

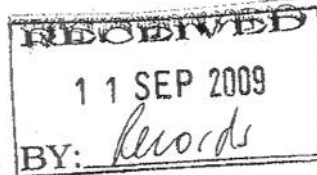
Tabled document
Central Land Council
17/2/10 Alice Springs
Community Affairs.



Australian Government

Department of Families, Housing,
Community Services and Indigenous Affairs

THE SECRETARY



Mr David Ross
Director
Central Land Council
PO Box 3321
ALICE SPRINGS NT 0871

Dear Mr Ross

David,

Thank you for your letter of 28 July 2009 about the Central Land Council's (CLC) attendance at Tier 4 consultations in Darwin on 6 and 7 August 2009 on the future direction of the Northern Territory Emergency Response (NTER).

Your letter raises concerns about the purpose of the consultations and questions the Commonwealth's sincerity. At the outset, I wish to reject the imputation in your letter that the consultations are being conducted improperly or in bad faith.

As the Minister has pointed out to the North Australian Aboriginal Justice Agency Ltd (NAAJA), the consultations are not paying lip service to any formal or cosmetic requirements. They are intended, in good faith, to provide Indigenous people affected by the NTER measures with a genuine opportunity to have their say, including about the future, and to be listened to.

I consider the purpose of the consultations has been made clear, including through the Future Directions discussion paper. Consulting Indigenous people was one of the overarching recommendations of the independent NTER Review Board and will play an important role in relation to resetting the relationship with Indigenous people.

The Government will introduce legislation in the Spring 2009 sittings so that the RDA applies to the NTER. The redesigned measures in the legislation can conform with the RDA in one of two ways. First, through the Government making laws that are non-discriminatory or, secondly, through making laws that are 'special measures'. The Government has stated its belief that the NTER measures are beneficial and that it is appropriate and desirable to hear the views of people in the affected communities on the measures and how they can be improved.

I understand that the CLC has now attended the Tier 4 consultations in Darwin on 6 and 7 August 2009 and has also made a written submission. I welcome the CLC's participation in the consultations and thank you for your contribution to this most

PO Box 7576 Canberra Business Centre ACT 2610

Email Jeff.Harmer@fahcsia.gov.au • Facsimile 02 6244 7983 • Telephone 1300 653 227

National Relay Service: TTY - 133 677, Speak and listen - 1300 555 727, Internet relay - www.relayservice.com.au
www.fahcsia.gov.au

important engagement. I can assure you that the views of the CLC will be taken into account in the same way as the views of the many other persons, groups and organisations that have participated in the extensive consultations that have occurred since the release of the Future Directions discussion paper in May this year.

Your letter seeks assurances and describes a number of disclaimers and conditions on the CLC's participation in the Tier 4 consultations. I welcome that the CLC participated in the Tier 4 consultations in good faith and for the purpose of providing information and advice. I understand that in its written submission the CLC has stated in relation to each NTER measure when it approves of a matter or proposed approach and when it does not. However, because of the purpose of the consultations, I am unable to provide you with the assurance you seek in relation to the use of CLC material or the provision of material to the CLC or to the public over the internet about the Tier 4 consultations.

Of course, the CLC will be provided with the same sort of material as other participants who have participated in the Tier 4 consultations.

I am strongly of the view that the extensive engagement with Indigenous people provides a genuine opportunity for them to have their say, including about the future of the NTER, and to be listened to. As the Minister made clear in the forward to the Future Directions discussion paper, the Government is prepared to really listen to the views of those affected by the NTER measures.

Again, thank you for writing.

Yours sincerely



Dr Jeff Harmer

4 September 2009