1992	25/03/1992	
MUDGINBERRI	Jabiru	26/06/1996	28/06/1996	
MUNGKARTA (Junkaji)	Greenwood, Junkaji	26/11/1997	01/12/1997	
MUNGKARTA (McLaren Creek)	McLaren Creek			
MUNGKARTA (Warumungu)	Warumungu, Nguraminyi, & ors	26/06/1996	28/06/1996	
MURRAY DOWNS	Imangara	11/12/1985	18/12/1985	
MUTITJULU	Ayers Rock	27/04/1988	11/05/1988	
MYATT	Five Mile, Timber Creek	02/11/1994	01/11/1994	
NAPPERBY	Laramba, Alherampe	19/09/1980	01/10/1980	
NGALPA NGALPA	Mulga Camp, Tennant Ck	22/11/1989	06/12/1989	
NGUKURR	Roper River	19/12/1980	19/12/1980	21/01/1998
NEUTRAL JUNCTION	Tara	17/07/1985	17/07/1985	
NUMBULWAR	Rose River	12/10/1979	01/11/1979	
NYINKKANYUNU	Village Sorry Camps	22/11/1989	06/12/1989	
NYRRIPI	Waite Creek, Yunkanjina	21/09/1994	21/09/1994	
OENPELLI	Gunbalanya	06/11/1985	06/11/1985	
OLD TOP SPRINGS	Top Springs, Montejinni, Inganawi	28/08/1981	07/09/1981	
PAPUNYA		12/12/1980	14/12/1980	
PORT KEATS	Wadeye	13/07/1979	23/07/1979	12/03/1992
RAMINGINING		27/06/1984	27/06/1984	
ROBINSON RIVER	Mungoobada	14/01/1998	01/02/1998	
ROCKHOLE COMMUNITY	Katherine	16/04/1986	01/07/1982	
ROPER VALLEY STATION	Bringung	25/09/1981	11/02/1980	
SANTA TERESA	Ltyentye Apurte	19/06/1981	01/08/1981	
STIRLING	Wilora, Stirling Station	09/11/1979	17/12/1979	
TANAMI DOWNS	Mungurrupa	15/01/1992	29/01/1992	
TINGKKARLI TOWN CAMP	Tennant Creek	14/10/1992	14/10/1992	
TI TREE STATION	Nturiya	23/11/1979	17/12/1979	
UKAKA	Tempe Downs	24/02/1988	25/03/1988	
URAPUNGA HOMESTEAD		25/09/1981	11/02/1980	
URAPUNGA STATION		16/01/1991	16/01/1991	

<b>Name of Area</b>	<b>Alternate Name</b>	<b>Declaration</b>	<b>Effective</b>	<b>Last Amended</b>
URLAMPE	Tobermorey	24/02/1988	25/03/1988	
UTOPIA	Urapuntja	25/09/1981	01/10/1981	
WARTIJILPUNGARA	Tennant Ck East, Kargaru	22/04/1992	23/04/1992	
WERRENBUN	Barnjaru	30/06/1999	30/06/1999	
WILGIE BEACH	Wilgi	11/11/1987	11/11/1987	
WILLOWRA	Wirlyatjarrayi	23/11/1979	17/12/1979	
WUNARA	Arrawarra	13/11/1991	27/11/1991	
WUPPA TOWN CAMP	Tennant Creek	14/10/1992	14/10/1992	
WUTUNGURRGURA	Epenarra, Wutungurra	26/11/1997	01/12/1997	
YARRALIN	VRD Station	14/08/1981	24/08/1981	
YIRRKALA	Gove Peninsula, Nhulunbuy	13/06/1980	01/07/1980	
YUENDUMU		19/12/1980	14/12/1980	