

Will they be heard?



~ a response to the NTER Consultations June to August 2009

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Cover: Meg Rice

One of the alcohol and pornography restriction signs that have been placed at the entrance to all of the 73 prescribed communities. This sign is at the entrance to Utopia.

I. Introduction

1. This Report has its genesis in the great work done by the group known as 'concerned Australians' in conjunction with the relevant Aboriginal Communities in the Northern Territory and in the tireless enthusiasm of Michele Harris, who is one of the co-authors of this Report. We are particularly fortunate to have the involvement of the other co-authors Larissa Behrendt and Nicole Watson, both of whom are Aboriginal and Alison Vivian, who bring their own particular knowledge and appreciation of the problems discussed.
2. For my part I have been an opponent of the Intervention since its inception and I am therefore pleased and proud to be associated with this Report. In a speech that I gave at Parliament House, Sydney four days after the 2007 Federal Election, I said:

The breadth of the legislation is frightening and it significantly overrides the rights of many Indigenous people in ways that would not be tolerated by the ordinary Australian community. It is discriminatory and racist and bundles all Indigenous people together as potential pornographers, child molesters and persons habitually addicted to the excessive consumption of alcohol.

3. In that speech I commented:

By treating the Indigenous people in this way, the then Government demonstrated a clear lack of respect for them and as such, their co-operation could hardly be expected. The situation was exacerbated by the then Government's inability or failure to give any or any sufficient explanation as to why all of these measures were necessary to protect the children.

It is to be hoped that the Rudd Labor Government will approach the implementation of this legislation in a much more sensitive manner and with real consultation with the Indigenous people. Unfortunately, its past support for the legislation may operate to restrict amendment or repeal of some of its more offensive aspects. However, it is open to it to take a much more inclusive approach to the Indigenous community and to hold proper consultations with it.

4. Unfortunately, the Rudd Government has found itself unable to make really necessary departures from the intervention. Its approach has been more sensitive but the spirit of the original Intervention still prevails. Worse still, it has not held proper consultations with the Aboriginal community as this Report amply demonstrates. To quote one Utopia Elder:

We feel here that the intervention offers us absolutely nothing, excepting to compound the feeling of being second class citizens. The only thing that we have gained out of the intervention is the police.

5. An interesting view was that of the late former Senator, Sid Spindler, who in a letter written in July 2007 to Mr Rudd, the then Opposition leader, commended the former PM, for having done something, albeit for the wrong reasons. He commented:

We should use the social capital, created by the community's general acceptance of the need for urgent action, to build a comprehensive action plan, in concert with Indigenous communities, for a sustainable future for Indigenous children no less positive than we expect for our own children. The Australian community is ready for it, let's take the opportunity before it crumbles.

6. He said:

We should distinguish between Howard's decision to make the issue a matter of urgent priority (for whatever nefarious reasons), which should be applauded, and the destructive aspects of his plan, which must be changed.

Sadly Mr Rudd and his government did not heed the sage advice of the late Senator as this report demonstrates.

7. After two years the Government has finally arrived at a really important amendment to the intervention legislation, namely the restoration of the relevant provisions of the *Racial Discrimination Act 1975* (Cth) so far as the designated areas of the Northern Territory are concerned. Normally, that would have been enough to dispose of most of the more offensive aspects of the intervention. However, as this Report reveals, the Government has embarked upon what it calls a process of consultation with the Aboriginal people in an attempt to gain support from the Aboriginal people for the preservation of particular features of the intervention that the Government thinks are good for them and to therefore designate them as 'special measures' that can be continued despite the reintroduction of the Act. As this Report shows, this is not consultation at all.
8. The initial measures were taken without consultation or discussion with the Aboriginal people and as the Report points out, are fundamentally flawed. The only real solution is to go back to the beginning and negotiate a fresh approach in partnership with the Aboriginal people.
9. Instead the Government is not offering any choice. It is simply telling the people what it proposes to do. The consultation is nothing more than going through the motions in order to achieve a predetermined end.
10. At Bagot, the Government spokesperson said:

The purpose today of coming out and speaking to people is to talk about the government's proposed changes to the Northern Territory Emergency Response, the intervention as people know it, and the government's plan, part of those changes is to bring back the Racial Discrimination Act back into the legislation. The government has said that it wants to keep the intervention as it sees that the measures that were brought in, this is what the government is saying, the measures that were brought in have some positive benefits and the government wants to keep on trying to build on some of those positive benefits. They want to talk with people about it and to try and work with people to try and get some of these things right.

11. The critical words are "The government has said that it wants to keep the intervention". Where then is the consultation? The approach smacks of attitudes of racial superiority more appropriate to the 19th Century than this one. In this regard Dr Aron Paul of Latrobe University writing in Crikey on 11 November 2009 commented:

Today marks the 140th anniversary of the first Aboriginal Protection Act in Victoria on 11/11/1869. As such, it marks 140 years of institutionalised racial discrimination in the name of humanitarian principles.

12. What is now proposed is not all that different. Nowhere is this better exemplified than in the stark choice being offered on income management. This was put by the Government representative at Utopia as follows:

So, the government's thinking, at the moment, at the moment, is that we should keep going. In its discussion paper, in a paper that it's put out to all the communities, it says, two ways. One way is not to make any change. Keep it as it is, try and find a way to fix up the problems with basics cards. The other way is that individuals, a person, could go to Centrelink, or someone else, they could go to Centrelink and say, 'I don't need income management' and they can – ultimately - the Centrelink can say, 'Yes, you don't need income management.' It's what they call, 'being exempted.'... from income management.

13. This approach bears a startling similarity to earlier provisions where particular Aboriginal people were able to obtain permits from white officials to carry out some act e.g. purchasing and drinking alcohol. Here these people are being given the option of obtaining a permit to manage their own money and property. To put the question to them in this form is not to consult them but to confront them with two measures, both of which constitute an affront to their dignity as individuals. As so many of them eloquently pointed out during the consultation process, nothing could be more discriminatory.
14. Denis Kunoth, a Utopia elder made this entirely appropriate response:

This green card here, when you're saying, people, if they want to go to Centrelink and say they're doing all right with their own money, what requirements would Centrelink want to do that? Because not everybody would, most of the people here, nobody got a job here, nobody can make any difference, really. They wouldn't be able to go there and say I manage my own thing. What money they got to manage what? They only getting rubbish money, when they got that green card, they can't get any change back or anything.

What a load of crap! Too many government organisations, government included, the Federal government, the Northern Territory government, all these Aboriginal organisations reckon they're helping Aboriginal people. They're making a big mess.

15. The following response at Bagot is also interesting:

The income management, it's very extreme, everything about the intervention is just full on extreme. You look at the sign out there for alcohol restrictions, pornography, ten thousand dollars for each offence, and how can you fine people on such extreme fines like that and, and the whole place is welfare based. The only reason that we can have income management is because Bagot and the other communities are welfare based. But to then have such extreme actions like income management, where, like I said it's not rocket science, all you need is to have, is to instigate a programme that within communities for all, that can help people budget their money.

The rest of the Australian community would not tolerate such restrictions and neither should the Aboriginal community be expected to do so.

16. I turn to the issue of restrictions on alcohol and pornography. An obvious issue is the signs placed by Government at the entrance to each relevant Aboriginal community indicating \$10,000 fines for breach of the law. As the people rightly say, this effectively brands all of them as potential or active alcoholics and pornographers. One can imagine the outcry if similar signs were to be erected on the borders of Toorak or Bellevue Hill.
17. There is no doubt that alcohol abuse is a significant problem at some Aboriginal communities and that something should be done about it. The same can be said of the community generally. However the blanket ban approach of the intervention is obviously counterproductive and discriminatory.
18. For example the Bagot Community is very close to Darwin and this blanket approach is obviously inappropriate to it. As one participant pointed out there:

Stop alcohol...in every community, you know in remote communities yeah, sure enough you know, but when they take the stance of the Intervention being in such a general way that it affects all of us, you know ... in the same way you know when ...alcohol, it's more freely available here than it is out in the middle of the desert you know, and why do they have even better programs for the people against the alcohol here in this community? I mean, the government hasn't instigated any programs for alcohol you know, against alcohol and other drugs in this community and surely that kind of funding would make more sense, and that would be, it'd be more long standing than the Intervention would be—

19. What should be done requires a multi-faceted approach which can only succeed if it not only has the support of people in the communities but is driven by them. Communities should clearly have the right to ban alcohol if that is their view and such bans should be enforced by law. Prior to the intervention some communities, like Utopia had done something about it and banned it from their communities. The Government's approach to the issue is simplistic. Again it is not really consulting the communities but telling them what it intends to do.
20. Alcohol abuse cannot be looked at individually but rather as a wider problem of health, education and lifestyle. Measures to control it should be directed as much at the producers and advertisers and vendors of it as at the consumers. There is no excuse for singling out Aboriginal people as has been done and will continue to be done if the Government has its way.
21. Alcohol abuse in the wider community is rife to the point where it is one of the major problems confronting Australian society and abuse amongst the young is one of the most serious aspects of it. I have some knowledge of this as the national patron of the Australian Drug Foundation. Governments at federal and state level are doing very little about it. In particular they are showing great reluctance to tackle the problems created by alcohol advertising or problems created by a profusion of licensed premises and the supply of alcohol to minors. Why then should Aboriginal people be singled out for special treatment?
22. As to pornography, consultation on anti pornography measures is equally loaded. Of course people are not going to say that they favour pornography, although the point was well made by many of them that the white community do not appear to require the same protection despite the fact that most if not all pornography emanates from this source. Again this is sheer hypocrisy.
23. There is also a significant problem of child sexual abuse in the white community and in my experience this is often linked to pornography. There is even a culture in the white community where it is thought appropriate to sexualise children in advertising for commercial gain. Successive governments have done little or nothing about these problems. One can well ask as many in the communities did why the Aboriginal communities are singled out for this special treatment. This issue was put very well by one of those consulted at Bagot when he said:

And you know, we are people that bin survived for more than a hundreds of thousands of years. We survived with our culture, and we survived to the 21st century. We look after our children from that century to today's century. We did not abuse...we did not abused anyone in our family, in our law. Now you people who brought that idea, look, they are criminals. ... (inaudible) and now Aboriginal people...are criminals, they are causing a lot of problems amongst themselves, we are not. Because we did not invent it. We did not invent anything. We not invented alcohol. We never invented marijuana. We never invented that sexual paper or whatever...(someone says pornography) ...pornography. You go there, you go to Stuart Park, there is a building there invented by white people. There is another one at Bishop Street, you know, and the government gets tax for that. We don't have any sexual shop anywhere, amongst our Indigenous people. -----And now you set up this intervention in Australia, amongst Australian Indigenous people, only Indigenous people, not white people. And we Indigenous people say that we should be living together, one country, one Prime Minister, and seeing each other and treating each other equal. But nothing happening like that. You are dividing the nation into two, and you said that intervention policy is two different policy, one for black and one for white. See. And that is very wrong. You should be shame for yourself for that, you know.

24. The consultation about the ACC reaches heights of absurdity as the Report makes clear. Little or no effort was made to explain these provisions to the people, who had little

understanding of what was involved. To sell it as a child protection measure brought some expressions of approval but this really goes to the heart of what was and is wrong with the intervention. To describe it as a series of measures protecting children was a smokescreen for what was really being attempted. It was a dangerously misleading smokescreen however that is designed to put anyone opposing it in the camp of those who would support paedophilia, alcoholism and the production of pornography. No doubt this was a factor which moved the ALP when in opposition to support the intervention legislation.

25. It is equally as misleading to exemplify the children's food program and the various health services for children as constituting special measures in an attempt to persuade the people to accept other more draconian measures. These are measures that the government could have and should have provided and this could have been done without any need for the type of approach in the intervention legislation. Similar considerations relate to the licensing of stores. What I fail to understand is why these stores are not community controlled. Housing is another service that does not require an intervention to provide it and the leasing provisions are little understood and the Government has failed to deliver in any event.
26. Another significant omission from the consultation amongst many others is the failure to discuss the restrictions upon courts taking issues of Aboriginal culture and law into account on bail applications and when sentencing Aboriginal offenders.
27. I have described this aspect of the intervention in the following terms:

It is unjust for judges to be prevented from taking these matters into account in determining the degree of criminality of the offender and the appropriate punishment. It is nothing more than a Government over-reaction to media publicity about certain sentences that have been imposed by particular judges and magistrates and is highly discriminatory towards Indigenous people.

28. It is also important to note that there are a number of more technical defects about the consultation process, such as lack of independence, the absence of Aboriginal people from those conducting the consultation, lack of interpreters and the complicated and inadequate nature of the explanations given about the Racial Discrimination Act and 'special measures'. Some of the information provided was misleading and wrong. A good example of this, which the report takes up, is the assertion that the land rights legislation was a 'special measure' akin to those proposed. The report deals fully and adequately with these defects and many others.
29. It is a serious concern that access to FaHCSIA summaries of the Community Consultations conducted as part of the NTER Redesign are not being made easily available to participants or the Australian community. Residents of some communities are still waiting to have their first look at these even though it is almost four months since the consultations took place.
30. Failure to provide access to government summaries of the consultations raises grave concerns about the transparency of the process. Much has been written and stated by government about the extensive nature of the consultations but there has not been the same eagerness to share the findings from them. Nor, it would seem, has there been an 'across the board' enthusiasm to share feedback with the residents themselves. For some, accessing the summaries of the consultations has been made both difficult and frustrating.
31. In one community a resident presented a written request to the GBM (Government Business Manager) for a copy of the FaHCSIA summary of the community consultation in

which he had participated. Over the following weeks three more written requests were made to the same manager without result. Only recently has the GBM advised that his request had been forwarded to the ICC (Indigenous Coordination Centre) in Alice Springs and at the time of writing he is still awaiting an summary.

32. An elder from the same community made a direct written request in person to the GBM to obtain a copy of the consultation summary. It took three further telephone calls the following day before being informed that the GBM had been instructed to make the summary available to him.
33. A member of another community who requested a copy of the FaHCSIA summary had a similar experience. When the summary was not forth coming, contact was made with the ICC where he was told that permission 'from a higher level' would be required. Telephone contact with the ICC was also made by a senior elder but the summary has, to date, not been released to either of these individuals.
34. Access to FaHCSIA summary reports of the five Tier 3 Regional Meetings, have also proved difficult for residents of some communities. One elder was amazed to find, when she finally accessed a copy of the summary, that it had been dated and signed some four weeks earlier but had not been passed on to her. She knew of nobody in her community who had been provided with a copy of the documentation from the regional meeting.
35. In May it was stated that government was committed to re-setting the relationship with Aboriginal people. A genuine process of trust-building would surely be essential to this process. Failing to make easily available information accessible to all community residents is totally contrary to this commitment. However, words fail to describe the expressed feelings of being let down, of anger, of disappointment and of being disrespected. Many who were sceptical were still prepared to hope that the consultations might provide a genuine forum for discussion about the difficulties created by some of the 'special measures'. They needed to know that their concerns had been heard and recorded whereas, by not ensuring transparency, for some, a sense of 'secrecy' has been created. It is unlikely that the 'consultations' will become one of those 'rare moments of reconciliation' that we have been promised.
36. It is to be hoped that the Australian government will take note of this Report and act upon it. Initiatives in housing, health and education, alleviation of substance abuse, the prevention of violence and child abuse and better policing are to be welcomed as essential and long overdue. However these are best achieved in partnership with the Aboriginal people, rather than imposed upon them. The government should reintroduce the Racial Discrimination Act to these communities without qualification and should cease to cling to features of the intervention that contravene it.

Alastair Nicholson

II. Summary Points

37. The consultation process undertaken by the Department of Families, Housing, Community Services and Indigenous Affairs ('FaHCSIA') in relation to the Northern Territory Emergency Response ('NTER') is insufficient to qualify as indicating consent by Aboriginal people in the Northern Territory to special measures for the purposes of the *Racial Discrimination Act 1975 (Cth)*.
38. The deficiencies in the process include:
- a. Lack of independence from government on the part of the people undertaking the consultancy;
 - b. Lack of Aboriginal input into design and implementation;
 - c. Lack of notice;
 - d. An absence of interpreters;
 - e. The consultations took place on plans and decisions already made by the government;
 - f. Inadequate explanations of the NTER measures;
 - g. Failure to explain complex legal concepts; and
 - h. Concerns about the government's motives in implementing consultation.
39. These deficiencies mean that there has been a failure to consult with Indigenous people, bringing into question the credibility of alleged support and rendering invalid any potential claim that the consultations amount to genuine 'consent'.
40. Despite the problematic nature of the conduct of the consultations, feedback from the communities shows a lack of support for the NTER. This includes:
- i. Concern about the discriminatory application of the NTER;
 - j. Concern about the discriminatory nature of compulsory income management;
 - k. Resentment about the intervention signs which imply that Aboriginal people use pornography; and
 - l. The widely shared observation that little has been delivered in terms of services and infrastructure since the NTER began.

III. Issues with the Process of the Consultations

A. Practical issues in the Consultation Process

Lack of independence

41. The independence of any consultation process relating to Australian Government ('Government') policies and programs is crucial to public confidence. This argument gains greater force in relation to policies that discriminate against Aboriginal people in the Northern Territory; who are one of the most disadvantaged and marginalised groups in Australia. Consequently, it is disturbing that FaHCSIA's consultation process was conducted by public servants whose duty is to implement Government policy.

42. Under s 13(11) of the *Australian Public Service Act*, employees of the Australian Public Service must at all times uphold its values, including the responsibility to implement Government policies and programs (s 10(1)(f)). Thus, the potential for a conflict arises where the people charged with the responsibility for implementing the NTER, including the FaHCSIA NT State Manager, are asked to facilitate the assessment of its performance.
43. The Minister for Indigenous Affairs ('Minister') has repeatedly asserted the beneficial nature of the NTER; often referring to benefits allegedly arising from income quarantining. So it is unsurprising that those who facilitated the consultations made frequent references to the Government's view that the NTER has been beneficial for Aboriginal communities. Indeed, in the introductory remarks for the Bagot and Utopia consultations [Appendices C and E], participants were told that 'good things' had arisen from the NTER. During the Utopia consultation, participants were told that the 'government has decided to keep going in the meantime to try and make sure that the good things keep happening, at least, for another three years.'
44. The consultations were framed within a prescriptive context of asserted benefit, providing no more than a forum for comment on the Government's proposed changes. Such a framework falls a long way short of the requirement that consultations be undertaken in good faith, with the objective of achieving agreement or consent, and providing a genuine opportunity to influence decision making.¹

Lack of Aboriginal involvement in design of the process

45. One of the indicators of best practice for effective consultations with Indigenous people is the involvement of the affected group in process design and implementation.² This ensures that there is adequate consideration given to community norms and protocols, that all relevant stakeholders are identified, that a region specific approach is adopted accommodating the diversity of Indigenous communities and maximising accessibility.
46. The lack of Aboriginal input into design and implementation clearly impacted upon the effectiveness of the FaHCSIA consultation process. Consequences arising from the absence of local and culturally appropriate input include numerous complaints that local stakeholders were not informed about meetings and denied the opportunity to participate; and the absence of interpreters; failing to provide the most basic of requirements.
47. Vitally, in addition to the practical consequences, the absence of Aboriginal involvement reinforces the alienation from the rest of the Australian community experienced by Aboriginal people, who alone face extraordinary and unprecedented measures. The evidence demonstrates that the NTER has profoundly undermined the relationship between the Aboriginal people of the Northern Territory and the Australian Government,

¹ James Anaya, *Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people*, UN Doc A/HRC/12/34 (2009) [46]ff
<<http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-34.pdf>> at 17 November October 2009.

² Ibid [51]; Australian Human Rights Commission, 'Draft Guidelines for ensuring income management measures are compliant with the *Racial Discrimination Act* (2009) 29
<http://www.hreoc.gov.au/racial_discrimination/publications/RDA_income_management2009_draft.html> at 17 November 2009.

having resulted in distrust, hostility and suspicion.³ This relationship will be further undermined by the failure to meaningfully engage Aboriginal people in formulating the revised NTER measures.

Lack of notice

Inadequate notice was provided to Aboriginal people in remote communities. In particular leaders of communities complained they were not informed of meetings in a timely manner and as a result, were not able to attend the meetings.⁴ As described above, inadequate notice brings into question whether all relevant stakeholders, interests and organisations were consulted, which in turn undermines confidence in the extent of support claimed for the NTER measures.

Absence of interpreters

48. Assistance by way of translators is a minimum requirement of genuine consultation in remote Aboriginal communities, where English is a second or third language. However, a number of the consultations were seemingly conducted with a presumption of English proficiency. Qualified interpreters were not present and attendees were co-opted to interpret complex legal concepts, such as those related to the reinstatement of the *Racial Discrimination Act* and its provision for special measures.
49. Kennedy observes that informed decision making is underpinned by 'understanding': understanding of what people are being asked to participate in; comprehension of, or familiarity with the concepts that sit behind the language; and an understanding or ability to assess the implications of what people are agreeing to.⁵ It is inconceivable that such high level comprehension is attainable when participants have been denied access to appropriate interpreters.

B. Substantive Failures of the Process

'Consultations' on plans and decisions already made

50. The enormity of the impact of the measures of the NTER cannot be overstated. The affront by the NTER to Aboriginal peoples' right to freedom and dignity is exemplified by a perception of a regression to a protectionist and paternalistic era⁶ with humiliation, incomprehension, confusion, anxiety and a sense of betrayal and disbelief reported by the

³ *Report of the NTER Review Board October 2008* (Commonwealth: 20 September 2008), 8, 40 ('NTER Review Board Report'); Australian Indigenous Doctors Association, *Submission to the Northern Territory Emergency Response Review Board* (2008) at [9]-[10] <http://www.aida.org.au/pdf/submissions/Submission_8.pdf> at 29 October 2009. ('AIDA Submission'); Claire Smith & Gary Jackson, *A Community-Based Review of the Northern Territory Emergency Response* (Institute of Advanced Study for Humanity, University of Newcastle, August 2008), 5, 126.

⁴ 'Government Defends NT Intervention Consultations', *ABC News* (online), 17 June 2009 <<http://www.abc.net.au/news/stories/2009/06/17/2600600.htm>> at 13 November 2009.

⁵ Annie Kennedy, 'Understanding the 'understanding': Preliminary findings on Aboriginal perspectives on engagement with governments' (Paper presented at the Centre for Remote Health Monthly Seminar Series, Alice Springs, 29 May 2009).

⁶ AIDA Submission, above, note 5 at [16].

independent review of the NTER.⁷ The Australian Indigenous Doctors' Association's ('AIDA') research identified a feeling of 'collective existential despair', characterised by a widespread helplessness, hopelessness and worthlessness and with profound implications for resilience, social and emotional wellbeing and mental health of Aboriginal people in the Northern Territory, and throughout the country.⁸

51. As described above, the NTER has also profoundly undermined the relationship between Northern Territory Aboriginal people and the Government, leading the NTER Review Board to recommend that the Government reset the relationship based on genuine consultation, engagement and partnership, which the Government has accepted.⁹ Indeed, the independent NTER Review Board commented that experiences of racial discrimination and humiliation were told with such passion and such regularity that it felt compelled to advise the Minister that such widespread Aboriginal hostility to the Australian Government's actions should be regarded as a matter for serious concern.¹⁰
52. Despite the Government's laudable stated ambitions, the FaHCSIA consultation process did not provide the opportunity for Aboriginal people in the Northern Territory to participate in the design and implementation of the 'revised' measures, but merely provided an opportunity to comment on the Government discussion paper: *Future Directions for the Northern Territory Emergency Response* ('*Future Directions*'), that outlines the Government's proposed changes to a limited number of existing measures. Such an approach continues the long standing practice of 'consulting' Aboriginal people on plans and decisions already made. It does not progress the resetting of the relationship.

Inadequate explanation of the NTER measures

53. It was explicit that the meetings with community members were convened for the purpose of discussing the proposed changes outlined in *Future Directions*. However, the discussion paper did not adequately convey the true extent of the measures comprising the NTER, for two reasons. Firstly, the discussion paper does not acknowledge all of the measures of the NTER, leading to the perception that it was constituted solely by the eight issues addressed. Secondly, the discussion paper and consultation process did not fully explain the powers encompassed by some measures.
54. The NTER is constituted by a comprehensive suite of measures of extraordinary scope and gravity, impacting on almost every aspect of the lives of Aboriginal people in the Northern Territory. The measures range from those that impact on Aboriginal people individually, including income quarantining and interaction with the criminal justice system, to control of Aboriginal organisations, assets and land by Government employees, to the undermining of land rights and rights of traditional owners. Despite the potential for significant impact, many NTER measures are little known, which shapes participants' ability to make informed comments and give informed consent.

⁷ NTER Review Board Report, above, note 5, 34.

⁸ AIDA Submission, above, note 5 at [17].

⁹ Australian Government, *Future Directions for the Northern Territory Emergency Response: Discussion Paper* (2009) 3

<http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/future_directions_discussion_paper/Documents/discussion_paper.pdf> at 17 November 2009. (*Future Directions*)

¹⁰ NTER Review Board Report, above, note 5, 8.

55. Measures not addressed or only partially addressed in the discussion paper include, among others:
- m. Removal of the right to negotiate provided by the *Native Title Act 1993* (Cth) ('NTA');
 - n. Removal of consideration of customary law or cultural practice in bail applications or in determining sentence in relation to an offence against *any* law of the Northern Territory;
 - o. Grant of coercive 'star chamber' powers to the National Indigenous Violence and Child Abuse Intelligence Task Force;
 - p. Very broad powers to intervene in the operation of Aboriginal councils and organisations in addition to the power to terminate funding referred to in *Future Directions*;
 - q. Right to terminate at will the rights, titles or interests underlying five year leases;
 - r. Right to compulsorily acquire Aboriginal town camps;
 - s. Limitations on access to merits review by the Administrative Appeals Tribunal. Certain determinations and notices are not legislative instruments and thus are administrative in character,¹¹ including notices varying or terminating compulsory leases or a notice terminating a right, title or interest in land;¹²
 - t. Removal of oversight of the construction of significant public works on Aboriginal lands by the Public Works Committee, which reports on issues such as the need for and cost effectiveness of the work.

56. *Future Directions* and subsequent consultations minimised the impact of particular measures, which necessarily undermines the quality of the consultation process. It is self-evident that consultation is inadequate when the powers contained within the measures are not fully explained. The two starkest examples of measures raised in the discussion paper with a cursory description, are the coercive powers of the National Indigenous Violence and Child Abuse Intelligence Task Force ('NIITF') and the Minister's powers to intervene in Aboriginal organisations and councils.

a. ACC powers

57. The NTER amended the *Australian Crime Commission Act* to expand the mandate of the Australian Crime Commission ('ACC') to include 'Indigenous violence or child abuse',¹³ allowing for the grant of coercive powers to the NIITF in February 2008. The result is the extraordinary circumstance of coercive powers granted in relation to criminal offences defined by race.

58. These coercive powers allow a person to be summoned to appear before an examiner to give evidence or produce such documents or other things as are referred to in the

¹¹ See for example 34(9), 35(11), 37(5), 47(7), 48(5) and 49(4) of the *Northern Territory National Emergency Response Act* (Cth) ('NTNER Act').

¹² s 35(11) and 37(5) of the NTNER Act.

¹³ The definition of a 'federally relevant criminal activity' was extended to include 'Indigenous violence or child abuse.' Schedule 2 of the *Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Act 2007* ('FaCSIA Amendment Act') (Cth) amends the *Australian Crime Commission Act 2002* (Cth) ('ACC Act').

summons.¹⁴ A person who is served with a summons must attend the examination;¹⁵ must take an oath or affirmation if required; must answer questions as required by the examiner and must produce documents required by the summons.¹⁶ A person who does not comply with these requirements is guilty of an offence and is liable for a fine or imprisonment for up to five years.¹⁷

59. The examiner has the power to prohibit the disclosure of information about the summons or notice, or any official matter connected with it.¹⁸ Where a person has received a summons with notice of the disclosure prohibition, it is an offence to disclose the existence of the summons, the notice or any information about it; or the existence of any information about any official matter connected with the summons or notice, except to obtain legal advice or in other limited circumstances.¹⁹
60. Importantly, the exercise of the NIITF's coercive powers has been successfully challenged by two Aboriginal community controlled health organisations on the basis that in purporting to exercise the powers, the examiner had not taken into account the 'best interests of the child' as a primary consideration.²⁰ Instead, the examiner had considered issues such as the under reporting of sexual abuse at some medical clinics, the objectives of the NIITF's Special Intelligence Operation, the objects of the *Australian Crime Commission Act 2002* (Cth) and the objects of the determination by the ACC Board, but did not weigh those considerations against the best interests of the Aboriginal children concerned.²¹
61. By contrast, the NIITF's powers are described in *Future Directions* without reference to coercion in the following terms:²²

The powers include strong secrecy provisions, which provide witnesses with confidentiality and protection against incrimination. The secrecy provisions protect people who may otherwise be reluctant to provide information or testimony for fear of retribution from people they know, or in some instances from their employer.

This is important to ensure that people have the confidence to take appropriate action against perpetrators of violence and abuse.

62. While perhaps not intentionally misleading, the impression of benign 'special powers' designed exclusively for the protection of witnesses was reinforced by the public servants conducting the consultations. For example, during the Ampilatwatja consultation, the following comments were made:²³

¹⁴ s 28 of the ACC Act.

¹⁵ ACC Act s 30(1).

¹⁶ Ibid s 30(2).

¹⁷ Ibid s 30(6).

¹⁸ Ibid s 29A.

¹⁹ Ibid s 29B.

²⁰ *NTD8 v Australian Crime Commission (No 2)* [2008] FCA 1551 (17 October 2008) at [52]; *C Incorporated v Australian Crime Commission* [2008] FCA 1806 (28 November 2008) at [61].

²¹ *NTD8 v ACC*, *ibid* at [50]-[51]; *C Inc v ACC* *ibid* at [92]

²² *Future Directions*, above, note 11, 22.

²³ Ampilatwatja transcript, Appendix C.

But it's about trying to build up better intelligence and being able to get more information from people if things are not being done, if there is somebody doing the wrong thing and trying to find a way for them to stop it. It is done very quietly.

... Not that it's secret but if they do it quietly and let people know what they are doing, those that are guilty that are doing the wrong thing find out and start to cover their tracks.

... some of the other powers that they have is about people who are providing information to them can do it in secret. The witnesses are protected. Whereas in a normal police investigation, eventually those witnesses are dragged into court but under some of the special powers that this mob have people can give their evidence and they are never going to have to appear in court.

b. Minister's powers to intervene in Aboriginal organisations and councils

63. The NTER vests broad powers in the Minister for Indigenous Affairs to intervene in the operation of 'community services entities' in 'business management areas', which include areas covered by five-year leases; 'Aboriginal land'; 'Aboriginal community living areas'; places specified to be business management areas under the *NTNER Act*; and areas declared by the Minister to be business management areas.²⁴ A community service entity can be a community government council under the *Local Government Act* (NT), an incorporated association under the *Associations Act* (NT), an Aboriginal corporation under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth); or any person or entity that performs functions or provides services in a business management area and is specified by the Minister to be a community service entity.²⁵
64. The Minister's powers over community organisations are incredibly broad. They include powers:
- to unilaterally vary or terminate funding agreements between the Commonwealth and a 'community services entity' which is funded to provide services in a 'business management area';²⁶
 - to direct how funds may be spent,²⁷ appoint a person to control funds,²⁸ and direct reporting requirements;²⁹
 - to direct how and what kind of services are to be provided;³⁰
 - to direct the use and management of assets³¹ and even transfer possession and ownership of assets;³²
 - to appoint observers to attend any or all meetings of the community services entity;³³ and
 - to take over management of community government council and incorporated associations.³⁴

²⁴ *NTNER Act*, s 3.

²⁵ *Ibid* s 3.

²⁶ *Ibid* s 65.

²⁷ *Ibid* s 65(2)(b).

²⁸ *Ibid* s 65(2)(d).

²⁹ *Ibid* s 65(2)(c).

³⁰ *Ibid* s 67.

³¹ *Ibid* ss 68(2)(a), 68(2)(b).

³² *Ibid* ss 68(2)(c), 68(2)(d).

³³ *Ibid* s 72(3).

65. A failure to comply with a ministerial direction may result in a civil penalty,³⁵ or possible appointment of a statutory manager to administer the affairs of the association.³⁶
66. Apart from the extraordinary breadth of the Minister's powers, a number of unusual features are evident. First, it appears that direction is not limited to assets obtained with government funding.³⁷ Second, it seems that the Minister may appoint an observer to a wholly independent organisation that does not receive government funding.³⁸ Finally, a statutory manager can be appointed to administer the affairs of the association without the investigation into the affairs of the association that is normally required by the *Associations Act* (NT).³⁹
67. Although vested in the Commonwealth or the Minister, the powers were introduced to support the role of the Government Business Manager. There are no specific criteria for their use, instead they were described as measures of 'last resort' applying where:
- normal processes of discussion and negotiation had failed, or where community organisations are unable, or unwilling, to make the changes that are *necessary* to benefit their community and their children. (emphasis added)⁴⁰
68. Underlying justifications for the measure were not described, other than to facilitate control of Aboriginal community organisations by General Business Managers in the event of failed negotiations or unwillingness on the part of affected Aboriginal people to accede to externally defined, 'necessary' benefit. Further, the powers are apparently to be exercised irrespective of whether negotiations are being conducted in good faith. This concern has particular resonance in light of the Government's stated intention to compulsorily acquire the Alice Springs town camps after the Government ended negotiations in relation to 40-year subleases with the Tangentyere Council over the question of management of housing tenancy.⁴¹
69. The only reference to these powers in *Future Directions* is to the power to 'stop funding an organisation in a community if it felt the organisation was not properly doing its job of

³⁴ Ibid pt 5, div 4.

³⁵ Ibid s 69.

³⁶ Item 2 of Table 2 in Schedule 4 of the *NTNER Act* amends s 78(1) of the *Associations Act* (NT) so that a statutory manager can be appointed to administer the affairs of the association where the association has wilfully contravened a direction given by the Minister.

³⁷ The Minister can give direction as to the use of an asset owned, controlled or possessed by a community services entity that is providing services in a business management area. *NTNER Act*, ss 68(1)(a), 68(1)(b).

³⁸ There are no preconditions for the appointment of an observer, other than that the community services entity performs functions or provides services in a business management area. See *NTNER Act*, s 72(1).

³⁹ Item 3 of Table 2 in Schedule 4 of the *NTNER Act* amends s 78(1)(e) of the *Associations Act* (NT).

⁴⁰ NTER Review Board Report, above, note 5, 114; Commonwealth, *Parliamentary Debates*, House of Representatives, 7 August 2007, 15 (Mal Brough, Minister for Families, Community Services and Indigenous Affairs).

⁴¹ The Housing Associations, represented by the Tangentyere Council, had previously on 24 June 2008, agreed to enter into the subleases subject to satisfactory negotiations on tenancy management to be undertaken with mutual goodwill. The Government ended negotiations when the Council refused to accept the Government's ultimatum that tenancy management be undertaken by the Northern Territory Government or Northern Territory Housing Association.

delivering services.⁴² The Government proposes to remove the power from the legislation, 'because the Government has other ways to ensure its funds are managed properly.'⁴³

70. It is not contended that informed consent must be obtained in relation to every aspect of every measure. Not only would such a requirement be impractical but it is too literal for sensible interpretation. However, as Kennedy observes,⁴⁴ informed decision making requires an understanding of the implications of the decision. Inadequate or misleading information, such as the complete absence of reference to the coercive powers of the NITF, renders any participant incapable of assessing the potential impact of their support for such a measure and invalidates the process.

Failure to explain complex legal concepts

71. It was always going to be a major undertaking to provide sufficient explanation of the complex legal concepts underpinning the measures of the NTER, in order to satisfy the requirements for genuine consultation. There is no more obvious example than that of consultation surrounding the concept of 'special measures'.
72. It is without question that the most profound concern underlying every consultation was the perception of injustice, anger and shame at the discriminatory treatment meted out to Aboriginal people in the Northern Territory. Persistent, vehement demands for reinstatement of the *Racial Discrimination Act* occupied the majority of meetings, not merely as a vehicle for challenge to discriminatory laws, but as a platform for security, equality, self-worth and entitlement to equal citizenship.
73. It is apparent from the Minister's comments, *Future Directions* and the consultations themselves, that reinstatement of the *Racial Discrimination Act* will be reliant on the classification of some or all measures as special measures. According to the Government, this is also a central reason for conducting the consultations. Given that reinstatement of the *Racial Discrimination Act* is a necessary precondition for any relationship between the Government and Aboriginal people of the Northern Territory, the significance of special measures was therefore crucial to any genuine communication between the parties.
74. While *Future Directions* attempts to describe the characterisation of special measures, albeit without reference to the requirement for prior consultation, explanations of the nature of special measures and their relationship to the *Racial Discrimination Act* during the consultation process were patently inadequate. This was particularly important, given that the measures of the NTER are not forms of positive or affirmative action but discriminate *against* Aboriginal people, argued to be justified on the basis of long term benefit envisaged by the Government.
75. Special measures were described as 'laws just for Aboriginal people' designed to 'help Aboriginal people have the same rights as everybody else', which is true of special measures in general circumstances, but quite distinct from this circumstance where rights of Aboriginal people are removed or restricted for their so-called benefit. Similarly, the

⁴² *Future Directions*, above, note 11, 22.

⁴³ *Ibid.*

⁴⁴ Kennedy, above, note 7.

example given of a special measure was that of land rights legislation. In 1985 the High Court held that land rights legislation was indeed a special measure.⁴⁵ However, the Committee on the Elimination of Racial Discrimination ('CERD'), which monitors compliance with the Race Convention, has since clarified that Indigenous land rights are one species of right that explicitly cannot be characterised as a special measure:⁴⁶

Special measures should not be confused with specific rights pertaining to certain categories of person or community, such as, ... the rights of indigenous peoples, including rights to lands traditionally occupied by them ... Such rights are permanent rights, recognised as such in human rights instruments, including those adopted in the context of the United Nations and its agencies. States parties should carefully observe distinctions between special measures and permanent human rights in their law and practice.

76. To describe the measures of the NTER during the meetings in such positive terms, using as an example, perhaps the most elemental right available to Aboriginal people, which explicitly cannot be a special measure, is to give comfort to Aboriginal people in circumstances where their aspirations for the reinstatement of the *Racial Discrimination Act* may not be fully realised.

Concerns about the Government's motives in implementing consultation

77. In late March 2009, the Minister received advice from FaHCSIA that recommended against formal consultation with Aboriginal people in the Northern Territory in respect of the compulsory acquisition of their land through five year leases under the NTNER Act.⁴⁷
78. FaHCSIA advised that certain administrative mechanisms would assist in the characterisation of five year leases as special measures, but a 'consultative mechanism that falls short of requiring consent might not strengthen the argument sufficiently' to justify its implementation. FaHCSIA warned that a formal consultative process would be 'prohibitive in terms of costs and resources' and 'could cause delays in the roll out of essential services and facilities.' It noted the existence of an 'informal consultative process on land use approvals which goes some way to providing a consultative mechanism.'⁴⁸
79. The advice indicates a lack of commitment to a genuine consultation process leading to informed consent, but suggests that the consultation process was initiated in order to avoid legal challenge to the Government's actions. This interpretation of the Government's motives is supported by the inadequacy of the consultation process described above.

⁴⁵ *Gerhardy v Brown* (1985) 159 CLR 70.

⁴⁶ CERD, *General Recommendation 32: The meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination*, Seventy-fifth session, August 2009 at [18] <<http://www2.ohchr.org/english/bodies/cerd/comments.htm>> at 17 November 2009. ('General Recommendation 32')

⁴⁷ Briefing document from the Department of Families Housing Community Services and Indigenous Affairs to the Minister for Families Housing Community Services and Indigenous Affairs (25 March 2009) available at http://www.nit.com.au/downloads/files/Download_211.pdf

⁴⁸ *Ibid.*

C. Duty to consult with Indigenous peoples

80. The NTER was imposed with remarkable haste, without consultation in a top down, non-discretionary manner. Contended to be in response to the *Ampe Akelyernemane Meke Mekarle 'Little Children are Sacred' Report*,⁴⁹ a report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse,⁵⁰ sensationalist language was used to justify the extraordinary and unprecedented measures of the NTER that characterised Northern Territory Aboriginal communities as 'nothing less than a war zone'.⁵¹ The need for urgent action to avoid 'red tape and talkfests'⁵² precluded cooperation or consultation with, or even notification to the affected communities.
81. The obligation of States to consult with Indigenous peoples is unambiguously stated in a number of international instruments including the United Nations Declaration on the Rights of Indigenous Peoples ('Declaration') and ILO Convention No 169 and is also fundamental to the core United Nations human rights treaties, the International Convention on the Elimination of All Forms of Racial Discrimination ('Race Convention') and the International Covenant on Civil and Political Rights ('ICCPR'). This duty has recently been analysed by the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People ('Special Rapporteur'),⁵³ arising from his observation of the need to provide orientation to governments and other stakeholders about measures necessary for compliance with this duty.⁵⁴
82. The Special Rapporteur has clarified that, as a general rule, decisions of the State will be made through democratic processes in which the public's interests are adequately represented, including Indigenous people's interests. However, special differentiated consultation procedures are required when State decisions affect Indigenous peoples' particular interests, even when those interests do not correspond to a recognised right to land or other legal requirement; and when State decisions may affect Indigenous peoples in ways not felt by others in society.⁵⁵
83. Importantly, compliance with the duty to consult does not merely ensure fulfilment of international obligations but has the practical benefit of avoiding a potentially detrimental outcome. As the Special Rapporteur observes:

⁴⁹ Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse ('NT Board of Inquiry'), *Ampe Akelyernemane Meke Mekarle – 'Little Children are Sacred' Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse* (2007). ('Little Children are Sacred report')

⁵⁰ Despite invoking the report in implementing the NTER, its recommendations were not implemented. Further, Mal Brough was critical of the authors for not making recommendations designed to immediately secure communities and protect children from abuse: Minister for Families, Community Services and Indigenous Affairs, the Hon Mal Brough MP, 'Howard Government getting on with the job of protecting children in the Northern Territory', (Media release, 6 August 2007).

<http://www.billshorten.fahcsia.gov.au/internet/minister3.nsf/content/nter_6aug07.htm> at 17 November 2009.

⁵¹ Mal Brough, 'Northern Territory Intervention' (Speech delivered as the 40th Alfred Deakin Lecture, Melbourne University, Melbourne, 2 October 2007)

<http://www.billshorten.fahcsia.gov.au/internet/minister3.nsf/content/alfred_deakin_02oct07.htm> at 29 October 2009. ('Alfred Deakin Lecture')

⁵² Commonwealth, *Parliamentary Debates*, House of Representatives, 7 August 2007, 18 (Mal Brough, Minister for Families, Community Services and Indigenous Affairs). ('Second Reading Speech')

⁵³ Anaya, above, note 3.

⁵⁴ *Ibid* [36].

⁵⁵ *Ibid* [42]-[44].

...without the buy-in of indigenous peoples, through consultation, at the earliest stages of the development of Government initiatives, the effectiveness of Government programs, even those that are intended to specifically benefit indigenous peoples, can be crippled at the outset. Invariably, it appears that a lack of adequate consultation leads to conflictive situations, with indigenous expressions of anger and mistrust'.

Requirement for good faith with the objective of achieving agreement or consent

84. CERD has identified specific obligations of State parties, including Australia, as they apply to Indigenous peoples in General Recommendation 23.⁵⁶ Relevantly, States have an obligation to ensure that:⁵⁷

... members of indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent.

85. Similarly, the obligation is stated in art 19 of the Declaration where consultations are to be carried out in 'good faith ... in order to obtain their free, prior and informed consent'.

86. Rejecting recommendations by CERD that decisions be made in relation to Indigenous Australians with their 'informed consent',⁵⁸ the previous Government contended that it would be inconsistent with Australia's democratic system if Parliament's ability to enact and amend legislation were subject to the consent of a particular subgroup of the population. While Indigenous people had a right to participate in public affairs and political processes (art 25 ICCPR, art 5 Race Convention), it did not consider that people had a right to participate in the political process in any specific way.⁵⁹

87. However, as the Special Rapporteur clarifies, such an approach is to misunderstand the requirement for informed consent in international law. Rather than providing Indigenous people with a veto power, the duty establishes the need to develop a framework to promote consensus on the part of all concerned.⁶⁰ The emphasis is on negotiations

⁵⁶ CERD, *General Recommendation No 23: Rights of Indigenous Peoples* <[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/73984290dfea022b802565160056fe1c?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/73984290dfea022b802565160056fe1c?Opendocument)> at 17 November 2009. ('General Recommendation 23') The former Australian Government argued that General Recommendation 23 is not binding, observing that there is much dissent as to its effect: *Comments by the Government of Australia on the Concluding Observations of the Committee on the Elimination of Racial Discrimination*, 16 May 2006, CERD/C/AUS/CO/14/Add.1 [20] <<http://daccess-ods.un.org/TMP/224071.8.html>> at 17 November 2009. However, Greg Marks contends that this approach underestimates the significance of general recommendations in providing guidance as to the content of the Race Convention and developing the jurisprudence: Greg Marks, 'Avoiding the International Spotlight: Australia, Indigenous Rights and the United Nations Treaty Bodies' (2002) 2(1) *Human Rights Law Review* 19, 55.

⁵⁷ General Recommendation 23, above, note 58, art 4(d).

⁵⁸ See for example CERD Concluding Observations, Australia, 14 April 2005, UN Doc CERD/C/AUS/CO/14 [11] <<http://daccess-ods.un.org/TMP/5065098.html>> at 17 November 2009; CERD Concluding Observations, Australia, 19 April 2000, UN Doc CERD/C/304/Add.101 [9] <<http://daccess-ods.un.org/TMP/203925.6.htm>> at 17 November 2009.

⁵⁹ *Comments by the Government of Australia on the Concluding Observations of the Committee on the Elimination of Racial Discrimination*, 16 May 2006, CERD/C/AUS/CO/14/Add.1 [20] <<http://daccess-ods.un.org/TMP/224071.8.html>> at 17 November 2009.

⁶⁰ Anaya, above, note 3, [48].

towards mutually acceptable arrangements prior to decisions on proposed measures, rather than mechanisms for providing information to Indigenous people about decisions already made or in the making, without providing the ability to genuinely influence the decision making process.⁶¹

Requirement for confidence building conducive to consensus

88. Importantly, good faith consultations towards consensual decision making require the creation of a climate of confidence. This is particularly relevant to Indigenous peoples, given their 'lack of trust in State institutions and feelings of marginalisation, grounded in extremely old and complex historic events' and who are 'typically disadvantaged in terms of political influence, financial resources, access to information and relevant education'.⁶²
89. Noting that, in many instances, ineffective consultation procedures result from inadequate involvement in the design and implementation of the consultation procedures, the Special Rapporteur has observed that, central to the development of a climate of confidence is a process where the consultation procedure is itself a product of consensus.⁶³ Further, the power imbalance between the parties must be addressed by ensuring that financial, technical and other assistance is provided to Indigenous people without using such assistance to leverage or influence Indigenous positions in the consultations.

Best practice for genuine consultations with Indigenous people

90. The explicit and repeated message of the Little Children are Sacred report,⁶⁴ which was argued to have triggered the NTER, was the urgent need for radical change in the way government and non-government organisations consult, engage with and support Aboriginal people.⁶⁵ Previous approaches, the report found, had left Aboriginal people 'disempowered, confused, overwhelmed, and disillusioned'.⁶⁶ The weakening of communities was observed to be due to a 'combination of the historical and ongoing impact of colonisation and the failure of governments to actively involve Aboriginal people, especially Elders and those with traditional authority, in decision making'.⁶⁷
91. Recommendation one of the report and central to all of its 97 recommendations was the critical need for sincere consultation with Aboriginal people in designing initiatives for Aboriginal communities. The repeated emphasis was on 'genuine partnerships' and immediate and ongoing effective dialogue with Aboriginal people with genuine consultation in designing initiatives that address child sexual abuse'.⁶⁸

⁶¹ Ibid [46].

⁶² Ibid [50].

⁶³ Ibid [51].

⁶⁴ Little Children are Sacred report, above, note 51.

⁶⁵ Ibid 50.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid.

92. As one of its nine principles of engagement, the report recommended the adoption of protocols to ensure consistent, effective and ongoing consultation and engagement, recognisable by certain features, including:⁶⁹
- a. active and meaningful engagement to build mutual respect, identify responsibilities and share aspirations;
 - b. an investment in building trust in government, which is lacking in many Aboriginal communities and by many Aboriginal people;
 - c. effective communication;
 - d. willingness and effort to understand the Aboriginal world view and Aboriginal perspectives;
 - e. great care to determine what Aboriginal people want rather than what they think mainstream culture wants them to say;
 - f. an ongoing process building relationships over time, rather than being a one off event;
 - g. seeking views that represent all members of the community and not just those of particular families or community managers; and
 - h. feedback.
93. According to the report, the required approach is not simply one of consultation but one that facilitates community consent for the final policy developed.⁷⁰
94. Various government and non-government entities have addressed the question of best practice community consultation, including the Australian Human Rights Commission ('AHRC') that has recently published *Draft Guidelines for ensuring income management measures are compliant with the Racial Discrimination Act* ('Draft Guidelines').⁷¹ The publication distils best practice guidelines for community consultations based on the Government's *Best Practice Regulation Handbook* encompassing a pre-consultation, consultation and post-consultation phase and key elements of free, prior and informed consent. Among other things, best practice entails:⁷²
- a. an atmosphere of good faith, full and equitable participation, time and an effective system for communication;
 - b. full and meaningful debate in Indigenous languages as appropriate;
 - c. accurate and accessible information;
 - d. mechanisms and procedures to verify free, prior and informed consent;
 - e. involvement of Aboriginal and Torres Strait Islander people in planning the consultation process;
 - f. inclusion of all relevant stakeholders;
 - g. accessibility enabling grassroots consultation aiming for gender balance;
 - h. Indigenous control over timeframes;
 - i. transparency and clear parameters;
 - j. consideration of specific, time bound, verifiable benchmarks and indicators to measure progress; and
 - k. agreement on how feedback will be delivered.

⁶⁹ Ibid 52.

⁷⁰ Ibid 52.

⁷¹ Australian Human Rights Commission, *Draft Guidelines*, above, note 4, 27-33.

⁷² Ibid.

95. Crucially, the AHRC emphasises that 'consent cannot be considered valid unless affected communities have been presented with *all* of the information relevant to a proposed measure' (emphasis in original).⁷³

IV. Three Case Studies

96. These three case studies – Bagot, Ampilatwatja and Utopia – provide examples of the problems with the consultation process undertaken by FaHCSIA.
97. They also provide examples of the feedback from members of the Aboriginal community about the NTER which highlights concerns about a range of measures including income management.

A. Bagot

98. The consultation was held on 28 July 2009, at the Bagot Community Hall. Approximately 40 people from the community were in attendance. A number of observers attended the meeting, including officers from the Commonwealth Ombudsman's office and the North Australian Aboriginal Justice Agency. However, those observers did not have a formal role in the consultation.

Interpreters

99. Although a number of individuals spoke in a language other than English, no interpreters were present. This appears to be contrary to the *Draft Guidelines*, which provide:

Government officers should make appropriate use of interpreter services during any consultation process. This will require adequate advance notice to ensure that an interpreter from the required language group is available.⁷⁴

100. It is unknown what, if any, steps were taken by FaHCSIA to determine if interpreters were required. On 13 and 17 July, an Indigenous Engagement Officer from FaHCSIA delivered a notice of the meeting to 'each house'. However, no information has been provided about the content of the notice.

Purpose of consultation unclear

101. The actual purpose of the consultation is unclear. The Government has stated that it desires community feedback in relation to certain measures, but the community has been left in the dark as to how the Government will respond to such feedback. Such confusion was reflected in the following comment by one participant:

'But the thing I really want to know is, when you go back to report and you send your report, what is it going to do really?'

⁷³ Ibid 31.

⁷⁴ Australian Human Rights Commission, *Draft Guidelines for ensuring income management measures are compliant with the Racial Discrimination Act* (2009) [96].

102. Such confusion is unsurprising, given there doesn't appear to have been any prior discussions between the community and FaHCSIA, about either the process to be used or the goals of the meeting.

Time Frame

103. It is unclear as to whether or not the community had any input into the timeframe of the meeting.

Lack of Impartial Facilitation

104. The meeting was facilitated by an officer from FaHCSIA. At an early stage, the facilitator explained that the NTER measures would be maintained in the long term. For example, in response to a question about the Northern Territory Government's policy, *Working Future*, the facilitator replied, 'I would say that the NTER would still be here for a number of years before they sort that out.'

105. Later, the facilitator implied that the purpose of the 'consultation' was not to canvas all options, including the repeal of the NTER legislation, but retrospective endorsement:

The Government has said that it wants to keep the intervention as it sees that the measures that were brought in, this is what the government is saying, the measures that were brought in have some positive benefits and the government wants to keep on trying to build on some of those positive benefits. They want to talk with people about it and to try and work with people to try and get some of these things right.

Accurate and Clear Information

106. Some aspects of the Intervention were described in simplistic terms that tended to hide issues impacting upon the exercise of human rights. For example, the Government's desire to achieve consistency between the NTER and the *Racial Discrimination Act 1975 (Cth)* was discussed in superficial terms. No explanation was provided in relation to how this goal would be achieved, that is, by deeming the NTER to be a 'special measure'. Likewise, only minimal information was provided about the proposal contained in *Future Directions* to introduce a system of exemptions from the income management system for individuals who have 'adequate' financial management skills. No information was provided in relation to possible criteria that would be used to determine whether or not an individual should be exempt.

107. Some of the responses recorded in the report suggest that key measures were not adequately explained.

108. In particular, participants appeared to confuse the ACC with the Northern Territory police. The feedback recorded in the FaHCSIA report in relation to the ACC's special powers included several comments about the Northern Territory police:

They'll come around at night time and they'll flash their lights around the community, with headlights on full beam, and you know they've got to switch on every single light on the roof as well, with all the red and blue showing as well. They come through the community, I'd like to see them go through the suburbsbut they do it here just about every night.

Lately police have been tipping out grog but don't give out fines.

109. Although some complex issues were raised there was no suggestion at any time that participants should seek independent advice. For example, the leasing of Aboriginal lands raises a number of legal issues, but at no time did the facilitator suggest that the participants should seek legal advice.
110. Crucial questions about the income management regime were neglected by the facilitator. For example, if the income management system is to be maintained, for how long will it continue? What is the ultimate goal to be reached before income management will be disbanded? Furthermore, there did not appear to be any discussion about how, or even whether, any of the measures would be evaluated in the future. Finally, there was no discussion about benchmarks that would be used to measure the progress of the measures.

Community Responses

111. There was great indignation that the measures were applied only to Indigenous people:
- ... if this government was true why didn't they do this to all people in Australia...
- You know, it should be for all people, all races, no matter where they come from. You know, Aunty Jenny and Uncle Kev should start thinking about that, and put this intervention throughout Australia.
112. Participants expressed concern that since the commencement of the NTER, they had not been provided with any evidence of prosecutions concerning child abuse.
113. Comparisons were made with the former protection regime:
- ... I mean this goes back to, I am sorry, but back in the time when you had Native Affairs where the government was overruling people and then you've got it, it is now 40 years down the track now, 50 years down the track. I was there in Native Affairs time, and this is exactly what they are doing to us now.
114. The NTER was also perceived as delivering few outcomes. Several participants claimed that the only new infrastructure was a playground. There was also widespread bewilderment that no new houses had been built; reflected by one participant's comment that, 'We don't have nothing because no money has been put here.' Likewise, participants were baffled that no new alcohol programs had been introduced:
- I mean, the government hasn't instigated any programs for alcohol you know, against alcohol and other drugs in this community and surely that kind of funding would make more sense, and that would be, it'd be more longstanding than the Intervention would be...
115. There were concerns that the NTER was a 'land grab'.
116. The income management regime attracted numerous criticisms. There were practical difficulties, such as being unable to use the Basics Cards to pay taxi fares and impediments to the exercise of freedom of personal movement. One participant claimed that children were unable to attend the Darwin Show due to the income management system:

You get a Katherine Darwin Show that comes every year. Once a year! Once a year it comes and the kids look forward to this and yet a lot of these children missed out on that show because of the Intervention. Because of their Basic Card.

117. The proposal to introduce a system of exemptions to the income management scheme also attracted criticism: 'No! Can't do that stuff. Stop it altogether. Stop it ... altogether.'

B. Ampilatwatja

118. The consultation meeting was held at Ampilatwatja on 12 August 2009. The FaHCSIA report provides that 26 men and 32 women attended. After an initial meeting, which was facilitated by an officer from FaHCSIA, the men and women broke into separate groups.

Interpreters

119. Although a number of participants spoke in a language other than English, no interpreters were provided. At the beginning of the meeting, the facilitator advised that an interpreter from the Aboriginal Interpreters Service had been booked, but was unable to attend due to a commitment in Tennant Creek. The option of delaying the meeting to a time when an interpreter was available did not appear to have been considered. Consequently, community members who were also being consulted were co-opted into providing assistance.

Timeframe

120. It appears that the community had no prior involvement in determining the process for the consultation, the goals to be achieved, or the timeframe.

Purpose

121. The facilitator, who was an officer of FaHCSIA, provided only a vague description of the purpose of the meeting:

I have come today because Jenny Macklin, my minister, knows that people here are very worried and upset. And she wanted me to come to make sure that you knew that somebody was the boss for the department in the NT was talking to you directly. And we could listen to what your problems were and see if we could find some solutions. Most of all we want to talk about this Intervention and what people are thinking about it.

Broader issues, such as the relevance of the consultation to the reinstatement of the *Racial Discrimination Act*, were overlooked. Even what the Government planned to do with the Community's feedback was unclear.

Accurate and Clear Information

122. It appears that the community was provided with only minimal information about the process to be used for the consultation, prior to the meeting. In his introduction, the facilitator introduced a representative from the consultants, CIRCA. The role of CIRCA and its representative were explained in the following terms:

... CIRCA is somebody independent who is looking at how we are talking to communities about this intervention and what we are doing well and what we need to do better.

However, at no time did the facilitator suggest that the representative of CIRCA should engage with members of the community, independently of FaHCSIA. It is difficult to understand how CIRCA could undertake a rigorous and independent analysis of the consultations in the absence of such engagement, or whether it was its role to do so.

123. The information provided about the Government's intentions in relation to the future of the NTER was vague, even in relation to crucial issues such as housing. The facilitator advised the participants that there were not enough funds available to build houses in their community. Consequently, they would receive only upgrades. However, no information was provided about the number of houses that were to receive the upgrades, and when the work would begin. Likewise, the facilitator conceded that it was important for local people to be employed to carry out the repairs, but did not specify how many would be employed.
124. The commitments that the Australian Government was prepared to make to the people of Ampilatwatja were few and imprecise. One of the few tangible outcomes of the consultation was the promise of a rubbish truck. But even that was contingent upon obtaining the agreement of the Barkly Shire to fund the maintenance of the truck.
125. The facilitator's explanation of 'special measures' under the *Racial Discrimination Act* was misleading. In particular, he likened the NTER to land rights, by claiming that both were special measures. Critical differences between measures that have a negative impact on the enjoyment of human rights, and the recognition of Indigenous people's relationships with land, were overlooked. Furthermore, the importance of obtaining the consent of those whose rights will be affected by a proposed special measure, was ignored by the facilitator:

Now the Government wants to make sure that the Racial Discrimination Act does work with the Emergency Response and it has said that in October this year it will change the law ... But the Government also says that you can still pass laws just for Aboriginal people, if that law is going to help Aboriginal people have the same rights as everybody else. If it is protecting women and children ... They call it a special measure... That's what the Government says this is, to be honest some people say that is not true. This is something that has been argued about and I don't know what will happen ... There are a lot of other laws which you can think of which are special measures. A good example of a special measure, a law that's just for Aboriginal people is the land rights law. This is Aboriginal land ... It's been given back to traditional owners under the land rights law; that's a law just for Aboriginal people. We call it special measure.

Community Feedback

126. There was a common perception that nothing had been achieved in the two years of the NTER.
127. People wanted to know if there had been any evidence unearthed of child sexual abuse and paedophile rings, since the commencement of the Intervention.
128. The men in particular felt unjustly stigmatized as paedophiles. There was similar angst about the signs that designate the community as a prescribed area and advertise the alcohol and pornography bans.

129. Participants were frustrated by what they perceived to be 'buck-passing' between the Commonwealth, Northern Territory and local governments.
130. There has been a great deal of frustration arising from delay in housing maintenance and in particular, repairs to septic tanks. The lawns of one house were covered in sewerage that was a foot deep.

Women's Concerns

131. Many of those in the Women's meeting expressed concern about the income management system. Some who did not speak English encountered difficulties in making telephone inquiries concerning their Basics Cards and expressed a desire to go back to the way things were before the NTER. When asked about the option of an exemption system for individuals who have satisfactory financial management skills, the women did not respond. Rather, they focused on what appeared to be common problems associated with obtaining information about their Basics Card accounts.
132. In relation to 5-year leases, the women were asked, 'do you think it's a good thing, a bad thing, you happy about it?' The women were uncertain about this issue. Although the facilitator asked them if they wanted more information, it would have been appropriate to seek out independent legal advice from the relevant Land Council. However, it is unknown if any of the Land Councils were invited to play a role in any of the consultations.

Men's Group

133. In the men's group, there was unease about the blanket application of alcohol bans on Aboriginal lands, while ignoring alcohol abuse in the broader community. The men also wanted greater autonomy in determining their own futures:

We want a full say in our community, on everything that happens about the way forward with the intervention and so on. Because what's happening ... is the enforcement of someone's visions and goals onto people and that what we up against...

In relation to alcohol, if the community decided to go dry, then the decision should be binding on everyone. White staff should not be able to obtain permits to bring alcohol into the community.

134. The men were concerned that outside contractors had been paid generously to undertake the community clean-up, while those in the community had been denied similar opportunities to work.
135. The men were affronted by the signs declaring the prohibition on pornography:

That big sign, there a shame job.

136. In relation to 5-year leases, the men did not understand why it had been necessary for the Commonwealth to acquire secure tenure when it had not built anything on the land during the period of the NTER:

So if you look at the lease it's given the Governments and you guys the freedom to be able to come in and help us, work with us and do a lot of stuff to get this place moving forward but ... 2 years down the track and we still talking and ... you still asking us, nothing, you know but what we saying is that government is really not sort of serious...

Later, when questioned about the Australian Government's plans for the land during the remainder of the lease, the facilitator was unable to provide any detailed response, other than to reiterate the Government's commitment to provide upgrades to existing houses.

C. Utopia/ Arlparra

137. The meeting was held on 13 August 2009.

Process

138. It appears that no prior consultation was undertaken for the purpose of acquiring community input into the process to be adopted during the meeting. This can be inferred from the introduction by the facilitator, who is also an officer of FaHCSIA:

We've got a lot to get through. On the other hand I know people have got other worries, so they're not going to want the meeting to go too long, and I think we've organized some lunch as well. I hope that we can do it within an hour or so, and how you want to do the meeting is really up to yourselves.

Interpreters

139. Although a number of participants spoke in a language other than English, no interpreters were provided. It is unknown if FaHCSIA undertook any inquiries in relation to the need for interpreters, prior to the meeting.

Purpose

140. It is unclear whether the community was provided with comprehensive information about the purpose of the meeting. No information has been provided in relation to the notice given to participants. However, it can be inferred from the comments made by some participants that only essential details, such as the time and place, were provided. For example, one participant expressed her confusion to the facilitator:

We're still not very clear ... what proposals you bring to this community and we would like to hear those... We're not idiots here. We think very clearly. After hearing your proposal, we will then, perhaps answer, and maybe we will put in a counter proposal...

Timeframe

141. It appears that the community had no prior involvement in determining the process for the consultation, the goals to be achieved, or the timeframe.

Accurate and Clear Information

142. Crucial developments were reduced to superficial explanations. For example, the report of the NTER Review Board was explained as delivering only three findings: that the crises in remote communities required national and urgent attention; that governments needed to 'reset' the relationship with Indigenous people in the Northern Territory; and that the Commonwealth had to comply with its international human rights obligations. Other

important recommendations, such as reforming the income management system with a view to making it voluntary, were overlooked. Likewise, the facilitator's explanation of the Government's plan to achieve consistency between the NTER and the *Racial Discrimination Act 1975* (Cth) omitted any mention of 'special measures'.

143. The facilitator's description of the ACC's role was woefully inadequate:

It's trying to get information about violence and abuse in communities and trying to find a way to protect people in those communities who give this information. This is about trying to make sure that governments are getting notice of what's happening in communities about people who, troublemakers, or people who are doing the wrong thing, might be abuse, might be violence, and let me say, many times, this is white people coming into the communities. But we know, that because governments haven't been supporting communities the way they have been for a long time in places like the Northern Territory, that they do have these problems, and no one there to help deal with violence and abuse, and trying to find a way to get more information so we can sort this problem out.

No mention was made of the ACC's 'star chamber' powers. Likewise, there was no discussion about the debate sparked by recent litigation arising from the ACC's attempts to obtain medical records from health care providers in the Northern Territory.

144. The options canvassed in *Future Directions* were also reduced to simplistic explanations. For example, the proposal to introduce a system of exemptions from income management was elucidated in the following terms:

... individuals, a person, could go to Centrelink, or someone else, they could go to Centrelink and say, 'I don't need income management' and they can – ultimately – the Centrelink can say, 'Yes, you don't need income management'. It's what they call, 'being exempted.'

145. Crucial questions about the income management regime were neglected by the facilitator. For example, what is the ultimate goal to be reached before income management will be disbanded? Furthermore, there did not appear to be any discussion about how, or even whether, the income management system would be evaluated in the future.

146. Some complex issues were raised which in turn gave rise to legal questions. For example, there was some discussion about a lease for a school. While participants appeared to support the concept of a lease, they wanted to ensure that Aboriginal people were able to maintain their responsibilities for the land:

... When we give land for school or something, what our people are saying here, is, lease, first, commitment from the Department for putting it up and control left with the people.

Arguably, the participants should have had the opportunity to seek independent legal advice in relation to their options for leasing the land. However, at no time did the facilitator suggest that the meeting be adjourned for such a purpose.

Community Feedback

147. There was anger that the NTER had been applied only to Aboriginal people:

If there's one rule for black people, and one rule for white Australia, who are our brothers and sisters? There is a division being created, and these are some of the questions that are going around...

We're the first Australians! And we will not lie down and take orders when we are not committing a crime. What the Northern Territory Intervention is doing, as far as we are concerned, is dividing us from our white brothers and sisters.

148. There was great indignation that the community had been stigmatized as a result of the Intervention.

149. There was a perception that no new resources had been invested in the community as a result of the NTER:

Out of the, say, money that you have received in the Northern Territory, on behalf of Aboriginal People, we are not getting a red cent out of that, as far as we are aware.

150. Several participants had felt belittled by the income management regime.

151. There was a strong desire for the Government to help the community to become self-sufficient through the marketing of its internationally renowned art:

... We demand nothing less than a village, whereby our visions and our dreams, and the spinoffs from that, will make us independent of the welfare cycles, which the government has put us in. We don't want to be there anymore. We don't want the green cards or anything else, nor Jenny Macklin's friend. Our Dreaming's here. And we can grow from it, and we can prove, within five years we can be off the welfare system. Our art is known throughout the world. And it's been smelted down and it's been dribbling out of Utopia. We want to harness that. Thank you.

152. One possible inference from the consultation was that there had been a virtual breakdown in relationships between governments and the community. This was manifest in the following comment by one participant:

... nobody has taken time off from this crazy cash cow, which is the intervention, to come and listen to us. Listen to old women like me and listen to these wise men. You look at them like they're rubbish. They're not rubbish ... They are not rubbish! But that is what the intervention is imparting to us ...

V. Regional Workshops

153. Regional workshops were conducted in Darwin, Alice Springs, Nhulunbuy, Katherine and Tennant Creek. These meetings were not filmed and therefore, the most comprehensive records of these meetings are those kept by officers from FaHCSIA. While the reports varied, some common themes emerged:

Income Management

154. There was strong opposition to the income management system expressed throughout the workshops. Likewise, there was strong opposition to the proposal in *Future Directions* to introduce a system of exemptions. For the most part, participants expressed a preference for a voluntary system.

155. The regional workshops revealed serious difficulties with income management that Aboriginal people are experiencing on a regular basis. By way of example, some participants claimed that individuals who are fined cannot use their Basics Card to pay their fines. As a consequence, those individuals are serving custodial sentences. The income management system has also restricted the ability to travel interstate. Those difficulties aside however, many felt humiliated that Aboriginal people had been singled out for income management.

156. The FaHCSIA reports suggest that people needed more information in order to make informed decisions about the options contained in *Future Directions*. Some of the questions raised in the Darwin Workshop were:

Who is going to do the assessments under Option 1 in the Discussion Paper? Centrelink does not have the level of knowledge of communities or the people that live in them to do assessments for IM.

We do not know the assessment criteria for what is being proposed for the new IM compulsory model, so how can we decide?

157. On a number of occasions, the question was asked – what will happen when the NTER ends? Will people have to learn how to manage their money all over again?

Government Investment in Communities

158. In spite of the significant expense of the NTER, no community reported an increase in investment at the grass roots. For example, participants at several workshops expressed the need for alcohol rehabilitation programs. Given that the Commonwealth Minister has consistently argued that the Rudd Government is committed to stemming alcohol abuse in Indigenous communities, it is difficult to understand why Aboriginal communities in the Northern Territory have not been provided with new resources for alcohol rehabilitation services. Unemployment was also identified as an underlying cause of social dysfunction, yet the NTER had not generated significant employment opportunities.

Confusion over 5-year Leases

159. There appears to be widespread confusion over the 5-year leases. The rationale provided for the leases was that the Commonwealth wanted to build infrastructure in communities quickly, but could not do so without secure tenure. However, in spite of the passage of two years, little infrastructure had actually been built. Furthermore, people wanted to be informed about what would happen at the expiration of the lease. There was also concern in Katherine about how the leases would be funded.

160. Nonetheless, there was strong opposition to the surrendering of Aboriginal land in the absence of appropriate consultations. For example, when asked about the continuation of the leases, the Nhulunbuy participants responded with, 'No way. We don't want leases in our community. Give our land back.'

Community Stores

161. It was a common complaint that food prices in community stores were exorbitant. There were suggestions that Governments should subsidise the costs of healthy food.

Pornography

162. Signage declaring the prohibition on pornography was widely condemned as unfairly stigmatizing Indigenous people.

The Australian Crime Commission

163. Those who attended the workshops had little knowledge of the ACC or the extent of its powers. The sentiments of those at the Alice Springs Workshop reflected this lack of knowledge:

Generally participants advised that they did not have enough knowledge of the ACC activities to make an informed decision and would have to seek legal advice before they could comment on whether the measure should be continued.

Alcohol Restrictions

164. There was a diversity of opinion in relation to the restrictions. Although there was a common perception that there was less violence as a result of the restrictions, there were also concerns that not enough had been done to stem alcohol abuse. In particular, there needed to be more support services for drinkers. Some were also concerned that the restrictions had unintended consequences, such as pushing drinkers into other areas, rather than providing a holistic approach to alcoholism.

Enhanced Protection for Human Rights

165. There appeared to be universal support for the reinstatement of the *Racial Discrimination Act*. However, some participants wanted greater protection for their human rights and in particular, raised the issue of acknowledgement of Aboriginal people in the Commonwealth Constitution.
166. There was a common perception that racism had become more entrenched in the broader community since the commencement of the NTER. For example, at Katherine, it was claimed that:

We need to get the RDA back; Katherine has changed – one of our mob got picked on by a policeman and now our entire mob don't get along with white people; I want to cry because of the way we are treated in this town; the government is treating our people the wrong way – we need to speak up; we don't want our children and future generations to be in the same boat that we were in as children – we must all speak with one voice.

The further Unravelling of Relationships between Communities and Government

167. One of the most consistent themes to emerge from the workshops was the loss of community confidence in governments, brought about by the imposition of the NTER in the absence of prior consultation. The loss of community autonomy had also served to undermine local initiatives. The FaHCSIA report of the Tennant Creek consultation recorded the following observation:

There was a strong view that the government is taking control away from the community. Tennant Creek has been working very hard to control alcohol and its effects in the town, but this has been overridden by the NTER (with little acknowledgement of the work people were already doing on the ground).

Loss of Trust

169. The loss of trust was perhaps most evident in the Laynhapuy Homelands at Yirrkala. Early in the meeting, the government officials were advised of the following:

... this was not a time for questions and it is not a time for you to talk, you need to listen ... we demand that the Racial Discrimination Act be fully reinstated.

The problems our people face can be addressed through programs and funding targeted on a needs basis alone, under the Closing the Gap policy.

We should not be subjected to special measures that separate us out or impose things on us without agreement.

Our responses to your questions in this consultation must not be used by the Australian Government to argue for the continuation of the NTER, intervention, or justify what has been done to date.

We want this statement to be recorded in full and given to the Australian Government.

VI. Special Measures

170. In announcing its intention to continue the NTER in its interim response to the NTER Review Board report, the Australian Government explained its intention to amend the NTER measures so that they are non-discriminatory or more clearly special measures such that the suspension of the Racial Discrimination Act is no longer required.⁷⁵ It is to these amendments to the measures that *Future Directions* is directed.

171. Inherent to the operation of the *Race Convention* is the ambition for *de facto* rather than *de jure* equality, such that the adoption of special measures is one element of a State party's obligation to eliminate racial discrimination by all appropriate means. Special or positive measures are forms of favourable or preferential treatment, including affirmative action, necessary to advance substantive equality for particular groups or individuals facing persistent disparities. They arise from an acknowledgment that formal equality before the law will not be sufficient to eliminate discrimination and will not achieve substantive or effective equality. Special measures are permitted under art 1(4) of the Race Convention and are, indeed, required when 'when the circumstances so warrant' (art 2(2)). Special measures are also provided for under the *Racial Discrimination Act*, which incorporates the Race Convention into domestic law.⁷⁶

⁷⁵ For a comprehensive analysis of whether particular measures of the NTER can be justified as 'special measures' see Alison Vivian & Ben Schokman, 'The Northern Territory Intervention and the fabrication of 'special measures'' (2009) 13(1) *Australian Indigenous Law Review* 78.

⁷⁶ *Ibid.*

172. Relevantly, one of the fundamental characteristics of special measures is that they are 'designed and implemented on the basis of *prior* consultation with affected communities and the active participation of such communities' (emphasis added).⁷⁷ In addition, as described above, the Race Convention must be read together with General Recommendation 23 in order to discern the content of state party obligations as they apply to Indigenous peoples, which includes, as discussed, informed consent.⁷⁸ In domestic law, the wishes of the beneficiaries of the measure have been described as of great importance and perhaps essential,⁷⁹ although it must be noted that this observation was made many years before the guidance that has now been provided by CERD in General Recommendation 32.

173. Participation of the affected group is a minimum requirement. Where measures have a potentially negative effect, such as community-initiated alcohol bans, they can, according to the Aboriginal and Torres Strait Islander Social Justice Commissioner, only be special measures when enacted with the *consent* of the affected people.⁸⁰ In any event, the international standard elucidated in the Declaration and CERD's *General Recommendation 23* requires that no decisions directly relating to Indigenous peoples' rights and interests be taken without their informed consent. The question of consent to special measures where the rights of children and the rights of adults may differ raises complex issues but does not deny the need for genuine consultation.⁸¹

174. It is apparent from observations made by the Australian Government that the *Future Directions* meetings have been undertaken to fulfil the requirement for consultation required by the Race Convention to characterise measures as special measures.

175. Whether the NTER measures can demonstrate the necessary 'advancement' required for characterisation as special measures is a matter for debate, noting Brennan J's caution in *Gerhardy v Brown*⁸² that 'advancement' 'is not necessarily what the person who takes the measure regards as a benefit for the beneficiaries'.⁸³ His Honour went on to state that the requisite advancement in relation to special measures is

not established by showing that the branch of government or the person who takes the measure does so for the purpose of conferring what it or he regards as a benefit for the group if the group does not seek or wish to have the benefit.⁸⁴

⁷⁷ CERD, *General Recommendation 32: The meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination*, Seventy-fifth session, August 2009 at [18].

⁷⁸ Vivian & Schokman, above, note 77.

⁷⁹ *Gerhardy v Brown* (1985) 159 CLR 70, per Brennan J at 159.

⁸⁰ Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2007* (2008), 261; Human Rights and Equal Opportunity Commission, *Submission to the Senate Legal and Constitutional Committee on the Northern Territory National Emergency Response Legislation* (10 August 2007) at [20] – [21] references omitted.

⁸¹ *Ibid* at [22].

⁸² *Gerhardy v Brown* (1985) 159 CLR 70 at [37].

⁸³ *Ibid*.

⁸⁴ *Ibid*.

176. However, putting to one side any asserted benefit, the consultation process instigated by the Australian Government cannot be capable of retrospectively 'transforming' the measures of the Northern Territory Intervention into special measures when the essential criterion of participation in design is lacking. Even if such transformation were possible, the consultation process undertaken by the Australian Government is manifestly inadequate and incapable of facilitating informed consent mandated by General Recommendation 23 and the Declaration for the following reasons:

- l. there are fundamental flaws with the substance of the consultation;
- m. there has been very limited consultation;
- n. the consultation process itself is inadequate; and
- o. (there are concerns about the Australian Government's motives with respect to the consultative process).

177. The consultation process occurred within the context of the Government continuing to exercise coercive powers under NTER legislation, unfettered by the Race Convention or the *Racial Discrimination Act*. It was not a genuine endeavour to create a new co-operative and negotiated approach to dealing with the problems that led to the NTER. Accordingly, when properly analysed, the current consultation process is the antithesis of what is required for a 'special measure'. It is no more than an occasion for those attending to say what they want to say. There is no proper process for any response to those persons or any negotiation with them by the Government.

VII. Conclusion

178. Fundamental flaws in the consultation process mean that it cannot be relied upon as evidence of consent to special measures under the *Racial Discrimination Act 1975 (Cth)*.

179. While the consultation process was flawed, responses given by Aboriginal participants show concern about the continual impact of the NTER on people's lives, including income management.

180. Rather than giving evidence of consent to 'special measures', the consultations reiterate why the *Racial Discrimination Act 1975 (Cth)* should be reinstated in its entirety in the Northern Territory and provides evidence of the need to rethink the policy approach taken as part of the NTER.

Annexure A – General Recommendation 32

*Committee on the Elimination of Racial Discrimination
Seventy-fifth session, August 2009*

General Recommendation No. 32

The meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination

I. Introduction

A) Background

1. At its 71st session, the Committee on the Elimination of Racial Discrimination (the Committee) decided to embark upon the task of drafting a new General Recommendation on special measures, in light of the difficulties observed in the understanding of such notion. At its 72nd session, the Committee decided to hold at its next session a thematic discussion on the subject of special measures within the meaning of articles 1(4) and 2(2) of the Convention. The thematic discussion was held on 4 and 5 August 2008 with the participation of States parties to the Convention, representatives of the Committee on the Elimination of Discrimination against Women (CEDAW), the International Labour Organisation (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and non-governmental organizations. Following the discussion, the Committee renewed its determination to work on a general recommendation on special measures, with the objective of providing overall interpretative guidance on the meaning of the above articles in light of the provisions of the Convention as a whole.

B) Principal Sources

2. The General Recommendation is based on the Committee's extensive repertoire of practice referring to special measures under the Convention. Committee practice includes the concluding observations on the reports of States parties to the Convention, communications under Article 14, and earlier general recommendations, in particular General Recommendation 8 on Article 1, paragraphs 1 and 4 of the Convention, as well as General Recommendation 27 on Discrimination against Roma, and General Recommendation 29 on Article 1, paragraph 1, of the Convention (Descent), both of which make specific reference to special measures.

3. In drafting the recommendation, the Committee has also taken account of work on special measures completed under the aegis of other UN-related human rights bodies, notably the report by the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights,⁸⁵ and General Recommendation 25 of the Committee on the Elimination of Discrimination against Women on 'temporary special measures'.⁸⁶

C) Purpose

⁸⁵ 'The Concept and Practice of Affirmative Action, final report by special rapporteur, Mr. Marc Bossuyt, E/CN.4/Sub.2/2002/21.

⁸⁶ Adopted at the thirtieth session of the Committee, A/59/38, Annex I (2004).

4. The purpose of the General Recommendation is to provide, in light of the Committee's experience, practical guidance on the meaning of special measures under the Convention in order to assist States parties in the discharge of their obligations under the Convention, including reporting obligations. Such guidance may be regarded as consolidating the wealth of Committee recommendations to States parties regarding special measures.

D) Methodology

5. The Convention, as the Committee has observed on many occasions, is a living instrument that must be interpreted and applied taking into account the circumstances of contemporary society. This approach makes it imperative to read its text in a context-sensitive manner. The context for the present recommendation includes, in addition to the full text of the Convention including its title, preamble and operative articles, the range of universal human rights standards on the principles of non-discrimination and special measures. Context-sensitive interpretation also includes taking into account the particular circumstances of States parties without prejudice to the universal quality of the norms of the Convention. The nature of the Convention and the broad scope of the Convention's provisions imply that, while the conscientious application of Convention principles will produce variations in outcome among States parties, such variations must be fully justifiable in light of the principles of the Convention.

II. Equality and Non-Discrimination as the Basis of Special Measures

A) Formal and de facto Equality

6. The International Convention on the Elimination of All Forms of Racial Discrimination is based on the principles of the dignity and equality of all human beings. The principle of equality underpinned by the Convention combines formal equality before the law with equal protection of the law, with substantive or *de facto* equality in the enjoyment and exercise of human rights as the aim to be achieved by the faithful implementation of its principles.

B) Direct and Indirect Discrimination

7. The principle of enjoyment of human rights on an equal footing is integral to the Convention's prohibition of discrimination on grounds of race, colour, descent, and national or ethnic origin. The 'grounds' of discrimination are extended in practice by the notion of 'intersectionality' whereby the Committee addresses situations of double or multiple discrimination - such as discrimination on grounds of gender or religion - when discrimination on such a ground appears to exist in combination with a ground or grounds listed in Article 1 of the Convention. Discrimination under the Convention includes purposive or intentional discrimination and discrimination in effect. Discrimination is constituted not simply by an unjustifiable 'distinction, exclusion or restriction' but also by an unjustifiable 'preference', making it especially important that States parties distinguish 'special measures' from unjustifiable preferences.

8. On the core notion of discrimination, General Recommendation 30 of the Committee observed that differential treatment will 'constitute discrimination if the criteria for such differentiation, judged in the light of the objectives and purposes of the Convention, are not applied pursuant to a legitimate aim, and are not proportional to the achievement of this aim.'⁸⁷

⁸⁷ General Recommendation No. 30, paragraph 4.

As a logical corollary of this principle, General Recommendation 14 observes that 'differentiation of treatment will not constitute discrimination if the criteria for such differentiation, judged against the objectives and purposes of the Convention, are legitimate'.⁸⁸ The term 'non-discrimination' does not signify the necessity of uniform treatment when there are significant differences in situation between one person or group and another, or, in other words, if there is an objective and reasonable justification for differential treatment. To treat in an equal manner persons or groups whose situations are objectively different will constitute discrimination in effect, as will the unequal treatment of persons whose situations are objectively the same. The Committee has also observed that the application of the principle of non-discrimination requires that the characteristics of groups be taken into consideration.

C) Scope of the Principle of Non-Discrimination

9. The principle of non-discrimination, according to Article 1.1. of the Convention, protects the enjoyment on an equal footing of human rights and fundamental freedoms 'in the political, economic, social, cultural or any other field of public life.' The list of human rights to which the principle applies under the Convention is not closed and extends to any field of human rights regulated by the public authorities in the State party. The reference to public life does not limit the scope of the non-discrimination principle to acts of the public administration but should be read in light of provisions in the Convention mandating measures by States parties to address racial discrimination 'by any persons, group or organization'.⁸⁹

10. The concepts of equality and non-discrimination in the Convention, and the obligation on States parties to achieve the objectives of the Convention, are further elaborated and developed through the provisions in Articles 1.4 and 2.2 regarding special measures.

III. The Concept of Special Measures

A) Objective of Special Measures: Advancing Effective Equality

11. The concept of special measures is based on the principle that laws, policies and practices adopted and implemented in order to fulfil obligations under the Convention require supplementing, when circumstances warrant, by the adoption of temporary special measures designed to secure to disadvantaged groups the full and equal enjoyment of human rights and fundamental freedoms. Special measures are one component in the ensemble of provisions in the Convention dedicated to the objective of eliminating racial discrimination, the successful achievement of which will require the faithful implementation of all Convention provisions.

B) Autonomous Meaning of Special Measures

12. The terms 'special measures' and 'special and concrete measures' employed in the Convention may be regarded as functionally equivalent and have an autonomous meaning to be interpreted in light of the Convention as a whole which may differ from usage in particular States parties. The term 'special measures' includes also measures that in some countries may be described as "affirmative measures", "affirmative action" or "positive action" in cases where they correspond to the provisions of articles 1(4) and 2(2) of the Convention, as explained in the following paragraphs. In line with the Convention, the present recommendation employs the terms 'special measures' or 'special and concrete measures' and encourages States parties to

⁸⁸ A/48/18, chapter VIII B.

⁸⁹ Article 2.1. (d); see also Article 2.1. (b).

employ terminology that clearly demonstrates the relationship of their laws and practice to these concepts in the Convention. The term 'positive discrimination' is, in the context of international human rights standards, a *contradictio in terminis* and should be avoided.

13. 'Measures' includes the full span of legislative, executive, administrative, budgetary and regulatory instruments, at every level in the State apparatus, as well as plans, policies, programmes and preferential regimes in areas such as employment, housing, education, culture, and participation in public life for disfavoured groups, devised and implemented on the basis of such instruments. States parties should include as required in order to fulfil their obligations under the Convention, provisions on special measures in their legal systems, whether through general legislation or legislation directed to specific sectors in light of the range of human rights referred to in Article 5 of the Convention, as well as through plans, programmes and other policy initiatives referred to above at national, regional and local levels.

C) Special Measures and Other Related Notions

14. The obligation to take special measures is distinct from the general positive obligation of States parties to the Convention to secure human rights and fundamental freedoms on a non-discriminatory basis to persons and groups subject to their jurisdiction; this is a general obligation flowing from the provisions of the Convention as a whole and integral to all parts of the Convention.

15. Special measures should not be confused with specific rights pertaining to certain categories of person or community, such as, for example the rights of persons belonging to minorities to enjoy their own culture, profess and practise their own religion and use their own language, the rights of indigenous peoples, including rights to lands traditionally occupied by them, and rights of women to non-identical treatment with men, such as the provision of maternity leave, on account of biological differences from men.⁹⁰ Such rights are permanent rights, recognised as such in human rights instruments, including those adopted in the context of the United Nations and its agencies. States parties should carefully observe distinctions between special measures and permanent human rights in their law and practice. The distinction between special measures and permanent rights implies that those entitled to permanent rights may also enjoy the benefits of special measures.⁹¹

D) Conditions for the Adoption and Implementation of Special Measures

16. Special measures should be appropriate to the situation to be remedied, be legitimate, necessary in a democratic society, respect the principles of fairness and proportionality, and be temporary. The measures should be designed and implemented on the basis of need, grounded in a realistic appraisal of the current situation of the individuals and communities concerned.

17. Appraisals of the need for special measures should be carried out on the basis of accurate data, disaggregated by race, colour, descent and ethnic or national origin and incorporating a gender perspective, on the socio-economic and cultural⁹² status and conditions of the various

⁹⁰ See CEDAW General Recommendation 25, paragraph 16.

⁹¹ See for example paragraph 19 of CEDAW General Recommendation 25, and paragraph 12 of the Recommendations of the Forum on Minority Issues on rights to education, A/HRC/10/11/Add.1 (2009).

⁹² Article 2.2. includes the term 'cultural' as well as 'social' and 'economic'.

groups in the population and their participation in the social and economic development of the country’.

18. States parties should ensure that special measures are designed and implemented on the basis of prior consultation with affected communities and the active participation of such communities.

IV. Convention Provisions on Special Measures

A) Article 1, paragraph 4

19. Article 1, paragraph 4 of the Convention stipulates that “special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved”.

20. By employing the phrase ‘shall not be deemed racial discrimination’, Article 1, paragraph 4 of the Convention makes it clear that special measures taken by States parties under the terms of the Convention do not constitute discrimination, a clarification reinforced by the *travaux préparatoires* of the Convention which record the drafting change from ‘should not be deemed racial discrimination’ to ‘shall not be deemed racial discrimination’. Accordingly, special measures are not an exception to the principle of non-discrimination but are integral to its meaning and essential to the Convention project of eliminating racial discrimination and advancing human dignity and effective equality.

21. In order to conform to the Convention, special measures do not amount to discrimination when taken for the ‘sole purpose’ of ensuring equal enjoyment of human rights and fundamental freedoms. Such a motivation should be made apparent from the nature of the measures themselves, the arguments used by the authorities to justify the measures, and the instruments designed to put the measures into effect. The reference to ‘sole purpose’ limits the scope of acceptable motivations for special measures within the terms of the Convention.

22. The notion of ‘adequate advancement’ in Article 1, paragraph 4, implies goal-directed programmes which have the objective of alleviating and remedying disparities in the enjoyment of human rights and fundamental freedoms affecting particular groups and individuals, protecting them from discrimination. Such disparities include but are not confined to persistent or structural disparities and *de facto* inequalities resulting from the circumstances of history that continue to deny to vulnerable groups and individuals the advantages essential for the full development of the human personality. It is not necessary to prove ‘historic’ discrimination in order to validate a programme of special measures; the emphasis should be placed on correcting present disparities and on preventing further imbalances from arising.

23. The term ‘protection’ in the paragraph signifies protection from violations of human rights emanating from any source, including discriminatory activities of private persons, in order to ensure the equal enjoyment of human rights and fundamental freedoms. The term ‘protection’ also indicates that special measures may have preventive (of human rights violations) as well as corrective functions.

24. Although the Convention designates 'racial or ethnic groups or individuals requiring ... protection' (Article 1, paragraph 4), and 'racial groups or individuals belonging to them' (Article 2, paragraph 2), as the beneficiaries of special measures, the measures shall in principle be available to any group or person covered by Article 1 of the Convention, as clearly indicated by the *travaux préparatoires* of the Convention, as well as by the practice of States parties and the relevant concluding observations of the Committee.⁹³

25. Article 1, paragraph 4 is expressed more broadly than Article 2, paragraph 2 in that it refers to individuals 'requiring ... protection' without reference to ethnic group membership. The span of potential beneficiaries or addressees of special measures should however be understood in light of the overall objective of the Convention as dedicated to the elimination of all forms of racial discrimination, with special measures are an essential tool, where appropriate, for the achievement of this objective.

26. Article 1, paragraph 4 provides for limitations on the employment of special measures by States parties. The first limitation is that the measures 'should not lead to the maintenance of separate rights for different racial groups'. This provision is narrowly drawn to refer to 'racial groups' and calls to mind the practice of Apartheid referred to in Article 3 of the Convention which was imposed by the authorities of the State, and to practices of segregation referred to in that article and in the preamble to the Convention. The notion of inadmissible 'separate rights' must be distinguished from rights accepted and recognised by the international community to secure the existence and identity of groups such as minorities, indigenous peoples and other categories of person whose rights are similarly accepted and recognised within the framework of universal human rights.

27. The second limitation on special measures is that 'they shall not be continued after the objectives for which they have been taken have been achieved'. This limitation on the operation of special measures is essentially functional and goal-related: the measures should cease to be applied when the objectives for which they were employed – the equality goals – have been sustainably achieved.⁹⁴ The length of time permitted for the duration of the measures will vary in light of their objectives, the means utilised to achieve them, and the results of their application. Special measures should, therefore, be carefully tailored to meet the particular needs of the groups or individuals concerned.

B) Article 2, paragraph 2

28. Article, paragraph 2 of the Convention stipulates that "States parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved".

⁹³ See also paragraph 7 above.

⁹⁴ CESCR General Comment No. 20, paragraph 9.

29. Article 1, paragraph 4 of the Convention is essentially a clarification of the meaning of discrimination when applied to special measures. Article 2, paragraph 2 carries forward the special measures concept into the realm of obligations of States parties, along with the text of Article 2 as a whole. Nuances of difference in the use of terms in the two paragraphs do not disturb their essential unity of concept and purpose.

30. The use in the paragraph of the verb 'shall' in relation to taking special measures clearly indicates the mandatory nature of the obligation to take such measures. The mandatory nature of the obligation is not weakened by the addition of the phrase 'when the circumstances so warrant', a phrase which should be read as providing context for the application of the measures. The phrase has, in principle, an objective meaning in relation to the disparate enjoyment of human rights by persons and groups in the State party and the ensuing need to correct such imbalances.

31. The internal structure of States parties, whether unitary, federal or decentralised, does not affect their responsibility under the Convention, when resorting to special measures, to secure their application throughout the territory of the State. In federal or decentralised States, the federal authorities shall be internationally responsible for designing a framework for the consistent application of special measures in all parts of the State where such measures are necessary.

32. Whereas Article 1, paragraph 4 of the Convention uses the term 'special measures', Article 2, paragraph 2 refers to 'special and concrete measures'. The *travaux préparatoires* of the Convention do not highlight any distinction between the terms and the Committee has generally employed both terms as synonymous.⁹⁵ Bearing in mind the context of Article 2 as a broad statement of obligations under the Convention, the terminology employed in Article 2, paragraph 2, is appropriate to its context in focusing on the obligation of States parties to adopt measures tailored to fit the situations to be remedied and capable of achieving their objectives.

33. The reference in Article 2, paragraph 2 regarding the objective of special measures to ensure 'adequate development and protection' of groups and individuals may be compared with the use of the term 'advancement' in Article 1, paragraph 4. The terms of the Convention signify that special measures should clearly benefit groups and individuals in their enjoyment of human rights. The naming of fields of action in the paragraph - 'social, economic, cultural and other fields' - does not describe a closed list. In principle, special measures can reach into all fields of human rights deprivation, including deprivation of the enjoyment of any human rights expressly or impliedly protected by Article 5 of the Convention. In all cases it is clear that the reference to limitations of 'development' relates only to the situation or condition in which groups or individuals find themselves and is not a reflection on any individual or group characteristic.

34. Beneficiaries of special measures under Article 2, paragraph 2 may be groups or individuals belonging to such groups. The advancement and protection of communities through special measures is a legitimate objective to be pursued in tandem with respect for the rights and interests of individuals. The identification of an individual as belonging to a group should

⁹⁵ The UN declaration on the Elimination of All Forms of Racial Discrimination referred, in Article 2.3. to 'special and concrete measures'. See also paragraph 12 above.

be based on self-identification by the individual concerned, unless a justification exists to the contrary.

35. Provisions on the limitations of special measures in Article 2, paragraph 2, are in essence the same, *mutatis mutandis*, as those expressed in Article 1, paragraph 4. The requirement to limit the period for which the measures are taken implies the need, as in the design and initiation of the measures, for a continuing, system of monitoring their application and results using, as appropriate, quantitative and qualitative methods of appraisal. States parties should also carefully determine whether negative human rights consequences would arise for beneficiary communities consequent upon an abrupt withdrawal of special measures, especially if such have been established for a lengthy period of time.

V. Recommendations for the preparation of reports by States parties

36. The present guidance on the content of reports confirms and amplifies the guidance provided to States parties in the Harmonized Guidelines on Reporting to the International Human Rights Treaty Monitoring Bodies,⁹⁶ and the Guidelines for the CERD-specific document to be submitted by States parties under Article 9, paragraph 1 of the Convention.⁹⁷

37. Reports of States parties should describe special measures in relation to any articles of the Convention to which the measures are related. The reports of States parties should also provide information, as appropriate, on:

- The terminology applied to special measures as understood in the Convention;
- the justifications for special measures, including relevant statistical and other data on the general situation of beneficiaries, a brief account of how the disparities to be remedied have arisen, and the results to be expected from the application of measures;
- the intended beneficiaries of the measures;
- the range of consultations undertaken towards the adoption of the measures including consultations with intended beneficiaries and with civil society generally;
- the nature of the measures and how they promote the advancement, development and protection of groups and individuals concerned;
- the fields of action or sectors where special measures have been adopted;
- where possible, the envisaged duration of the measures;
- the institutions in the State responsible for implementing the measures;
- the available mechanisms for monitoring and evaluation of the measures;
- participation by targeted groups and individuals in the implementing institutions and in monitoring and evaluation processes;
- the results, provisional or otherwise, of the application of the measures;
- plans for the adoption of new measures and the justifications thereof;
- information on reasons why, in light of situations that appear to justify the adoption of measures, such measures have not been taken.

⁹⁶ HRI/MC/2006/3.

⁹⁷ CERD/C/2007/1.

38. In cases where a reservation affecting Convention provisions on special measures is maintained, States parties are invited to provide information as to why such a reservation is considered necessary, the nature and scope of the reservation, its precise effects in terms of national law and policy, and any plans to limit or withdraw the reservation within a specified time-frame. In cases where States parties have adopted special measures despite the reservation, they are invited to provide information on such measures in line with the recommendations in paragraph 37 above.

Annexure B
Bagot Community
Darwin, NT

Transcript

of

FHCSIA 'Special Measures' Consultations:

*'Future Directions for
Northern Territory Emergency Response'*

28 July 2009

Attendees:

50 Bagot Community members – a full list of attendees was not recorded. People who spoke have been given an identifier, A, B, C, etc. according to the first time they spoke. This identifying information is in a separate document.

Brendan Higgins (BH) – Facilitator - Indigenous Coordination Centre/Families, Housing, Community Services and Indigenous Affairs

Sally Boyd (SB) - Scribe - Indigenous Coordination Centre/Families, Housing, Community Services and Indigenous Affairs

Carol Stanislaus (CS) – Government Business Manager

Lyle Cooper (LC) - Indigenous Engagement Officer

Commonwealth Ombudsman, Indigenous Unit representatives – Terena Russell (TR) and Annie Harrison (AH) as independent observers

NAAJA, Northern Australia Aboriginal Justice Agency and Legal Aid representative

NT Stolen Generation representatives – Rosie Baird and colleague

Isobel Gawler (IG) Bagot Community Church

Working Group for Aboriginal Rights/Enlightning Productions filmmaker – Eleanor Gilbert

Darwin Aboriginal Rights Coalition members – Dave Suttle, Sue Leigh, Susan Foster

Part One

Future Directions consultation Tier 2 - Bagot Community, Darwin, NT

28 July 2009

Identifier	Timecode	
A	0:00:00	<p><i>The footage commences with a community leader (A) driving around the community getting people to come to the consultation. (During the meeting (A) has the microphone going into the video. Some of what is said is not intended for the facilitator, but conversation)</i></p> <p>Meeting on now, bubba? If you can come and have your say and get into them, give em all you've got man. Good morning, can you <i>inaudible</i>...go to meeting there, talk for (<i>community name</i>). Girl you gotta come to meeting, because if you people want this house and stay here, you mob gotta go talk to the government now, they're waiting up there now and I want you mob people to go up there. Tell (<i>name</i>), (<i>name</i>) meeting now, come on, if you want to live here you got to come up to this meeting now and tell the government. Yes, please, hurry up. You mob have to support us on this, come now. This is not about me, it's all about all of us. You mob betta come. Yeah thank you, I'll see you up there then .</p>
A	0:01:20	<p>All right, let's start now. I will just open up the meeting. I just want to acknowledge all the Larrakia people, countrymen, from this country, our country.</p> <p>I want to say thank you to the government for coming in, at last, to our community, to talk about the intervention. Thank you.</p>
BH	0:01:55	<p>I acknowledge the traditional owners too so we are able to undertake this meeting at Bagot.</p>
CS	0:02:06	<p>We cannot hear you Brendan. Can you come forward? <i>(BH is standing right at the front of the church, all the people are towards the rear of the church).</i></p>
BH	0:02:13	<p>I will go forward as much as I can. But if people want to come up, do not be afraid. If you want to come up, grab a seat, put it at the back a bit, if people are a bit shy about sitting up the front. That way you should hear and more important so we can hear what you have to say and we can write it down.</p>
		<p><i>(People begin moving in a bit closer, but the majority remain at the back and edges of the church).</i></p>
		<p><i>Background discussion: IG suggesting setting up the PA system (that belongs to the church).</i></p>
CS	0:02:51	<p>Is there a roving mike that people can use when they have questions? It is just if Sally is doing all the scribing...</p>

IG		I have a long lead, it is a bit primitive.
BH		Thanks very much.
		<i>General discussion while PA is being set up.</i>
BH	0:04:01	I will begin, and when it is working I will use the mike. The first thing I will do is introduce myself and where I am from – the government. Then I will ask the number of people who are here today who you might say are observing the meeting I will get them to introduce themselves as well so people know who they are and where they are from.
	0:04:23	My name is Brendan Higgins, I work in the Indigenous Coordination Centre, that is part of FHCSIA, Families, Housing, Community Services and Indigenous Affairs. I will be doing the presentation today and I have been doing presentations across a number of communities across the Top End.
SB		Hi, I am Sally Boyd, I work with Brendan and Carol at the ICC.
BH		Sally's role here today will be to write down what people have to say, so it can be recorded in a report that is sent back to Canberra.
		Hi, I am Terena and this is Annie, we are from the Commonwealth Ombudsman's office. We are independent of FHCSIA. We are just here to observe today how FHCSIA conduct the consultation and the meeting. Thanks.
		Hi, I am Rosie Baird from NT Stolen Generation. We were invited to come by the President, Joy White, to come and give her support.
		<i>(does not give name)</i> I am the Chairperson of the NT Stolen Generation and my interest in being here is because Bagot holds a lot of history and being a person from this area myself growing up, I am interested in what is happening with Bagot itself and the people. So I am just here giving support as well, to the people here, at the request of Joy.
		Name: I am A civil lawyer from NAAJA. We are just here observing today. <i>(Another person from NAAJA or legal aid)</i>
		I am Ellie Gilbert, I am an independent filmmaker and Joy asked me to come and film here.
IG	0:06:39	Is that up and running? Just because people will not be hearing what they are saying. I think, to be proper, people should have a chance to hear who they are, because the people cannot hear.
		<i>(More discussion about the mike and PA equipment)</i>

BH	0:07:40 0:08:25	<p>(with the mike) There are two people here from the Commonwealth Ombudsman's office. The two people that spoke behind Joy are from the NT Stolen Generation group. The lady and the man here are from what they call NAAJA, the Northern Australia Aboriginal Justice Agency and one from legal aid, sorry. There is an independent film maker here at Joy's request. Sally Boyd who works with our office in FHCSIA and Sally is going to be taking notes to give to you providing responses back on the intervention.</p> <p>So people get an idea of how the meeting will be run, we will begin with, I will give a bit of background information about the intervention, about where it sort of began and where it is up to now. That will probably take about 10 minutes, maybe more. Then the majority of the meeting what we will be wanting is to hear from people that are affected by the intervention and the measures that came in with the intervention to hear what people have to say about those measures and that is the information that we will be recording. So that will be the majority of the meeting. So we will certainly be wanting people to make comments so we will record those comments.</p>
		<p>The other thing too to let you know is that we have arranged lunch through the store, so that will be end of the meeting. We are expecting the meeting to take about one hour and a half, maybe two hours, it depends on how much responses we get from people.</p>
	0:09:47	<p>What Sally is doing is she is taking the notes down. We then do a report up. The report is targeted to each of the measures that we discuss and the comments about each of the measures. That will be written up and we will give it back to Carol, the Government Business Manager here, and with her and Lyle, the Indigenous Engagement Officer, and will come back and she will liaise with a couple of the people at the meeting to just go back and go over those comments, just to make sure that it is a true reflection of what was said and then once that has been okayed then we will be sending that report back to Canberra. That is just an idea of how the meeting is going to work and how the information is collected and recorded.</p>
CS	0:10:42	<p>If people want copies of that report we can also provide copies ... <i>inaudible</i></p>
B	0:10:53	<p>How long before the report is ready?</p>
BH		<p>Someone said how long before ...will the report – well the notes we take today, it should be ready, it should be out this week, so Carol should come back later this week and show people and get that checked.</p>
IG	0:11:28	<p>Brendan, how does this consultation and the feedback to the government fit in with the Northern Territory Chief Minister's</p>

IG	0:11:28	Brendan, how does this consultation and the feedback to the government fit in with the Northern Territory Chief Minister's announcement that he was going to take over the community? They are talking about how the intervention is working in the community, but if the Chief Minister has said that he is taking over the land and it is going to be turned into a suburb, how does this all fit in? How does it fit in? Because it is not making a lot of sense.
BH	0:12:01	The NT government's idea about taking over the community is one policy that the NT government is working on. I would not be expecting that to be happening very soon. I think that it is going to be a process that is going to take time. So I do not think that is going to have a major impact on what is happening with the intervention. These measures will be something that will be ... and I will go through them in the presentation and that might answer some questions for you.
	0:12:48	The information here that we are getting here, is we are looking at amending the legislation in the Australian government parliament in Canberra in October. So the government will be making changes ... will be looking at making changes to the Northern Territory Emergency Response legislation. They will come in to effect...if they are passed.... I would expect early next year. But I would not expect that the idea about making Bagot into a suburb and the changes that the NT government is going to make will...definitely would not happen by then and it would probably be a number of years before those changes come. So I would say that the NTER would still be here for a number of years until they sort that out.
IG	0:13:47	Can the people of Bagot appeal to the federal government to override that, so they are not homeless, here in Bagot? Can that message be conveyed through this meeting?
BH		We certainly can, that is an issue we can, we can mention that. We can note that. Sure
IG		Yes. Because the promise of the intervention was that there would be housing, proper housing for people. So if they are not

BH	<p>0:14:28</p> <p>0:14:53</p> <p>0:15:26</p> <p>0:16:13</p>	<p>Those are some of the things that we will probably come across in discussions under the measures and some of the things that people will have comments about.</p> <p>What I would like to do is give some background to being and then people will get an idea of the context of the meeting and the information that we are trying to get back off people.</p> <p>The purpose today of coming out and speaking to people is to talk about the government's proposed changes to the Northern Territory Emergency Response, the intervention as people know it, and the government's plan, part of those changes is to bring back the Racial Discrimination Act back into the legislation.</p> <p>The government has said that it wants to keep the intervention as it sees that the measures that were brought in, this is what the government is saying, the measures that were brought in have some positive benefits and the government wants to keep on trying to build on some of those positive benefits.</p> <p>They want to talk with people about it and to try and work with people to try and get some of these things right.</p> <p>Just on the intervention, just so that people can sort of start to visualise or remember where it came from or how long it has been around.</p> <p>The old government, that was Howard's day, brought in the intervention back in June 2007. <i>(Brendan clips butcher's paper onto whiteboard which says: NTER June 2007 (Mal Brough) Suspended RDA All people must be treated equal)</i></p> <p>So that was June 2007. The man that was identified with it was this man <i>(pointing to display)</i> And part of that intervention, as I said that was the previous government's policy, and that, as I mentioned, it suspended or it stopped the Racial Discrimination Act.</p>
C	0:17:08	<p>Why did they stop that Racial Discrimination Act? <i>(muffled)</i> Because isn't that...coming in.</p>
BH	0:17:16	<p>The government took the view that they, this is the previous government, that they wanted these measures, what they wanted to do under this <i>(pointing to NTER on display)</i> they wanted to make sure that it was implemented into the communities and was not stopped, so to ensure that that happened, the previous government said that they wanted to stop or suspend the Racial Discrimination Act so that they could do what they ...the measures that they wanted to implement so that they could go ahead. That is the reason why they stopped it.</p>

C	0:17:55	No, but I thought that the intervention was brought in because, I mean that is how you have got it up there, but wasn't it first at the beginning started off with because of the children getting abused? Where are the arrests and evidence of abuse? We want the reports.
A	0:18:09	That is right. What a joke.
D		<i>(some inaudible)</i> Child abuse, child abuse in the communities. Where is it in the communities?
C	0:18:17	And they have not really shown us anything to say ...
A		That is right; I was going to just say that.
C	0:18:21	They have not shown us anything to say whether there is anything there or what. They have not given us any numbers. They have not given us anything. And yet they still keep it going. We need, they need to come back to us and tell us about the reports that they have got.
		<i>(unidentified people making comments)</i> Yes. <i>(inaudible comments)</i>
A		No reports. We want the reports on those children. That is right (C)
C	0:18.40	Because it is wrong in what they are doing because...I mean this goes back to, I am sorry, but back in the time when you had Native Affairs where the government was overruling people and then you've got it, it is now 40 years down the track now, 50 years down the track. I was there in Native Affairs times and if anybody remembers Native Affairs time, and this is exactly what they are doing to us now. All it was it was all about child abuse and then all of a sudden all of this came in and saying they are going to look after ...
		<i>(unidentified people making comments - inaudible comments)</i>
A		One person at a time.
BH	0:19:15	We will just have one person. The reason I say one person at a time, it is important so that Sally can write it down. What I will do is if someone is speaking then we will let that person finish, we will make sure that everyone gets their say. We are not going to stop anyone from having their say, it is just so that people are heard by everyone and so that we can make sure that what that person says gets written down. So one person at a time.
C	0:19:45	I mean, like, you know it is two years down the track now, and they still have not come back to us with any numbers or anything that was going on. One for a start is, government decided, what's his name, Howard, decided that all of a sudden they're going to, they need to look after our affairs. How long down the road we've been going all right without it all being done? But all this was based on abuse, children being abused, and yet nobody has come back and told us or gave us any results

		or anything like that.
A	0:20:11	Our sacred children.
BH	0:20:29	And that is right, what (C) said is right. Just before this intervention came in, this law, there was certainly the Children Are Sacred report and that certainly made the government...well the government acted on that, the Commonwealth government, and that, this certainly was their response
C	0:20:50	How come it's only in the Territory? How come it wasn't over all? And not only that, it is not only Aboriginal people. How come everybody else wasn't involved in the same things?
A		That's right.
BH	0:21:07	It comes back to that, why was it only in the Territory? The reason that the government only acted in the Territory is because of the report that was done, the Children Are Sacred report, because that was only carried out in the Territory and undertaken in the Territory that is why the government only implemented this intervention in the Territory.
C	0:21:30	<i>(unclear)</i> Well, that is wrong; it should have been done nationally. All over Australia, not only in the Territory.
E	0:21:40	Done nationally, only one group of Aboriginals staying in the NT, that is what you are saying?
A		Now Brendan...
BH		It is, it was only for ...
E		Not nationally. Why is that?
BH	0:21:50	As I said, it was because the government got the report that was done in the NT and they based this on the Children Are Sacred report. That is what they based it on.
E	0:21:59	That is what they want to do, hey? They got no right to do that, eh?
A	0:22:05	Well, is it because that we have no status, no name to our...our being Aboriginal, where is the rights for us? Is it because of that? So that they could do what they wanted to do with Aboriginal people only. Is that the reason why they done it?
BH	0:22:26	The reason...the government brought it in was certainly because about the information that was contained in that report, that Children Are Sacred report. Now...with that, they certainly did, they suspended the Racial Discrimination Act. Yes, they did stop the Racial Discrimination Act, because it was...where this was being...these measures were being implemented was in, what they call, 73 "prescribed communities" across the Northern Territory, and all those prescribed communities were Indigenous communities. So it was certainly targeted towards Indigenous communities in the Northern Territory.
A	0:23:18	Well I don't believe this government is very true, I am sorry to say. Because if this government was true why didn't they do this to all people in Australia itself? To be true to, also, because

		look into your own backyards before you condemn us, you know. We are just a people without no name, and, of course, the government is going to still target us, regardless, unless we get our rights back as Aboriginal people of this land, and the First Nation. And, unless we get that back, there is no hope for Aboriginal people, because the government will still condemn us every way they can.
F	0:24:03	They must have had spies walking around all over the Northern Territory in Aboriginal communities. They must have seen everything. They must have had spies...007 style. They must have had it everywhere in the communities, looking at what we are doing, ??? all our people, no matter where we are. They must have had somebody walking around there saying, hey they're not doing the right thing, them blackfellas, look, that fella him bin drinking there too, hey him bin <i>inaudible</i> his wife too. They must have seen all of that, otherwise he wouldn't know that would he?
		<i>(inaudible comments)</i>
B	0:24:38 0:25:31 0:26:53	My name is...I live here in <i>(community name)</i> . You know, they are talking about how they suspended the Racial Discrimination Act. The only reason they did that is by Constitution under special race powers that they have under the Constitution, that there is no way that they could have done it without getting rid of that. So they had to get rid of the Racial Discrimination Act before they could enact the intervention in the communities. And you know, they just limit us to everything in living in communities. They took away the permit system, and everything that comes off the Constitution because they have special race powers, every law that they make is just a worse standard than what they already started off with. That is the reason why Mal Brough was, you know, he likes speaking so strongly about how communities should be disbanded all throughout Australia. I remember one letter that he wrote to the Courier Mail, and it was titled "apathy at the dilemma of the Arukun crisis". It happened at the heart of the Arukun dilemma, I think it was 2007, 16 December. He was saying you know that how the legal system in Queensland had let this child down twice and she was abused twice in the same community and nothing had happened to anyone, anywhere, you know, so that total apathy happens in communities. And when that apathy happens on a legal basis, you know, the next thing to follow is everyone's morals. And everyone's morals are forgotten about, they forgot about the girl, they forgot about the boys, who should have served some justice and got some justice done to them, you know.

		<p>And you know, everything that comes off special race powers, as written in the Constitution – as we were tricked into, in 1967, in the previous referendum, we were tricked into it – it is just legal wrangling, that is all it is. And you know, when you legally wrangle yourself into a corner like that the government’s upstage themselves, you know, with their own lies, you know. That is what’s happened here, with the intervention and that is what is going to continue to happen, unless governments become more honest with the First Australians.</p> <p>You know, I mean, the Constitution was written for immigrants, purely and solely for immigrants, you know, I am not an immigrant. I do deserve every single right to live here in this country, probably a lot more so than a lot of white people. But I am willing to share this country with white people, you know. And they always say, you know, that we’re always on the take, but that’s because we have had everything taken away from us, you know. The government’s only give us piecemeal of what we’re entitled to. That is why we are limited to areas in communities, remote areas where there is no infrastructure, like CDEP that was installed here, that was taken away. That was the basic infrastructure for all communities, CDEP, and when they take that away...</p>
A	0:28:27	Yes, there is nothing left.
B	0:28:29 0:29:28	<p>There was nothing in this community, because the whole community starts to go to rubbish, because we can’t clean the place up, there is no funding for the simple programs that were here. And they were all welfare based programs.</p> <p>And the worst thing about communities is that they are all welfare based. Why can’t governments allow people to have property value within communities to make communities more economically viable? Because the only communities in the Northern Territory that are not going to suffer under the intervention very much are the ones that are naturally...that have natural resources and are getting royalties from those resources. You know the government chooses to fund these places where they are economically viable, but all the communities that aren’t economically viable, we miss out on everything, everything.</p> <p>You know, it is a shameful thing that we have got a minister for Indigenous people and she has another portfolio, that says she is the minister for Families, Housing, and you know, except, constitutionally, she was only allowed to instigate the intervention again, through one of those portfolios. The other</p>

	<p>0:30:50</p> <p>0:31:17</p> <p>0:31:58</p>	<p>portfolios, Families and Housing, there is no way she could have used Constitutional Law to impose what she has here, you know, in communities, you know, the intervention across the Top End here, there is just no way. So there is an even worse double standard in itself, you know, a minister, who contradicts herself by having two portfolios and only using one on getting rid of the Racial Discrimination Act, so that she could use the special powers that were entitled to her in her ministerial role as Indigenous Affairs minister. That is just wrong. That is just very hypocritical. How can she actually sit there and ...like I say, it is all legal wrangling, because none of those people have any morals at all. If one of those people had any morals that are based on legality..you know, they would make a difference. Because I heard Kevin Rudd say that there was bipartisan support in the governments, where? It is not here. The only thing here, that has happened here in this community is that playground. (<i>Speaking to Ellie – points to the playground</i>) Get a shot of that playground, it is a wonderful playground. That is all we have got here, that is the only new thing is this community, a new playground. You know, they couldn't help us get back to a program of CDEP or something like that, so we have got basic infrastructure coming...going throughout this community, they couldn't do that, you know, they give us a playground. You know, people have been asking for toilets here at the back of the church, for facilities elsewhere around the community, the government has just been very lax to come here.</p> <p>The minister for infrastructure here in the Territory, Rob Knight, he came here...he was supposed to come here a few months ago and he got someone else to come here in his place and that person said that the minister was committed to (<i>community name</i>). If the minister was committed to (<i>community name</i>) he would have been here in the first place, and yet, he was off doing things for INPEX or whoever else, you know. The governments just care...they do not care at all, you know. But see, it is like I say, it is only when their lives get upstaged by themselves that they start to worry, you know, and they do legally manipulative things like this (<i>pointing to the whiteboard</i>), you know, suspend discrimination acts, you know, and then employ independent anti-discrimination people, to go out to every state in Australia, and then to have their powers revoked as well. A man was up here, I think his name was Tony Fitzgerald, he has passed on since then, and he had his powers revoked – anti-discrimination – you know, it is just obvious, you know, if it was a stick in the eye it would be painfully obvious you know. And you know, things like this</p>
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		<p>have just got to stop.</p> <p>But the thing I want to know is, when you go back to report and you send your report, what is it going to do really?</p>
	0:33:25	<i>(the majority of people at the meeting clap and cheer)</i>
BH	0:33:34	The thing that certainly happened, ...? When you said suspension of the Racial Discrimination Act, that was certainly was done in the previous government and the present government...
B	0:33:50	But they started it up again in this government so they're just perpetuating the lie again
BH		Yes, the government has certainly continued with...the...a...lot of the intervention measures that came in has continued. What the government has done, the new government that came in...they commenced...they did...as part of their election promise, so this is the new government...the government of Rudd and minister Macklin...is that they undertook...they said that they would do a review of...
G	0:34:22	<i>(unclear)</i> What does that mean? What do you mean by an election promise?
BH	0:34:30	Election promise. Is that...what the government said was that during the election process the government said that they would undertake a review of the intervention...
G	0:34:38	And housing, housing?
BH	0:34:39	<p>...no, undertake a review of the intervention rules. So what they did was they then undertook a review so that...and that was one that was undertaken by I think he came out here, I think Peter Yu came out and met with the communities here and it was an independent group that came out and spoke to communities about the intervention. And that was done over 2008. <i>(Brendan putting up page 2 of the display which reads: NTER Review Oct 2008 (Peter Yu) - Should continue, - Should comply with RDA, - Consult with Ind. people effected by NTER).</i></p> <p>And part of that was with the idea about the Racial Discrimination Act being suspended. What the review came back and said was...one of the things were that this <i>(BH pointing to the paper)</i> intervention, make sure that it complies with the Racial Discrimination Act, so that the Racial Discrimination Act should be brought back into this act. The other thing that the...one is that they should continue to provide support to Indigenous communities because there was a great need out there for support. And I notice your comment there <i>(directed to B)</i>, that you haven't seen any changes since the intervention, so that is certainly one comment which is certainly worth knowing.</p>
	0:35:44	

	0:36:25	<p>The other thing is that communities should be consulted with (<i>pointing to that statement on the paper</i>) that are effected by the intervention. So when the intervention measures came in originally, there was no consultation with the effected people, it was just brought in, with no discussions with the effected people.</p> <p>The other thing the government said was that ...the review said, was that the government has got to get back out there and talk to people about these intervention measures, to see what the people on...in the communities think about that. And that is the reason why...that...I am here and the reason I am going around to communities in the Top End of the NT, that is the area that I cover.</p>
A	0:36:53	<p>Brendan, why aren't Uncle Kevin and Aunty Jenny doing what you are doing? I mean, they are the ones that are making the rules in Canberra. Now, they should actually see their communities that they are supposed to be supporting. I don't think they have ever gone to any of the communities or the remote areas or even come to Darwin or even any of the town camps. What a joke. And here they are making our rules in Canberra. You know, that is wrong, that is very wrong. And through this intervention, are there going to be more child abuse, are we still going to continue this intervention? It is wrong, because it should be for all Australians, regardless. We are not...we are not sort of called as Australians, as yet, because our people have not got any name, so therefore it is easy for the government to target us, just like (B) said. You know, so why are they doing this? You know, it should be for all people, all races, no matter where they come from. You know, Aunty Jenny and Uncle Kev should start thinking about that, and put this intervention throughout Australia.</p>
	0:38:35	<p>(<i>G is taking the microphone and there are comments in the background</i>)</p>
F	0:38:40	<p>(<i>mostly inaudible</i>) in the old days... what they are doing...</p>
G	0:38:50	<p>This started in 2007, this NTRE review was started up in 2007, okay, and then everything was going on creating problems for Indigenous people in the Northern Territory, targeted at Australian Aborigines, that was the case. Then later on in the year, Kevin Rudd stood in national television and said "sorry". Okay, so we were expecting that sorry was for both, stolen generation and intervention. And then, now you guys come in, second time. Well why? Why are you coming here? What for? What next? Can you tell me? Why are you coming here?</p>
BH	0:39:35	<p>What...the reason why we are going...the government under minister Macklin is going out to all the effected communities in</p>

BH	0:39:35	What...the reason why we are going...the government under minister Macklin is going out to all the effected communities in the Northern Territory, speaking to people. The reason for that is that the government is looking at making some changes to the intervention...
G	0:39:58	What changes?
BH	0:39:59	Yes, we are going to go through them. After...I am going to go right through all the different measures and get people's comments...
G	0:40:08 0:41:25	<p>The changes that the government has done on anti-discrimination. We are lucky, we are very lucky anti-discrimination because the intervention policy wasn't meant to be Australian Constitution, it wasn't in the Constitution of the Commonwealth of Australia, okay. You people made up...your own prime ministers – John Howard, Mal Brough...and he was talking last week actually on housing on Indigenous people, so where the hell did the money go to...Indigenous housing? We do not know who is Indigenous Business Manager here. He...or she... needs to be answerable to us...on Indigenous housing. It is not closing the gap you know. You should close the gap first then come and visit...how are you going. You know, you widen the gap...Then you are coming in, another consultation, another consultation, carry on and carry on and carry on. You are dealing with only black people in Australia, okay. You try to go and talk to people, getting a 5 years lease, you know, a land grabbing thing. That is what you people are doing – land grabbing. This is what you are doing – I slap you and you slap me back; that is what the policy is, okay. We agree, we agree, you know.. that we are not getting anything from any one, you know. Education. You know, Indigenous education is failing in the Northern Territory. And what do they do? Then blame back to Indigenous people through this intervention, that they are not sending their children, you know. Who is needs to be blamed? The teachers? The Minister for Education? For example, our kids, from Bagot Community, we had the best literacy and numeracy in 2008, okay, we got an award. You know, our kids got an award in Ludmilla Primary School. And that is the facts of evidence. That award was given by a former Prime Minister, John Howard. Okay, so at Ludmilla, white people and black people from Bagot went to school and they achieved; they achieved on education.</p> <p>And then this closing the gap. What is this closing the gap? What do you mean by that? What is the definition? And housing, housing. There is no renovation, look. You walk around, there is too many rubbish.</p>

G	0:42:54	<p>The houses you know. Why you people intimidating Indigenous people all the time, you know? Why you come here? You should be coming...you should be coming: here is your money for the housing. You should be coming with a cheque, and instead of talking to us, telling us that story, you know, that (<i>indicating the whiteboard</i>) story. That story, that story from 2007, 2008, now it is 2009, it is continuing. That is what you are doing.</p> <p>And you know, we are people that bin survived for more than a hundreds of thousands of years. We survived with our culture, and we survived to the 21st century. We look after our children from that century to today's century. We did not abuse...we did not abused anyone in our family, in our law. Now you people who brought that idea, look, they are criminals. ...(<i>inaudible</i>) and now Aboriginal people...are criminals, they are causing a lot of problems amongst themselves, we are not. Because we did not invent it. We did not invent anything. We not invented alcohol. We never invented marijuana. We never invented that sexual paper or whatever...(<i>someone says pornography</i>) ...pornography. You go there, you go to Stuart Park, there is a building there invented by white people. There is another one at Bishop Street, you know, and the government gets tax for that. We don't have any sexual shop anywhere, amongst our Indigenous people. We don't...we never, never, you know, we never invented anything, okay. Now our people are getting into...getting alcohol, and marijuana, and getting into drunks, you know. We try to look (<i>A says telephones</i>)...even you know the mobile phones...mobile phones, you got to check up on mobile phones. We never invented that. Why can't you...you caused your own problems, because you are the people who invented that. We say... we say we are stupid people...we try to, we try our best to learn white man culture, and you don't try in your heart and your best to learn our culture. We still separate, see. We are people that we had a law, we came from...a ?? earlier. We came from 40 or 100,000 years back here. And now you set up this intervention in Australia, amongst Australian Indigenous people, only Indigenous people, not white people. And we Indigenous people say that we should be living together, one country, one Prime Minister, and seeing each other and treating each other equal. But nothing happening like that. You are dividing the nation into two, and you said that intervention policy is two different policy, one for black and one for white. See. And that is very wrong. You should be shame for yourself for that, you know.</p>
	0:46:10	
	0:47:19	Now you are bringing a message, talking to our people, and we

		<p>were expecting...through that Prime Minister, Kevin Rudd said sorry for the stolen generation and we were thinking...he...we thought he was saying sorry for both, okay. Because that intervention was only started by a former Prime Minister and followed on. Because we trusted Labor party, all Indigenous people trusted the Labor party. (<i>individuals agreeing</i>) So, then we heard, look, this intervention will carry on. And you are finding more information, information for everybody now, right back. Wipe out, the lease and everything intervention, put the intervention for white people and black people by the federal government in Canberra. Not individually or divided into two nations. We don't like that. We don't like that.</p> <p>We should be white people, black people should be living together, working together. (<i>someone says, and equal rights</i>) Yes, and equal rights. And that is false...because of the NTER. Because the original policy during 2007 was never put into the Australian Constitution, okay, it wasn't. Every policy that is put in Canberra is through the Australian Constitution, through the Commonwealth of Australia. Now, we believe that. You believe that? We believe that. But this intervention never happened, it was targeted only to the Indigenous people on those issues. You know, they got more land than us, we want to do this one, you know, a land grabbing. We give you money, you give us land. What a silly idea. You already had this land, look, Larrakia, this is Larrakia land and who control it? It's not black people control it, the government control it. This is Larrakia country this one and you know what they're doing?</p> <p>They're not getting any compensation for this. He's been stealing(<i>check</i>)....it is just taken like that. That is not good, you can't take another ones...without sitting down and making an agreement between two people. That has never happened.</p> <p>So, now you come again and get more information from us. You should be getting policy up there. Look. Enough is enough. If someone tell them enough is enough, we are dealing with our own people here, our own Australian people. Kevin Rudd is the Prime Minister of Indigenous and white people – he is the Prime Minister. Why do we do that to black people only?</p> <p>We live in the law. We live in the law. And we been living here before you guys came in and landed in Botany Bay by Captain Cook. We are the First Australians. And people got massacred there, and massacred here, massacred, but we have survived and we reached to the 21st century. Now, because we are a minority, that is what the policy is doing to us, and we are not happy about it. Despite what you are going to tell and go</p>
	0:48:59	
	0:49:32	
	0:49:57	
	0:50:04	

		<p>through with that but we want you to take the message get right back, if you want to restart the intervention, start it for black and white together, for everybody, not targeted only one sided to black people. Because we never, never, invented anything. Thank you for all listening. <i>(The community applauded)</i></p>
BH	0:50:30	<p>That is certainly something...what you are saying (G)...that we can take it back to say that it is seen as unfair that it is only affecting Indigenous people in Indigenous communities in the Northern Territory. So we can...we certainly...that is one of the things that we are hearing elsewhere as well in some of those consultation meetings we are having. So we certainly will make sure that that is taken...</p>
G	0:50:53	<p>Now the housing. We were listening on the television and they were saying in the newspaper where the money went to for Indigenous people, and it went for so called administration. We don't know who is the administrator for Bagot. I don't know who...</p>
A	0:51:07	<p>We don't have nothing because no money has been put here.</p>
G	0:51:11	<p>We don't know who is the administrator here or the Indigenous Business Manager here. We don't know. Who is spending our money? We don't see that person. We don't communicate. You don't come and see, he or she, come and visit us. Who is our administrator our business manager and so-called shire? I don't know whether we are a shire council or the indigenous business manager. We don't know. Because this Bagot...was set as a prescribed area. But this is only recently, Mal Brough was saying, in the last couple of days, in the national television, look, it was me and my government, it was Country Liberals party that set up that money for the Indigenous housing. Okay, it is nearly a year and a half now, two years now, two years, and there is only that one there (<i>pointing to the playground</i>) Is that a house? That is good for our children, that is good for our children. But for housing, renovation, anything, you know, CDEP. Before, we had CDEP and this place was clean and tidy. When the CDEP was demolished, it just crashed and there is nothing, there was nothing, nothing.</p> <p>And in education, when our kids go to school, when they come out there is nothing. The government say it is compulsory education for all kids to go to school. Indigenous kids it's compulsory. But they don't say that it will be compulsory, when you leave school, when you leave school you will have it compulsory that you will have a job straight away. But nothing. You know why, because kids that leave school there is no job. That is why our kids then grow up, go and join drinking, and boring, and into crime and criminals, you know, this and that.</p>

	0:53:55	<p>That is where the government is not doing, because the government people come and talk to Indigenous people, they don't come and sit down with us. That is where it is wrong. They should have come and sat down and set up a program, set up a big plan how of what the problem is, they sit down with us and then we can work it out together because your policy is not working at all in remote communities. There is no policy at all with the intervention. But the NTER is good, because it has opened, because somebody might, you know, might take legal action because it was illegal in the first place, an illegal policy against Indigenous people.</p>
BH	0:54:10	<p>Just on that point that you finished on about the illegal policy, I mean, it certainly, the other thing too that we just want to make sure is that with the information that the government is getting back from these consultations they will look at changing the legislation and they are looking at trying to change it in October this year, you will probably see something in the newspaper or on TV about the changes the government is looking at making. They want to try and get those changes through parliament and that is sometimes difficult, sometimes they have to work with the other parties to try and make that happen. But the government is certainly going to try, will make some changes, and certainly one of them is to bring back the Racial Discrimination Act.</p> <p>So that will certainly give the opportunity if people think that the intervention measures are racially discriminatory then it certainly does give someone the opportunity to take that to court to see if...what the courts make a ruling on that. That is something that the government wants people to have the opportunity to do and they certainly want to bring back the Racial Discrimination Act back in, because at the moment with the suspension, with the stopping of the Racial Discrimination Act, people cannot do that who are affected by this. That is just one thing they are trying to change and those are the things that as I say, this is about trying to get people's input about what changes the government may make in October when they are trying to make those amendments to that law.</p> <p>The other thing too, I just want to make sure people are aware of is there are a number of different types of ways that the government is trying to consult with Indigenous people.</p> <p>Just before I go on, the other thing that the government did was, out of this review (<i>pointing the display</i>) when they did this</p>

		review, they finished the review, the government then, you might say, provided a response from the review (<i>he is holding up the Future Directions Discussion Paper</i>) from some of the things that they said in that review, the government put out a discussion paper, that is called the Future Directions, you might have seen this, some people might have seen this around. (<i>One person says yes</i>). What this one is, is it talks about the things the government has been trying to do with the intervention, the different programs that..that..they have funded. One of them is that housing program, as (G) said. But, and there has been something in the news about that. And just on that, I will get Carol, who is the Government Business Manager, just to catch up with you and just provide some more information on that one. So some of the questions...
G	0:57:18	... <i>inaudible</i> ... We haven't seen our Government Business Manager ... <i>inaudible</i>
CS	0:57:23	Here, here (G) I am Carol, I am the Government Business Manager. I work...
?		She got us the playground <i>inaudible</i>
G	0:57:31	Well how come we never see you. You never come here and...
CS		Yes, I am always here...
?		...organised many community meetings and no one ever turned up. So you can't attack Carol (<i>check this</i>)
G	0:57:42	What is that? No, It is not attacking. It's about finding out, because it came on closing gap, it was on the television, Mal Brough and John Howard. (<i>There is a lot inaudible and unknown speakers</i>) Mal Brough came in with the NT News, we have never been informed by our representatives. Okay. That is the fact. We are not attacking nobody. We are saying our representative...
LC	0:58:07	Then you need to come to the community meetings...
G		Our representative, our representative should have been come and explain to us. It is no argument here. It is a political issue we are talking about, okay. We are talking about a political issue brought by Mal Brough he supported the program. The support I want the government, I want the Minister for Indigenous Affairs, okay, we are giving that money. People never came from the government. (A) spoke in that NAIDOC week, she spoke. Our Indigenous politicians, they don't come, they don't come and do the services here. This is public. We are not attacking anybody. We are finding the facts of evidence of the treatment of Indigenous people here. We are not attacking. We are just asking that our delegate to come forth and explain to us what is happening. That is the fact. We are not attacking anybody. People...
CS	0:59:08	... <i>inaudible</i> ...I am the Government Business Manager, Lyle is the Indigenous Engagement Officer. We work closely with the

		Bagot Council. I am here most days. We have tried to call community meetings on numerous occasions. (A) will...
G	0:59:23	... <i>inaudible</i> ...been to the people...
CS		Oh, I think it does go around to the people.
F	0:59:27	That's right. I been trying to get people from in the community. All right. I'm only one man. I'm one man. (<i>Lots of voices, difficult to hear</i>)
A		One person at a time, please.
F	1:00:42	I go around, and ask the people, we go to meeting. I myself been walking around asking, hey. Come up there. I got my children and we sit down and we talk, we talk about Bagot. What we want to do about Bagot. I myself have been walking around asking. Because of my (l) wife, now I've been going and working in another place, I got to go and take my expertise in another place. I am a qualified teacher myself. I am a retired qualified teacher. Ludmilla Primary School ... <i>inaudible</i> ... I have tried with my people and I can tell you now, six people, young boys have died of grog... <i>inaudible</i> ... Why? Why they been dying them young fells? I've been going around asking, eh, we sit down at talk good way...you bin calling yourself Bagot people let's sit down and talk about Bagot and what are we going to do. I said, me and my children, my ex-wife, yeah, we get here and talk, we might get help from that gentleman there, <i>inaudible</i> ...or that fell there sitting down. We might get some help. We can talk we self, here. <i>Inaudible</i> ...I've been trying... <i>inaudible</i> ...I've been trying. That's why we failing young fells, because we normally sit down and talk, proper way... <i>inaudible</i> ...All right. When we say..we are a permanent resident of the community, all right, what does that mean to you? Hey, what does that mean to you? It's your home. This is my home, because my father to bring me all the way from Daly River for nothing.
	1:01:44	Him been say to me, son, my daughter, I take you to Darwin... <i>inaudible</i> ...to school, I'm going to put you in school, my kid. My father been talking to me like that. I've been learn two ways – like him... <i>inaudible all the Aboriginals, young men, see all the trouble they ...</i> That is what my father said to me. <i>Inaudible</i> ...white man's school and we learn the white man way too. By schooling we going to learn. Like that. Black fell here, white man here. Him been learn two ways school. Today, my father would be proud of me today, because I became a qualified teacher. Why? Because the white man been teach me that one. And yet, today, what happens? He been

	1:03:01	<p>taken it back (<i>pointing to the display board</i>) He been turn the clock back, right around. Like she said, welfare time. Hand out tucker. I been eating tucker got worms, mate. I been eating tucker got flies. Hey. Fly in the stew. Fly and weevil in that there. I had to chuck the fly, but I had to eat that tucker, hey. The weevil was in the oatmeal, 50lb bag, I couldn't throw that away, I had to eat it. What choice I had? None. Toilet was just there, flies just fly from the toilet and just sit down in the tucker. Fly goes out, tucker goes in. No white man been there to look after me, <i>inaudible</i>...nobody.</p>
	1:03:47	<p>You been talking about history somebody today here. I certainly have it for (<i>community name</i>) and the (<i>historical compound</i>), I certainly have that history too, inside up here. I, only one man have it, (<i>historical compound</i>) since 1944. When we left there, the Native Affairs brought us out, from the compound, bit by bit, right there (<i>pointing out the site</i>) where the shed is today, my father was right there.</p>
	1:04:00	<p><i>Inaudible</i> We were right here when the (<i>site name</i>) was here. There was a fence, we were cut off by barbed wire, we couldn't even talk to the children. With all the half-caste children they were calling themselves. We weren't allowed to talk to them. Only time we could talk to them is ...right, you know, talk to them...you know where? This damn bloody building standing up here today. That's the only place we could talk to those kids and play with them. Because they wouldn't let us to talk to them or to play with them. The only time. A young lady was here saying (<i>historical compound</i>) ...yen. This is the building that proves it. Since 1948 to 1948, from 1942 to 1948, I had to eat tucker got flies. I been chuck that one away.</p>
	1:04:59	<p>That stupid intervention been come in. To me, that been turned the clock back right around to where we were before to welfare times, yes. Bloody oath.</p> <p>I been eating tucker got flies. I been eating tucker got weevil in it. Yeah, I had no choice. I had to damn well eat it, to keep myself alive and the whole community. We had to do it. We are tribes from (<i>community names</i>) the whole lot, we been living out (<i>compound name</i>). It been called a compound, not a reserve or a community. It was a compound. That's how it was.</p> <p>And today I am a qualified teacher and you're telling me how to run my life, how to look after my wife, how to look after my children. That is what the bloody intervention mean, to me (<i>F is very angry and emotional</i>) I don't know what they mean to</p>

		<p>them, to me it is.</p> <p>Him telling me how to look after my wife, how to make rules and laws in my house. Because you have it too. They have it too. And you bloody well damned hard ...<i>inaudible</i>... You make rule, parents make rule for your parents...for your children, right? But yet, when that fell comes back, what'd he do? He took it all right back where you started, from the beginning where we were. That is what the intervention did to us, today...<i>inaudible</i>...<i>Not only here, but ...remote communities too. Bloody oath. That's why</i> That's why, you make people angry inside, when I talk so hard today. Because I'm angry. Because what I been eating? Tucker got flies. Who wants to eat tucker got flies? Any you want to eat tucker got flies? When he been in the shithouse and come and fly and land on your bloody food and you want to eat it. Who going to bloody well eat it? I bet you you'll... (<i>F is really angry and upset here</i>)</p>
?	1:05:28	<i>Community member tries to stop.</i>
F	<p>1:05:57</p> <p>1:06:40</p>	<p>Let me talk, all right. That one, you take em back and you tell em. That big fell over there. I been eating tucker got fly, got weevil in it.</p> <p>That building there proves it. That where I been work, 1944 for 50 shilling a week. That's my first pay, 50 shilling a week. That was my first pay, hey. How far could I go with 50 shilling a week. Any expert here can tell me? How far could I go with 50 shillings. That was my first pay when I left school.</p> <p>And yet when I became a qualified teacher, yeah, then I saw some better bloody well money in my hand, big money.</p> <p>Sorry to talk so hard, to everybody, I am very sorry, right, but it's me, it's my feelings, I tell you. I say to you all right now. History is still inside here, for this one, for (<i>historical place name</i>) and all. This building standing up here today, it proves it. That building standing up there, that's my working place, like I said, for 50 shillings a week. Yeah. That's how I earn my money, it was 50 shillings, that's all I had, and how far could you go? You fix that up, up here (<i>pointing to head</i>) yourself, you think about it when you go home tonight. Sleep on it. Or put it your pipe or cigarette and you smoke it and you think about it.</p> <p>That is all. Thank you. (<i>The community members clap</i>)</p>
G	1:06:59	<p>...<i>inaudible</i>...what I am saying. It is about closing the gap. Because I wrote a letter to the minister on behalf of (<i>community name</i>) okay. And I asked her, you have promised and you said</p>

	1:08:05	<p>you need to close the gap, okay, on housing. Then recently, Mal Brought came in. There was a paper, in the news, on national television saying that there is no housing built on the prescribed areas that was promised by the federal government. Okay. It never happened for 2 ½ years, since from 2007 to 2009. Now in 2000 the information came to the public. Okay. Then recently, last couple of days, Chief Minister appeared and he said, I got to go audit, I got to make an audit about what is happening to the money, that, that, in administration, okay, business managers and shires. Okay. So that's my point.</p> <p>I was just finding out what Chief Minister is doing now is making audit, finding out what happened to that money, or where that money went. The money that was given by the federal government for the intervention, on housing, Indigenous housing for closing the gap. That's my point. Okay. And you agree on that. And all of you agree on that, because it will be audited by the Northern Territory government. It's now, it's going to be audited.</p>
BH	1:08:25	That's, that's right (G). They are going to audit it, the NT, ah, er, government. So that, with that they are going to check to see how the money's going...
G	1:08:35	<i>(Inaudible – check) I was not attacking no one. I'm not attacking nobody. But because I heard, it's a fact. It was on national television. Mal Brought talked. Minister came in and Minister for Indigenous Affairs and said, look, we have given them the money, but a lot of the money went to administration. Okay. So that's where we are now. Again, I want to tell you...</i>
BH	1:08:43	And what we can do with that is, when we get further information on where that's up to, how that audit is going, or if there is other information that comes, I will make sure that Carol knows and make sure that you get some more feedback on that, so that you know what's the outcome of it, or what other information is available that may even clarify those issues.
G	1:09:22	Also, Brendan, <i>inaudible</i> ...I sat down with Bagot, I wrote a five year strategic plan, okay, for the community. I showed here, nobody liked it. So, I went, flew in, when the Prime Minister, with his cabinet, flew to Nhulunbuy last year, I flew from here and I took that strategic plan and gave it to him. I gave one copy to the Prime Minister, one copy to the Minister for Indigenous Affairs. I personally delivered it that copy of our five year strategic plan. The Minister wrote back to me, okay, this is a good plan. And then they advised me, if you want the funding you can go onto this, okay, Attorney-General office, so they can assist you on that. And so, nothing happened. So, I fought for (<i>community name</i>) because at that time I was the Chairperson for (<i>community name</i>). And nothing. We have

	1:10:35	<p>taken our case right up to the federal minister, Prime Minister of Australia, Minister for Indigenous Affairs, nothing happens.</p> <p>So the government keeps sending you know, doing consultations</p>
A	1:10:45	<p>Brendan, I would just like to say on ...about the GBM, my speech on NAIDOC week before the flag raising...or after the flag raising, that, in view, the GBM can sit in on our council meetings and wear the community hat. When meetings are finished they then go back and wear the government hats. Now, I feel myself, that it was wrong, because even though they are sitting in our meetings, they still taking back words to the government, you know, when in real fact the community council itself should advise the GBM what's been said in that meeting. You know, it's no offence to them both, I did not attack them, attack any one of them at all in any way. I was just sort of um trying to understand their feelings as being Gems for us in (<i>community name</i>) because in some situations they were not allowed to speak on our behalf. Because of the rulings they have as the government worker. So, therefore, that was my only reasons why I said this about the Gems, because I believe that's wrong. You cannot work with two parties at the same time, you know. And it leaves them speechless to speak for their own people. That was one of the reasons why I said that, is because they don't have that opportunity or the chance to be able to defend their own people.</p>
BH	1:12:43	<p>Just on that, and, and, it is certainly up to the community how they want to make the best use of the government business managers and indigenous engagement officers. And you know that there are always going to be views that the community have which the government business managers and indigenous engagement officers will try and get an outcome...</p>
A	1:13:06	<p>I am not talking about European GBMs or IEOs. I'm talking about our Indigenous people who are working for government at this time. I'm not worried about those other white people that are on the the, what do you say? I don't know what to say. But...</p>
BH	1:13:30	<p>Are you just maybe talking about CS and LC? Are they.. they are the...</p>
A		<p>Yeah, but with that IEOs as well, and they are Indigenous people also, and they go around and do work also, you know. And... what do they feel, really, when they go and speak to government about their worries about their people within the community and in the outstations and the town campers, how do they feel? You know, because they can't give that information to us at that very moment, because of the rulings that they have because they are government workers. Do you understand what</p>

		I am saying?
BH	1:14:12	And you are talking about Indigenous people here? And yes, yes they do, they do tread...what we say...is a fine line, sometimes, which side of the line they are on, and it is difficult. It is difficult, because they have got government responsibilities and they have community responsibilities, so, and that makes it hard.
A	1:14:30	Yes
BH		Yes. And we realise that. That sometimes it is difficult, and, and, we try and support those Indigenous Engagement Officers when those sort of things happen, we try...
A		And we try ourselves. You know. We respect them for who they are, regardless they work for the government.
G	1:14:47	Actually, it is a fine line as you said...and it is a <i>inaudible</i> ...public debate, especially for Indigenous, it is in this jurisdiction that any Indigenous people can speak on whatever their concerns, whatever their worries. You know, and it is a fine line, as you said.
BH	1:15:09	<p><i>(Is pointing to a sheet on the display about the types of consultations, which reads:</i> <i>Consultations: 1 – GBM/IEO, 2 – Community Meetings, 3 – 5 Regional W’Shops, 4 – 3 Major Stakeholder W’Shops.</i></p> <p>Just to get back to the way that the government is speaking with Indigenous people and communities with this process, with the consultations over the possible changes, there is some, what we call, there is one type of meeting which is going on which is the government business manager and the indigenous engagement officer is going around within the community talking to people either one on one or in small groups to hear what people have to say.</p> <p>The other one is, there is community meetings which are being held right across the Northern Territory, in all the different communities, it is like this one here. So, these ones are going on in all different communities across the Northern Territory.</p> <p>The other one is that there is going to be five regional workshops and they are being held in Alice Springs, Tennant Creek, Katherine, Nhulunbuy, and Darwin, and people are nominating to attend those. The one on here in Darwin is on the 4th and 5th August and there’s probably going to be about 60 people at that workshop, that goes for two days. There’s already a couple of people, three people from (<i>community name</i>) have nominated to go to that workshop, that’s good to see. And, because it’s over a two day period, too, it will probably talk in a lot more detail on some of these things, and</p>

		<p>give us a lot more input and a lot more discussion.</p> <p>The other type of meeting's going to be what we call a major stakeholder meeting and that's being held, one in Alice Springs, there's one in Darwin, and the third one is a meeting with the Northern Territory Indigenous Advisory Committee, I think it is called. And at that meeting in Darwin, there's certainly a number of, when we say stakeholders we are talking about Indigenous organisations that are being invited to attend that workshop as well. And they will also provide important comments about the intervention.</p> <p>1:17:27</p> <p>1:17:52</p> <p>So the government wants to try and get as much input as possible from a wide variety of people about the proposed changes to the intervention (<i>holding the Future Directions Discussion Paper up</i>) that are in here.</p> <p>The thing I most want to know? And some people have already raised, some people have already raised issues about the intervention, but what I would like to try and do is go through the different measures that the intervention brought in. And there was about eight measures. (<i>Is putting up a new sheet of paper on the display board, which reads: NTER Measures, - Business Management Powers, - Law Enforcement, - Publicly Funded Computers, - Pornography, - Five Year Leases, - Alcohol Restrictions, - Community Stores, - Income Management</i>)</p> <p>1:18:38</p> <p>I just want maybe to get some comments about the different measures and what people think about them. People generally here have raised real concerns about the intervention, that they think that it is not being across the whole of Australia so it's not fair, and it's going back to the old days, it's not going forward, back to the native days. But I also want to just go through them and maybe just get some information on each of the measures and what people think about those measures. Because the government is interested because they are looking at trying to... there will be some changes to some measures, and there mightn't be changes to others, but they certainly want to find out from people, so when they put that legislation in what are some of the changes.</p> <p>The one that most people, of course, have the most impact, I suppose, is income management...</p>
A	1:18:51	Yes, we were just waiting.
BH		What's people's views on income management? What do people think about income management? Good, bad, or,

		whatever, what do you think about income management?
F	1:19:11	One way is good, one way is bad. Because... <i>inaudible</i> ...when I say something is bad, it's like what I said today, it been taking us backwards, right, back where we were before. I thought you said we go forward, not backward. That's what exactly happened. They took us back, backwards. Why would I be a qualified teacher today too, because I went forwards, because you people make me go up there, see. But as soon as I seen that, Oh bugger me, like I said to you what happened here, not very good for me, not very good. I don't like that one here (<i>pointing to his head</i>) I don't want it... <i>inaudible</i> ...I don't want it. No more.
BH	1:20:06	You said one good, one bad.
F		One way good, like maybe when they buy clothes for kids like that it is a good way. When they use it good way, proper way. Some will try to use it wrong way
BH		We are really here to just get what people think about it. Nothing's right, nothing's wrong.
A	1:22:17	Yes. I have a couple. We have no privacy in these issues because when we ring up for our basic cards, they ask you questions like your number and your everything like that to identify ourselves, it's okay. But when you started asking about how much money you've got in the basic cards, and if we don't have anything, we ask if we have money in the kitty. And that's a savings account that we have and these are the questions they ask you, but us, Are you buying clothes for your children? Are you buying food with the money that we give you? Now these people are people from down South. These aren't people from Darwin. Now, what rights have they have to tell us what to do with the money? They not on the intervention, they are just workers. I need to know from you Brendan, or from anyone, what rights have these people have, when they say these to our people? I had a big argument with one of the ladies in that area. I said, you have no rights to ask me that. And then she asked me about my bank account. I said excuse me, that's my own personal things. I don't have to tell you nothing, so don't give me that. You give me another thing to say. You know what they are, if you are working for Centrelink. And she just kept on, persisting that I give her my bank account details. I said, no way in hell, you go to hell. So you know, these are the sorts of questions they are asking us. And when it comes to people who don't know how to answer them back, they give in. So, what are we to do with this income management. It's cruel to all us Aboriginal people. I mean if that question was directly to you, Brendan, what would you do?
BH	1:23:15	I can understand what you are saying, that they are prying

		where they have no right, is what you are saying (A). What, so that certainly would be as you say, a big disadvantage of the basic card, of how it works and the information that Centrelink are asking people, to get access to some of their basic card. I mean, that is something that we can certainly will forward on to Centrelink, to find out why there is a requirement for this...
A	1:23:49	That's right. And they need to restrict the workers from even asking us these questions, it's very cruel.
BH		What we can do...the thing we can do..is to check...and that is probably something we can do through CS as well, is to find out is there certain things that have been asked, so then we can take that back to Centrelink and say two things we can do is: one is, ask them why are they asking those questions, what is the purpose of them? And then to clarify whether that information...to ask those questions is required or is it something that is taken, as someone acted independently on it. So we can then bring that answer back to you...
A	1:24:35	Well I'll tell you now Brendan, she said that it was her work to do it. I won't let anyone to go into my private things. I'm sure you people wouldn't want that now, would you mob?
BH		No. That's something that we can certainly check and that's certainly one of the issues with the basic card. That if you have to go through that information...
A	1:24:54	We have to go through that to find out how much money we have. But I'm talking on behalf of the people who can't understand. These people who don't know nothing about Aboriginal people and our ways, they are given this job to speak to our people. You know, they can't answer back because they don't know what to say.
		<i>(Another community member wanted to speak here, and had the microphone, but the following began speaking).</i>
Albert (Missionary)	1:25:26	To understand about this intervention, this policy has been brought by the government for the welfare for the Aboriginals, that is if you agree, these are the eight measures you reckon is one of the core issues that would help the Aboriginals, that is the government's perceptions. All right. Okay. Taking that into consideration, this is what you are here to take the opinion of the people about these eight measures, which are the core issues of the intervention, how they feel about it and what better you could do with the intervention. As far as the main root of the intervention is cancelled...
BH	1:26:23	The Racial Discrimination Act... <i>inaudible</i>
Albert		Okay. I will say it, does this eight measures if you can discuss and explain one by one, and if you can just divide the board into two and say advantages and disadvantages okay. And from where you come from the government what good are you

	1:30:41	people maybe what things might be changed to make it better. So there is a couple of things that we'll do and we'll record it that way. And when it comes back through CS people will see how that has been recorded. I just want to finish off, just about the...I understand that there is a lot of concern about how (<i>community name</i>) will develop in the future. Just so that people understand, that is not part of the intervention. That idea about what will happen to (<i>community name</i>) is not something that is, you might say, directly affected by the changes to the intervention or the NTER legislation. That it is certainly things about housing and those sorts of things about program funding that some of the intervention has come in, is coming into communities because of the intervention program money, but the idea about what's going to happen to (<i>community name</i>) over the next 10 years, because if it is going to change into a suburb that's going to take a number of years. The intervention isn't directly ...responsible for ...how they develop (<i>community name</i>). It is certainly an issue, and it is an issue which the government is going to certainly have to look at and how the government is going to deal with that. That will probably be an issue that will probably not only affect (<i>community names</i>) but it will have a consequence on other (<i>community names</i>) because they are in a similar sort of situation. So I just wanted to make that clear.
	1:31:43	But we certainly will be putting down what's the advantages and disadvantages for each of these measures. Just on the income management, people...I didn't explain the income management, but I presumed most people understand that income management, about 50% on the basic card, 50% free money, um, so I had a presumption that everyone sort of knew about the income management, so I didn't sort of explain that one. But you were going to make a comment, you were going to say something (<i>pointing to a community member</i>).
A	1:32:06	Yes.
H	1:32:12	What they didn't do is ask the people what they really wanted to be on, on basic card or to stay on the money. But it was wrong of them to make everybody go on that income management, and that was wrong what they done.
	1:32:40	(<i>other voices agreeing</i>)
BH		Just on that, are you saying that maybe it, someone should choose if they want to go on or not go on?
H	1:32:48	Yes
BH		Yeah, okay.
?	1:32:51	<i>Inaudible comment...</i>
BH		No, no. At the moment you can't, no that's right.
F	1:32:58	The only Aboriginal people that don't live in the communities,

F	1:32:58	The only Aboriginal people that don't live in the communities, that's the only people that can't go on that, they won't. All right. It is only the people that live outside from the community, they cannot be on that at all, only in the community itself.
BH	1:33:17	<i>(speaking to H comments)</i> But, just to hear what you would prefer then, is that people living in the communities where there is income management, you're saying that rather than it being compulsory, that everyone has to be on it, that people should be given a choice.

Part Two

Future Directions consultation Tier 2 - Bagot Community, Darwin, NT

28 July 2009

DVD 2 (Timecode starts from zero)		
I	0:00:08	You know like, you go to shop for all this stuff, but me, I got three/two of my kids go to school here every day and they get 100% plus, yeah, and with income management. And like say I take my car in, I have to take it in and get a quote instead of cash and like, if I want to put a stereo in, into my car they won't allow it. We went to market, there was a fish and chips shop there and they wanted to put one of those little green basic cards on and they wouldn't allow it. Say for us too, we want to get some food (<i>inaudible background discussions</i>) but we can't.
BH	0:01:04	Just on that there, what you're saying there is the problem is, that some of your Centrelink money is 100%.
I	0:01:27	No, two of my kids go to school every day and you get your second Centrelink account on your basic card, right, and you only allowed to get a thousand out of it and so much gets put away,
F		The school money ... (<i>inaudible</i>)
I		Yeah, but and what I'm saying is, like if they wanted the hot food and they can't do it because the fish and chip shop, they wanted to go to Centrelink and try but they couldn't do it.
BH		The same you mentioned about the car too that you couldn't ..
I		Install a stereo in it.
BH	0:01:57	Yes you couldn't because you can't access that money from the basic card to do that.
A		(<i>inaudible</i>) No, no, not some shops, you're not allowed to do it.
B	0:02:12	(<i>inaudible</i>) ... the Basic Card, you go to Casuarina from Bagot, you got to Casuarina and you can't use, you have to use, what ... was saying, having ready available cash is very hard on income management. And yet when you go shopping from here with a Basic Card to Casuarina you can't use the Basic Card in a taxi to use the cab charge to come back here. So people are left to go back and forth, back and forth to Casuarina, you know, daily and all it takes is ... you know, it's not really rocket science at all. You know, just to let people have the ability to use that Basic Card on a cab charge, so that they can go to the supermarket and bring all their groceries back, in the one hit, you know without having to use up that readily available cash that they have to hold on to.
F	0:02:58	(<i>inaudible</i>) work like so you can buy a car, you gotta say

		(<i>inaudible</i>) ... so money can be saved up, you go back to car dealer, tell him what the price is and he goes back, tell him three thousand dollar. Here's the cheque for three thousand dollars (acts out writing a cheque), you going to go and get the car.
BH		And that's getting that cheque from Centrelink isn't it? (previous speaker nods) Getting that (<i>inaudible</i>) and taking it.
F		But he couldn't get a tucker out of him, he said he couldn't get a tucker he wanted to wanted to get some take away, he couldn't get it.
J	0:03:35	<p>Yes, Centrelink has the capability of assessing ... ummm, Indigenous people for Income Management, you know how are they expecting to improve the lives of Indigenous people on town camps and remote areas when the lives of Indigenous people in suburbia haven't been improved? You know we have families in suburbia that aren't being supported by the laws in place already.</p> <p>I live in suburbia you know and I see the discrimination that goes on and and the conflicts and there's no help for people.</p> <p>On the law enforcement, I think the law, the police officers should be assisting and doing their job. I had a fifteen year old niece that was bashed in a home invasion and my sister asked "what can we do about it?" There's mandatory reporting for child abuse and for domestic violence and they said, "Oh, it's up to her to go and report it and press charges." How can that be so when she's only a fifteen year old child who needs to be advised on the proper process of the law to get help and to go through the justice system?</p> <p>On the law enforcement of alcohol restriction and pornography, the government runs our country, they run our lives and really they should be responsible for their people and for putting the laws there you know. They're the ones getting taxes off alcohol and pornography and that. Why can't they put in proper controls for them to protect the children. You know how children are sacred, why can't they do that you know.</p> <p>So I think Centrelink should be doing the assessment on Income Management and not penalising our people that are doing the right thing for their money. I've got an aunty on the island that hunts every day for a living and uses her money to travel because she loves travelling. You know she's been penalised with Income Management and now she can't do what she likes and travel around, you know.</p>
BH	0:05:29	Just on that one there. In the book, Future Directions, the government is putting up a proposal, I will come to you ...

	0:07:07	<p>(<i>talks to person in audience</i>) a proposal, an option, that they're getting peoples comments too, and you'll probably mention, raise you think it's a good idea, is that people umm have the ability, the government's asking if you think it's a good idea where people have the ability to be exempt from Income Management and to get exempt from Income Management. What people would have to do, would go to Centrelink, they would expect, Centrelink would do an assessment on that person to see whether they should be on Income Management or shouldn't be and the things that they would check probably to see if they should be on Income Management or not would be things like, maybe if they had any dependents, umm..whether they've sought extra money from Centrelink, whether the person can demonstrate some financial management skills. So that the Centrelink would do an assessment and then they would make an assessment on whether that person needs to be on Income Management or not on Income Management. So that's one of the things the government certainly has put up for discussion, so they certainly are interested to hear from people what they think about that idea.</p> <p>(<i>inaudible response from one person</i>) No, you can't do it now, but the governments thinking about, when they're bringing these changes in, (<i>inaudible response from same person</i>) if you think that's a good thing to bring in or not?</p>
F	0:07:25	Bring them in (<i>inaudible response from one person</i>) and it's already tried.
BH		No you can't do it now, but hopefully if these the government does change it after, if the new law does come in, and that would be part of it, do you think that would be a good part of the law to bring in?
F		No! Can't do that stuff. Stop it all together! (<i>shouting</i>) Stop it ... (<i>inaudible</i>), all together!
C	0:07:53	I just want to say there is a good and a bad about the Basic Card and whatever like that, like a lot of these mob are talking about, and the other thing that you was mentioning about, people are then going to have, they're going to make that what's you call them to make sure, to assess people and that, that's part of what Lyall and the IEO was doing, right?
BH		No
C		They was talking to people about it
BH		No ... oh about it .. yes
C		You gotta wait until I finish talking (<i>pointing to BH</i>). They were talking, it's not what they're doing, it's what they're giving, what the people are telling them about, what they think about it and how if it should be, whatever way it should be

	0:08:57	done, right? Because one of the cases you look at, how everybody gets the big bonus, you know how they get their bonus in the middle of the year? This made them, in the last, what is it, two years now since the intervention came in, it made it very hard for a lot of people who got children, because of that goes in to your Basic Card. Where is the cash? You get a Katherine Darwin Show that comes every year. Once a year! Once a year it comes and the kids look forward to this and yet a lot of these children missed out on that show because of the Intervention. Because of their Basic Card. Because all the money was in the Basic Card. And then you get a mother that has a new baby. All of her money that she gets for having that baby goes into the Basic Card. Not every shop in Darwin uses the Basic Card. You know? There are places where you have to use cash. I mean, I know it's fair enough with the food side of it, cause we know a lot of people use it on food on that, but it's also created a lot of problems for us. Which is, there is three times more amount of alcohol consumed ...plus there's more drugs getting around
?		That's right (<i>people in background affirm comments</i>)
C	0:10:03	And plus, we've had, I think, I'm not really sure, I've lost count, but I think we've had ten nearly fifteen people that have passed away on this community because of that alcohol problem. And we don't get that, and they're supposed to be putting in support, police supposed to be coming in to make sure that everything's running right. Why put that sign up there? (<i>pointing to Prescribed Area sign</i>) Why didn't they just give, give the money to the community to use it for other things? That sign's useless!
?		That's right.
C		I'm sorry to say. But this is another part of the bad side of it. Because you supposed to get, the police are supposed to be in here to make sure everything's going alright. And, they made the rules, they not upholding it.
F		That's right, they're not here.
C	0:10:50	They're not looking, you know, overseeing it. So what do they expect? And then they still look at us and say, "Oh these mob are not doing the right thing". Hang on Government! Come on!, You mob should be doing the right thing. You brought this rule in. You oversee it or you ... have a look at it and make sure that you're doing everything right. You say you're going to look after us and say "this is what we're going to do to make sure everybody's, Aboriginal people are all doing the right thing and everything like that" but they're not doing the right thing themselves. I'm sorry, but you know, it goes both ways here. (<i>audience claps previous speaker</i>)
BH	0:11:25	And that's something certainly under this one here and this one

		here we would ... (<i>inaudible</i>) Do you just want to finish off on Income Management, just so we can finish that one off so we can go through the other ones. Has anyone got any other...
K	0:11:38	(<i>This man is struggling to express in English – no Yolngu Matha translator available – is difficult to hear/understand some of what is said</i>) ...(<i>inaudible</i>) I'm not going to give you a hard time. Ah (<i>inaudible</i>) the Commonwealth and Territory government had some problem with the sacred children in the country. Now the Intervention here in making some response came up with the Intervention. Why wasn't the, what's the future of the Indigenous, what's the government doing? I want, expect the minister to address her points up to here this community here ... but even though we said you mob going go to (<i>inaudible</i>). Now, why was the Emergency Response, been pulled out that mmm.. <u>nha yaku?</u>
A		E.R.A.
K		No, no. no (<i>searches for correct terminology</i>) <u>yaka, yaka</u>
A		Discrimination Act
K		That law that been brought it back and put it back again, whatsaname (<i>uses broad hand movements to demonstrate action</i>) What's it name? Ohhh.... What's your name?
?		Emergency Response
K		Yeah what's your name? Emergency Response ... was after
?		review
K		after review
?		Not the Racial Discrimination Act?
K	0:13:05	Yeah, there are lot of things to say about it. A minister should have himself come here to address the community and seen in person the people here, it's that one, like we Aboriginal people <i>as aboriginal people, so like any other nation people</i> , Aboriginal people, Indian people, (<i>searches for words</i>) brown Indian. Yeah what's the future for the Aboriginal Affairs? What's the definition, the government definition for the future of the Aboriginal Affairs?
BH	0:13:43	That's a big question. The.. I suppose ... what we're focusing on here is how the government is looking at these interventions. About the NTER, Emergency Response.
K		They changed the NTER, the Emergency Response ..
BH		It's the same
K	0:14:23	<i>They took</i> that system out and they been put it back. What's it's name? What was that talking about yesterday _____ (<i>in language</i>). That law that <u>rom</u> , you know, that ... discriminating ...Discrimination Act. Why was that pulled out from that, this mmm response, Emergency Response. And then they been put it back because they was shamed... I want that answer.

BH		They haven't put it back yet. The, the, the government is, wants to put it back into the, the law, they want to put it back in and they ...
K	0:14:53	I said I wasn't going to give you a hard time, but the whole nation is looking at it.
BH		As I say, they certainly did bring in the, suspend the Racial Discrimination Act, but they, they going to try to bring it back in, and this is what the government wants to do and I mentioned earlier about in October they're going to try and bring into Parliament to bring that law back in ...
K	0:15:30	They, <u>nharwi</u> , government, what they really (<i>he points to his head</i>) what they really ... <i>inaudible...</i> (<i>speaker waves arm in a giving up motion, turns to leave. The audience claps</i>).
BH		Just, any more comments on Income Management at all? Anything about Income Management?
K		Those young the single mothers can have that <u>nharwi</u> , green card, Basic Card, I'm talking about <i>might be</i> children now, that's manyak (<i>inaudible, perhaps in language, plus comments from audience</i>). That's right, but, maybe Job Search they should get straight cash not green cards. (<i>speaker continues discussion in language with audience</i>).
BH	 Are you saying that people who are on Job Search should get the Basic Card too?
K		They shouldn't get the Basic Card.
BH		They shouldn't?
K		They shouldn't.
BH		shouldn't
K	0:16:30	Young, single mothers they should still get after that green card. I'm only talking about my family(<i>indecipherable as speaker & BH are talking at same time</i>)
BH		So that young mothers ...
K		The ones that spend money on the kava, on the cards, <i>but the</i> single job search person should get straight cash.
BH	0:16:44	Yep, OK, so that there should be for people who've got children like mothers yes, but for people that are single and got no children and are just on Job Search, they shouldn't be on the Basic Card, they should get straight cash.
K	0:16:55	(<i>is saying something here but is inaudible</i>)... <i>they should be the last people...</i>
A		(<i>speaking to someone sitting nearb, not to facilitator</i>) Nothing ever, nothing. I thought you said them on Youth Allowance, Youth Allowance, they should go 50-50
BH		Yep
A		Tell Brendon, tell them to change their thing- rulings
BH		Yep I understand that.
F		What about pensioners?
BH	0:17:16	Now pensioners, if they're, if they're living in the area...

A		In a Prescribed Area like this, they're gonna be cut in half
BH		<i>Inaudible..Basic Card</i>
?		<i>Inaudible- BH responds</i>
A	0:17:27	Anybody who live on Prescribed Areas, cut in half
BH		And he's saying pensioners shouldn't be on it because they don't have children to look after and they should be therefore they shouldn't have it or the whole lots stinks anyway.
F		<i>As long as you've got enough...to keep you going</i>
BH		OK, So if you can look after your own money then you shouldn't be on Basic Card
A		<i>Inaudible..But no-one should be on the card anyway...But they shouldn't tell us to run our lives. It should be abolished, this thing should be abolished. Really that's the story.</i>
B	0:17:57	Nobody should have their income managed. They're talking about it, they have programs, they're doing programs, in the NT.
F		My wife and my kids are my responsibility, I know how to do my duty, towards my children, my family, they're going to come and tell me how to run my life. They might come and tell me how to wear my clothes too
A		oh no please not that
B	0:18:50	The income management, it's very extreme, everything about the intervention is just full on extreme. You look at the sign out there for alcohol restrictions, pornography, ten thousand dollars for each offence, and and how can you fine people on such extreme fines like that and, and the whole place is welfare based. The only reason we can have income management is because Bagot and other communities are welfare based. But then to have such extreme actions like income management where, it's a simple thing, like I said it's not rocket science, all you need is to have, is to instigate a program that within communities for all, that can help people budget their money. It's a simple thing, and to have people there, constantly, to be there, to help people budget their money. That's all you need, you don't need people to be, you know, to have income management forced upon them, to, to make them do the right thing. That's the intent of it, but you know the real content of it, it just makes people angry you know. Their privacy's ummm, been disrupted, their right to live really because it's, it's they don't have the readily available funds that other people do and have access to, freely, without any government intervention stopping them from access to their monies you know, and we shouldn't be under that kind of threat, you know and um. If we have Income Management here and yet I see five year leases up there. Now five year leases on, on any community. If this community was already worth something, how come the people here aren't getting some of that worth, how come some of the

		people aren't getting that wealth back within this community to sustain itself
A	0:20:24	That's right, I was going to say that.
B		If we can have five year leases the governments going to provide that, the government takes the money out of the community and they put nothing back into the community.
A		They take it all as usual.
B		And you know if, if there is five year leases available in Bagot, then Bagot has property value. And none of us here have seen any of that worth. None of us here see any of that wealth and, and you know, the lady who was over here before from the Stolen Generation, you know, I remember Kevin Rudd saying, you know, that all the money from the Stolen Generation, it won't be given out as compensation to the Stolen Generation, but all those funds will be used in communities under Intervention. Where's that money? I've never seen any of it. Must be a ten billion dollar playground over there. <i>(laughter in the crowd)</i>
F	0:21:25	That's a good one.
BH		Just on this one (<i>points to chart</i>), if I could just cover this one. What that one is, five year leases were in regard to, you know the communities like Maningrida, Gunbalanya, Wadeye. What the government did with the Intervention, they took the five year lease over that community area. Here within the town camp areas, the town communities of (<i>community names</i>), because there were already leases here, in place, the government didn't, didn't do, didn't undertake any of those five year leases here. It was more to do with those ones on the Aboriginal Land Trust land.
B	0:22:10	<i>(inaudible)</i> ..The ones you were talking of first off, see Port Keats is a very big community and that's probably why they've had to do five year leases there, you know, cause they can't move those people anywhere else, so they have to allow them to live there. The people you were talking about on the eastern side of the NT, they're the people that are, that are sustainable, economically viable because they have the natural resources to barter with you know and, and they get royalties from them. Their five year leases, they, it's affordable to them, you know.
BH	0:22:54	Just, I'm just going to say, maybe I should clarify myself . What they will do ,those five year leases, the government, FACSIA our department, took a lease over that area, outside the townships ...but..
B		So the place had property value but they don't do it here, in ..., because there's talk of, we're going to take ... anyway and make it a suburb, and and why don't they put a lease on this place (couldn't hear as others talking too)
A		I expect at least some money back into the community so we

		can have our own money, <u>kachinga</u>
B		Because there is work in this place, there is property value, they see it, they know it, but they don't want us to have anything to do with it, they don't want us to have any of that wealth so we can sustain this community and and keep it going and and that's the lie they're continually saying. And and you know, just lookin at it, the things that are written up there (points to the chart), it's all crap.
A		True
BH	0:24:14	I just want to finish on this one, to just say one other point. The reason why they came in to take the five year leases in those community ones is because, if the government wanted to umm, put infrastructure into those communities, you know they wanted to build umm, a police station in a number of them, maybe night patrol offices, ahh things like that, then what it did, it enabled the government to have land tenure where they could go and do those things umm. The, because there's already leases here, because umm, there's different leasing arrangements in the different town communities, different organisations have different leases over these areas
A		I can't understand, what's wrong with them <i>..(talking at same time as BH)</i>
BH		So there was, there wasn't a need to do those kind of leases
		It's a disgrace, I can't understand, why aren't they <i>..(talking at same time as BH)</i>
BH		One thing that the government is doing in regard to the five year leases is to, they are going back to speak with, going to get the Valuer General to go out and value the areas where there is five year leases um, and they will be talking to the relevant land umm land councils, whether it's Tiwi, Northern Land Council and Anindilyakwa or Central Land Councils and they will be working through them to then pay compensation to the affected land owner group and that's under the five year lease, but it is different for the towns cause the towns already had leases in place
A	0:25:30	So how are we supposed to try and run our community? With our hands? Where's the government helping us? Through this Income Management. Where's all the money that's been going through this Income Manage? You know they're saying about the five year leases and we just sitting here without no equipment whatsoever.
BH		And so in a sense you don't see any benefits within the community coming from the Intervention, even though you weren't involved in the five year leases. There wasn't a five year lease, you still need see no benefits that have come from having the Intervention coming ...
A	0:26:13	Yeah but what happened to our money

BH		Yeah
B		Could I just get you to explain what a five year lease and how it works within a community and what it actually does for our community
		I still can't understand these five year leases truly (<i>speaks at same time as previous speaker</i>)
BH		What will happen is before the Intervention the communities or the government took out five year leases, the land that the community was on was with the Aboriginal Land Trust. The government, if you wanted to do something on that land before the Intervention, if they wanted to do buildings, or infrastructure, they would have had to go through the Northern Land Council and undertake consultations to get a lease through the Aboriginal Land Trust over any area they wanted to do construction or building on. The government when they brought in the Intervention said, that's going to take too long. To enable us to do things quickly on communities we are going to go and through the legislation enable the government, in this case FACSIA, to go and they marked out an area around the community and said the government's going to take a lease for five years over that area. So that meant then, that rather than the land, the, you might say, the holder of the lease on that land being the Aboriginal Land Trust, it was now the Commonwealth Government and therefore they could go and do, establish infrastructure in that community without having to go through the Northern land Council and the Aboriginal Land Trust. So the idea was to enable the government if it needed to do something quickly it had the land tenure to be able to go and do it umm. But then they didn't
?		They went and
BH		OK, OK
B	0:28:29	So they were just waiting to seek permission to do that, right, more or less Because/within of the five year leases. Why did they take the permit system away?
BH		The permit system was not only just about the area of land where the five year leases
B		Cause you're talking only about the area around the community, well why did they take the permit system away, that is outside of the community
BH		The, the , the permit system is still required for any area outside the five year lease. Where the permit system wasn't required was around the community area and ..
B		Wouldn't it just come down to the road to have access? And they've already got access to the road anyway.
BH		It, the, what the permit system was going to do is enable people to, the permit system was also going to remove not only around

		the community, but also on the road to the community.
B		So when they took the permit system away, is that only so that they can have access to the road, or all the land?
BH	0:30:18	The target was the road and just the community, not the surrounding areas. So in the area outside of the/that community area or the road that was going to the community would still be under requirements to get permits. And that's right, so it was to the communities, umm and up to the road, not, so the majority of the Aboriginal Land Trust land still would require permits to go onto that land. So even if someone was in the community, at say Maningrida and they went outside that area that town area, lease area, technically they would still require a permit to go into that, outside that area. So this one here probably doesn't have a great effect in the town areas (<i>points to chart</i>) this is probably more of an effect on communities in areas where it was on Aboriginal Land Trust land, and but
A		Brendan we have public roads in here too, so what's the go here? This road goes right around and it sort of joins up that way, and that road there joins up at the back there. You know? And I suppose this road here's going to be open too because that's where...
F		Most of the trucks go straight through.. <i>inaudible</i> .. Comes out right here.
A	0:31:24	What's happening there? We don't know anything about this. Ever since we come to live from another community, to ..., we don't know nothing about these leases that's been put on this community and now we need to know because what you're saying is you've got the government roads already in without these people consulting us.
BH		This one here doesn't affect here in ... this has nothing to do with what I was talking about there and when I was talking about the roads and that, that was only giving roads like from, you know when you cross the East Alligator and you're driving on that road there to Gunbalanja and out to Maningrida, well that's on Aboriginal Land Trust land and that's the road where there was talk about whether you need a permit or you don't need a permit to get to Gunbalanja or Maningrida. This one, because it is ... <i>inaudible</i> from crowd...the lease this is not, um, this lease is actually with (asks someone a question)... got a lease on this one? yeah ... got the lease on this one, it's a perpetual lease I think, ...so...
A		This has turned into a suburb!... (<i>crowd talks about crown land</i>)
BH		Federal/perpetual(?) crown land, so
C		Crown land belongs to the Queen.
BH		But this one, this lease here is with ... this lease here in this area is with the ... community
A		It was given to ... Council but in real fact we have to go to the

		Queen. She owns that perpetual lease. In real fact. I know ... Council is the owner of this town(talks over BH)
BH		Someone brought up alcohol restrictions. Part of the Intervention said there was um no alcohol allowed in the community. <i>Inaudible comments in the background</i>
A		That's a joke in ... it's the biggest joke
BH		OK, it's a very positive sign we have (<i>laughing</i>)
B	0:33:24	...Stop alcohol...in every community, you know in remote communities yeah, sure enough you know, but when they take the stance of the Intervention being in such a general way that it affects all of us, you know , in, in, in the same way you know when it comes to alcohol, it's more freely available here than it is out in the middle of the desert you know, and why do they have even better programs for the people against the alcohol here in this community? I mean, the government hasn't instigated any programs for alcohol you know, against alcohol and other drugs in this community and surely that kind of funding would make more sense, and that would be, it'd be more long standing than the Intervention would be, you know, because people would know that go see that person, at the office or wherever and you know for help in the community, you know it's everywhere. You can get it from Nightcliff , you go to Casuarina and catch the number ten back here, catch number four from Nightcliff, you know you can catch either side bus from the city and any bus stop, at any bottle shop in between, you know to bring it in, you know. It's a very hard problem to tackle, you now, alcohol restrictions and to have ten thousand dollar fines for the first offence and any other offence \$74,000 dollars. How can people afford to pay things like that because they're, they're afflicted by alcoholism. Why should people be under threat by that because they're afflicted by alcoholism and and and because they come to drink and the only place they feel safe in their home and they're going to get a \$74,000 dollar because because, they're just sitting there having a drink, you know. Surely it would make more sense for somebody to be available here in the community, and to go out to each house and say, look, you know, you've gone to bits and you might need help, you know.
F	0:35:45	They had pubs in some other places, they didn't work either. They got their own club Bathurst Island, Belyuen, Borrooloola, you know what they closed it.
B		and see look, all all these things that they should be having, they could have been funded by the compensation that the Stolen Generation was supposed to, you know, hand, you know the Stolen Generation money was just passed on to the community, where's none of these programs are available to anyone in any community. Not that I know of anyway.

SB		Yeah you can ring Amity and ask for John Cusack to come out and talk about it but John Cusack will only come to a community where community men have invited him. He won't come anywhere else. But if you get, John Cusack through in Amity and they come out and run programs for you, he's very good
B	0:36:34	Even when they get the government, they're not into harm minimisation, not into taking actions so...
SB		<i>(this and previous speaker speaking simultaneously)</i> ... but they do support people through their alcohol programs, but they'll only do it if the men here invite them out, they won't do it if we, the government invite him out. But he only wants to come if the people want him to come.
BH		Just on that, what you're saying really is rather than having this stick, look at some options where you give people assistance to get help.
B	0:36:59	You know you can only push people so far, you know and people, Indigenous people have been pushed so far you know that something's got to crack, you know, something's got to give.
BH		Just, do you think, I pretty much got the impression when I first mentioned it, um, with the alcohol restrictions that have come from the Intervention, do you think it's made ...has it resulted in less alcohol and the community being safer? Do you think...
A		Our people are coming from left, right and centre to ... because we don't have the restriction here because the police don't do their jobs. We have country men coming from everywhere, they can just come off the street, taxi drivers bring them straight in because there's no restriction for them.

B	0:37:55	... When taxis come in with grog into a dry area, how come they don't lose their licenses for bringing grog in here?
A		You see so, we still have the same problems over and over again, because our homelands are restricted.
F		...People bringing drugs, and alcohol into the community by car, truck I think you read in the paper ...
H		... <i>(inaudible)</i> ... Ramingining and all those places... <i>(inaudible)</i> ... grog runner. How you gonna stop people from drinking and taking alcohol in their community? And how can you stop our people from bringing grog in this community?
A		So how do you stop your own people from taking the alcohol to these communities and outstations? They delivering kava as well you know with the drugs that they're carrying. So how do you stop your own people?
H	 <i>(inaudible)</i> only make it worse I think
BH		... Another one that one. The sign outside that has alcohol on that. What do people think about that sign <i>(camera pans to Prescribed</i>

BH		... Another one that one. The sign outside that has alcohol on that. What do people think about that sign (<i>camera pans to Prescribed Area sign</i>)
?		It's a joke, it's a joke. (<i>community group echoes speaker</i>)
B		... Lights shining Friday night
A		That's why we need the police to come in and help us because they were doing the job at the very beginning of the Intervention but they stopped completely.
BH		So the police were coming in at the start of the Intervention and then they stopped ...
A		Checking the people, they knew about the little circles now.
BH		Ok
B		Just riding round.
BH		Did that at the start ... when they were doing that, did it make things better?
A		Yes
BH		So at the start when the police were enforcing it, that it made it better. Just, you say, what to do, do you, suggested here about having more programs.
H		We should have programs here, we haven't had any.
BH		So one thing the government's talking about is letting places have alcohol management plans. So they make rules about alcohol in the community.
A	0:40:15	But how would our people? It's too hard for our people. You know the people, Our own people cannot say no to their country men. Then they going to be the householder is going to be the one to target because they're going to be forking out the dollars.
BH		Yeah. So, how, have you got ideas about how you would try and
	0:40:42	(<i>a few people agree, Yes</i>)
BH		Yes, it's a problem, we got that.
A		It's a community wide problem.
F		<i>inaudible</i> ...It's alright. It's only for men, I can't, I know, but I can't. It's only for the men.
BH		Okay. Okay.
SB		It's only for men ... <i>inaudible</i> ...
BH		... <i>inaudible</i> He didn't say it.
F	0:40:57	Yeah it can be done, but it's only the men. I say that we work behind closed doors, no nobody, no women no children, I'm one of those men.
A		So, (laughs)
BH		So that's okay. You, were going to mention something (<i>pointing to woman</i>)
L	0:41:15	Can you just explain what alcohol restriction is?
BH		What it says is that in this community, the ... community no alcohol is allowed to be brought in. You break the law if you bring alcohol into this community.

L		Heavy beers and light is still alcohol right. It's just that it was on my mind that there's two communities and they're prescribed areas and they have a pub. Gunbalanya and Tiwi Islands. It's a club.
F		It's a club.
L		And they sell alcohol there. I was just thinking of this, so you think about it.
BH		Well what happens is in this one here, is with this alcohol restriction, there are different communities that have different um um ah situations, like at Gunbalanya they got a club, Tiwi they got club, Milikapati,
F		Borrooloola
BH		There's a number of places that do have clubs that there was alcohol being sold there. What, in those communities, what the intervention did was to say they changed the rules about alcohol in those communities where there was alcohol already there. So, but in this community it was banned, there was no alcohol allowed in this community.
L	0:43:14	<i>Inaudible... alcohol restrictions as well.</i>
BH		So you're saying that rather than having different rules about alcohol in communities, they should be the same for all of them, so it should be banned in one it should be banned in them all, yes.
A		Yes, (<i>yes, several people</i>) You know because, um, how are we going to live through this income managed? Because ... is an open area, where everybody can come and bring their alcohol and drugs, even if you have certain people have their own alcohol in their own houses, you know, I know some people, they like to have a few beers after work, you know, on Friday, they want to have a beer. But, I don't know, it's up to the householder themselves, whether they will say no to their country men, but then you will know what the country men will do. We have certain rules to ourselves where they, like the poison cousin business, now if that person has a permit, and this person, who's the right person for that person, that person cannot say anything. He has the rights to ask him, yes, give me the carton and I'll take it. There's no, you can't say that because that's one of the culture you see. And how strong is our people to say no to a countryman. I've never seen it happen here in ... Because they share their alcohol.
BH	0:45:49	Just on that there, do people have with um, alcohol is a problem here, there's some ideas about programs, and more support for programs to try and assist them. Have you got any other ideas about how you would like to control alcohol? Is it is it the police should come here more often?

A		No. I think we should start thinking, this community should start thinking, we should limit the days when Aboriginal people don't drink outside. Limit the alcohol through all the different outlets, and those days are days for our people to drink.
BH	0:45:57	So, you are saying that there's different days here in ... that they can drink and other days when they...
A		No, I'm just throwing things up for a question, a question.
BH		Well, what that sort of the government's looking at something like that in the sense that, to develop allowing communities to develop rules about how alcohol is drunk in those communities.
A	0:46:13	Yes, and in the town camps it's easy to get alcohol. Well, maybe the town campers should start thinking should we limit days when our people aren't allowed to go and get alcohol through any outlets. But that's up to people to, you know, throw the questions around.
BH	0:46:42	Certainly don't need an interpreter for that one. (<i>referring to the lunch arriving and people coming for a feed until 0:46:23</i>)

K	0:48:25	The land rights came about in 1976, a Commonwealth Act then came our land trusts. No one will take our land because we are on a land trust ... <i>inaudible</i> ... The Commonwealth came ... a long time ago, and they will not break that rule... promises...
BH		They're not going to. On the alcohol problem, no on the community stores (<i>pointing to the list of measures</i>) what the intervention did was, when the intervention came in to use the basic cards (<i>pointing to income management</i>) stores had to be, had to get a licence, had to be licensed and that meant there was a section in our aah office that went out and checked stores to make sure that they were operating at a particular level to be able to use that basic card. Now the...here...eh...in the community, the store has a...Carol, is it a temporary licence at the moment? A temporary licence to use the basic card here? (<i>CS answers but inaudible</i>) So you can use your basic card here?
CS		They are reassessing at the moment. <i>Inaudible comments</i> ...
BH	0:50:02	Reassessing at the moment. Okay. The reason why they had those licensed stores, the reason behind it, was the things they thought were (<i>plane going over</i>) The reason that they saw the advantage in licensed stores, the benefits was that there was someone checking on the stores and checking on things like the type of food that was there, that it was fresh, that there was a good selection of food, that the food was, the prices were being on the food, the prices when you reached the register the same prices showed at the register. They looked at how the management ran

		the store to make sure that it was being managed effectively. So that came in do you, I'm sort of asking this, so do you think that it's been, the store here has improved since the intervention or has it stayed the same, what's your feeling about...first of all I'd like to know about how the store here is operated, has it operated better before, or is it the same, or no change?
BH		<i>Inaudible comment...</i> BH repeats comment: A little bit better
A	0:51:28	A little bit better but the store, the shop, it should close when we have funerals for our people. Yes. Because when we had our son-in-laws funeral the shop was still open. Now I didn't know that that shop was open, otherwise I would have went there and I would have made a big argument to close the shop, to have respect for our people.
BH		Just on that, and that could have been because maybe that there was a rule that the...
A		No, it was open.
BH		It was open. And I, the reason why, I am not sure...
A	0:52:09	Anyway, the shop has done this all the time, but since the intervention it's gotta stay open
BH		Because of the rules about...yes, and it's probably ...
A		Yes. Now, they should start changing that rule and start respecting our people.
BH		Yes, okay. So there's a problem there with the rules, about keeping the licence and how many hours it has to operate, that's in conflict with what needs to be done ...
A		This is our thing. This is one of our cultures. We should respect the dead. Now the people would like to have their service here...
C	0:52:48	<p>I'd like to say something. I'm chairperson of the shop committee, right. Right. We had Outback that came in and had to because of the intervention...under the intervention, Outback came in and ...oh we had to have them come in to do the ...because of the different things, you know, with the nutrition program and everything like that that the shop had. But on the 25 May, Outback then moved out. We've got the shop back, that shop now wholly belongs to ... This is ...shop, the people here.</p> <p>Now, with our meetings and that that we've had we've put it...when we had our last meeting, our meeting was that um, when somebody passes away, the shop will stay open. When it's a funeral day, then the shop will close. Right. So this then all had to go back to the council for that approval, right, because we have to do a lot of things to make that shop up and running and also for us to keep our licence or for us to get that licence so we can...have the basic card and the income management and all that.</p> <p>Now, when Outback left on the 25 May, by the 26th then we had...it was sort of back to us, but there was a lot of things that</p>

		<p>had to be done there and put in place so we can keep going, because FHACCSIA gave us a three month suspension, um...extension on the licence that we had there, but there were a lot of things that we had to bring up to scratch. Like with the ...our governance training and all the things like that, Which we have done a lot of that now and the only thing we're at the moment we're doing is making sure that everything inside there is ...how.....FHACCSIA...um...meeting their requirements, right.</p> <p>So, everything there is okay, and like I said, we've had that meeting about the funeral side and everything like that, well like I said, we already spoke to the president and that, and she said we were going to bring that up at a council meeting to see if that was all right, plus the day the person passes away, it'll stay open, but when it is a funeral, it'll be closed, yeah. That day that was mentioned about the shop was open that day, that was, she did have the shop closed, but some ..couple of people wanted to come shopping and that's the reason why, but yeah and um and she's doing a really good job now and it's been going a lot really good since Outback have left.</p> <p>So we...like we have to have our committee meetings, we have our committee meetings every fortnight and because this is what we've got to do, because this is what we worked out now so, it'll eventually be going into monthly meetings then, but yeah, and also us, like a few of our shop committee members have been to the governance training and so yeah there's still a couple more that needs to be done, but yeah. Everyone was saying with the shop side of it that where we're at now, like I said, I can tell you that, now, because I'm the chairperson of the shop committee.</p>
BH	0:56:44	Just, with the intervention rules, it says that the FHCSIA or our government will come out and inspect the store and check the store, like I said, they'll be able to go through ...check the variety of food, the freshness of food, the management of the store, so there's someone checking on that. Do you think...
CS	0:57:06 <i>inaudible</i> ...from FHCSIA? Outback Stores, she works really well good the store committee and with the staff in the store.
A		That's fine. That's fine. All I'm saying is, when the funeral is on here, they should close the shop until we've finished the service, then they can open the shop. You know, just have some respect for people.
C		That's what I was saying...
A		I was really annoyed you know, that day. I was very annoyed.
C		When people pass away, that's what I'm saying, when people pass away the shop will stay open. When it's the funeral day, it will be closed.
BH		And just too those things that are happening at the moment

		about checking on the store at the moment, you are saying you are happy with those to continue
A	0:57:50	Yes, no bones about that...it's just that the funeral...
		And do you think that they, (C) do you think that and anyone else, do you think those things that are being done to check on the stores and see how the store runs, do you think that that is a good thing.
C		Yes it is. Because every time they come here to do the assessments at the shop ... <i>inaudible</i> ... of the store and stuff like that, and if there is, you know, they've written down a few things that need to be done there, which our manager at the moment has got all that up on things. I mean, they come in and do the assessments every now and then. (Name) .lets (name) the manager know when they'll be in so you know they come in and they have the inspection and all, and like I said they've got their 97 different varieties, and whatever else we've got after that, but yeah, it's everything like that. We've bought up to standard now, it's up to where we want it now, and it's doing really well.
BH	0:58:58	And then other people mentioned that there does seem to be a little bit of an improvement there which, okay, no. Anyone else want to make any comments about the store?
F	0:59:10	... <i>inaudible</i> ...on funeral days, eh. There's a big difference, right, there's a big difference, to our ceremony men it's not good, for our ceremony men, in the way, in this way, it's not good. We stay closed, we sit down for our sorry ceremony, all right. This is how we do it, but sometimes, not sometimes, it stirs up something very unpleasant feelings. Not very good. This is what she's trying to say, it causes very unpleasant feelings. (<i>pointing to A</i>) not very good. That's why, we'd like them to keep the store closed...for our? pain see... <i>inaudible</i> ...
C	0:59:58	<i>Are you doing that when the funerals on ...inaudible</i>
BH		Just the families, the store not closing when the funerals on. Yeah. And I understand exactly.
A		Hang on, Brendan, over here. Can I just ask you if the store can put their prices down or not? (<i>laughing from the people</i>)
BH		Now, that question, you know, we get that question every where we go. And even though we're going out to Milikapati and Pirlangimpi and those mob. The problem that the stores, the prices that the stores charge is really what we call ...it's a commercial decision. The stores make a judgement about how much to charge to stay to be able to operate um. Part of the stores team in FHCSIA come out they do look at pricing, they will look at how well the store is being managed and if they think the money is being managed properly so they do have to look at books to make sure that things are being managed properly. So they can do that but they can't they can't force stores to charge certain prices. They will certainly probably they will certainly look at the prices

		to see that the prices are maybe comparable to other stores in similar situations. If let's say you had um Melville Island, where you've got Pirlangimpi and Milikapati so if they let's say one of those stores is charging really high prices and one was charging really low prices, then the store committee would probably look at why there is such a big difference between the two communities, because they are in the same situation. But they couldn't, they can't sort of tell certain stores what prices to charge. Um and that's um They certainly check to see how well the store's being managed and if that reflects in better prices, if the money is being managed better and things are being operated better that's always going to be, the one advantage here I suppose you've got (A) is you've got the store here and you've got other ones where you can use your basic cards where you can go and use them, but yeah that's the thing....
B	1:02:32	<i>Inaudible...something about subsidies</i>
BH		That's the second question we get out in communities, particularly in communities where they talk about can the government subsidise freight.
B		In remote communities freight ... <i>inaudible</i>
BH		Yeah, yeah. For the government to do that would then start to enter into real the problem is, if they start, where are they going to stop and then, so, it wouldn't then just be subsidising freight here in the Northern Territory, they would be expected to subsidise freight right across Australia and then the other dilemma is that where do they stop. Do they say, is it to all communities, whether there's, you know, say somewhere like Lightning Ridge in Northern New South Wales is a very remote do they subsidise freight there, do they subsidise freight in Maningrida? So the government
B	1:03:26	But wouldn't they, it might come under the intervention laws, surely, If they use them laws in a very general way in communities throughout, anyway, why couldn't they?
BH	1:04:47	The way that they probably be, um, yeah, it's, if it's a policy that the governments going to make it'd be really so hard to come up with one, a policy, and two, it's so costly for the government that I'm pretty sure the government won't look at that, because it's just going to be too hard too costly and governments being governments they're not going to do it. The other one that certainly people have come up with, which is on the other side of that is that the idea that the same payment on...Centrelink payment whether you in Darwin or you live at Wadeye or Maningrida things are a lot more expensive out there than in here but you get just the same payment. Once again, that's another law that comes under the laws for looking after Centrelink payments and that which the government would have to look at Australia wide, so it's very difficult even to change those ones or very once

		again, costly for the government to do, so they're unlikely to do it. Um. I think..anything else on community stores (<i>pointing to the display paper</i>) anyone. We're getting near the end. The other one where there's a restriction is on pornography, you know, X-rated movies, porn magazines coming into communities, they said that it is not allowed in these prescribed areas.
H		<i>What about on TV? inaudible</i>
BH		So what you're saying there is that it's still coming in on television. Yes.
F		SBS
BH		SBS, yes, I've heard that one, that's right yep.
H		Are you going to stop us from watching TV? (<i>laughing from the people</i>)
BH		That, that, issue has come up.
F	1:05:30	<i>...inaudible...plenty of sexy girls round here. (laughing from the people)</i>
BH		And you can control that. Yeah, <i>inaudible</i> ...
A		Can the government tell these people to stop making these things?
H		Yeah, putting ads.
A	1:05:57	Because we are getting the worst of it, and yet it's your country men that is doing it.
		<i>Lots of inaudible comments They're talking about banning it all together.</i>
BH		<i>BH clarifies (for Sally) Ban it all together, so stop producing it in the first place.</i>
H		Like my own ... jambra (family?) staying at Stuart Park, right in front where everyone can see it, even our children when we driving past, it's right in front of them. They should close that shop and put it somewhere else.
A		They won't.
BH		Just, while we're just on that, the sign that is out the front, what's on the sign at the front, is it pornography, does it say pornography on the sign or...
Various		They might put it all together, <i>inaudible comments, ...alcohol, pornography, liquor all of it</i>
A		Why couldn't they stop making these things? It won't stop the ...
BH		Yeah, rather than allowing
A		They make the world crazy
BH		Okay, yep.
A		But they'll, because it's the dollar signs, it brings in billions.
F	1:07:14	With pornography, Old man, tribal man, if you are humbug, look out, the old man, tribal elders sort it out. I telling you now, young fella, he will have it. Do you understand?
BH		Yes.
F	1:07:30	<i>(some inaudible)</i> I know. The old man catch him, bring him to our school, he catch him, he'll had it that young man. No more

F	1:07:30	<i>(some inaudible)</i> I know. The old man catch him, bring him to our school, he catch him, he'll had it that young man. No more humbug, no more playing up. You used to work, no more mucking around my boy. You wanna tell that one. It not come from up here <i>(pointing to lips)</i> it come from here <i>(pointing to heart/chest)</i> that one. This one <i>(lips)</i> only two lips moving, when the word comes out, the wind him pick em up, it blow away, it doesn't reach that fella. It doesn't. That's only words comes out here, wind picks em up and blow em away. When it comes from here <i>(heart)</i> from the old man, when him come out, boomerang, nulla nulla is there. No more humbug the old man, no more humbug yeh, he catch em and say, hey, that one bad young fella, you know that yourself eh. I never been teaching for that one on law school, my law, that one the white man law that we been learn. I never been teacher for that one. You been come to my school, it's like that <i>(loud slap)</i> You bring that on mate you blow em up, yeh you know that. Yeah, that old man, Central Australia... <i>inaudible</i> ... white people that brought that. <i>inaudible</i> the old man been catch him with that one. It's very bad, proper bad, worse than bad, when him look him catch him with that. Yeah. Don't only give him a smack. It's trouble looking at that kind of stuff.
A	1:09:35	Do you think the government will try and
BH		Stop the whole lot?
A		Yes
BH		No
A		I know that... <i>inaudible</i>
BH		There'd be two reasons, one is, well...I can't say no...there's money involved, there's another...people lobby for it to be stopped, there's also another section of the government...no...the industry that will lobby the government to keep it, so there will be two people, one in one ear of the government, the other people in the other side of the ear of the government and the government, at the moment, there's laws to, which are allowed only in the ACTU and also I believe up here as well, so ...
	1:10:25	<i>Inaudibles, speaking together...(A) so it's come from you mob, it's not our law, (F) understand that, stop your own people</i>
BH		Yep, yep. Um, so these last couple they're not, they'll be quick, so we won't be too much longer <i>(pointing to the display paper – Business Management Powers, Law Enforcement, Publicly Funded Computers)</i> . This one here, the publicly funded computers, what that one is that if an organisations receives government money, then the government can come and check if the computers of that organisation to make sure that they're not watching inappropriate material. That means that if people are looking on those computers, they're not looking at violence, or they're not looking

F	1:11:30	<i>Inaudible... laughing from some people</i>
		Well, I don't know about that one. So the government has permission to come in and do an audit of the computer, so they can stick in a little (<i>trying to find the word – using hands to show – someone says USB</i>) USB stick, yeah, that's it, I'm going to show you one (<i>is indicating the size/shape with his hands</i>) so they can download information from the computer to see what has been viewed on that computer. But only government funded organisations, it's not people's private house. You know, like in this community here, the only place that it would effect is the clinic, the store, does it get any? Money, that's about it (<i>looking at CS to confirm</i>)
CS		Yes
BH	1:12:40	So it would only, it would mean that the government has permission to go in and just to check to make sure that those computers are not being used to watch things that people shouldn't be allowed to watch. What do people think about that rule? Do people think it's okay, leave it, change it, it shouldn't happen, what?
B		If it's publicly funded, it's got to be done.
BH	1:13:20	Yeah. So if it's publicly funded then it has to be done. Okay. Good. Yen. This one probably doesn't affect a lot of people directly, so that's probably why you don't have a lot of comments, that's fine. This one here, the law enforcement one, what this one's about is that under the intervention there was the...it ... enabled people to report serious crimes and stay anonymous. There's an Australian Crimes Commission, that can, which has special powers, which enables people, if there's a serious crime, people can report that crime and stay anonymous. So, people don't have to know who has reported that crime. The reason for it is, the reason the government brought that one in was to enable people who ...think that maybe if they report that crime and people know in that community that they'll be attacked for that, or they will come under pressure from the people in the community for telling people about that crime, so people want to tell about it, but they're scared to tell about it. So the government said, we will give protection to the people that want to report that crime, so they can stay anonymous so people don't have to know who has reported that crime or provided evidence about that crime. But serious crimes, this one was mainly to do about serious crimes, like child abuse, sexual abuse of children. So the government is going to leave that one in, so that people can still report those crimes and stay anonymous and stay protected, in a sense, from people not knowing. What do you think people think about that?
F	1:15:20	<i>Inaudible (no microphone) Laughing</i>

BH		You reckon they've got something in the cab? No, it's not that one. No it's to do with very serious major crime. And as I said, it was mainly focused on enabling people to be safe if they reported on any child abuse, sexual abuse of children, so that if they report on it, no one in the community would know, so therefore they wouldn't get humbugged by people in the community for telling about this crime.
F		But what if he doesn't get caught? ...Big ears and big mouth...
A		Yeah, as long as he doesn't get ...
BH		So when you say he doesn't get caught, are you saying that people that report the crime...
A	1:16:15	Yes, as long as that person doesn't get caught from someone else
BH		Yeah. Okay. So that one there is just to try and make sure that they didn't get caught, that no one knows who reports the crime. So then what it hoped to do is to make sure that if there is a serious crime then people can go and report it without worrying what's going to happen to me. What do people think about that one? Do you think it's good, bad, leave it, change it,doesn't really worry you?
A	1:16:51	No, it's a worry, but we don't know what to say. If other people would just sort of talk on it more... <i>someone talking in background, inaudible</i>
B		<i>...inaudible...</i> if they can remain anonymous, that's a good thing
BH		But you've got to make sure that those people are comfortable that they are going to remain anonymous.
		<i>Several people say yes...other inaudible comments</i>
B	1:17:13	Because if people know that then there's more chance that they will be willing to make that phone call
BH		Yep. Okay, okay.
B		But that's another thing, no one's been gone, here in ... <i>community name...</i> or any other community in Darwin.
BH		I, I'm not sure, I'm not sure
B	1:17:35	<i>Inaudible...</i> No one's going to jail or been caught out for things like that.
BH		So what you're saying ...you...you probably think it's worth keeping but you don't think it's really been used... <i>inaudible...</i> as you understand it
B		Well, it's just practical isn't it...if it happens elsewhere, in other communities, sure enough, it's a practical thing to have, but
BH		It's not something that's really being used...
DS	1:18:16	I'd like to bring something up, just I'm just wondering if we're going to discuss the other police powers that have been put in place
BH		The one's being?
DS		Raiding homes without warrants, holding people without charge, the laws that normally are reserved for prosecuting terrorists, but in this case are being put onto Aboriginal people.

BH		Well, I'm not really sure about the ones with terrorists, but I can certainly check on those ones, the ones in regard to the alcohol restrictions about entering, the police entering people's houses to check on whether alcohol has been in there. There's certainly been an increase in the powers of police to enter and look for <i>(pointing to alcohol restrictions on the display)</i> alcohol.
B		Are they allowed to do that on this community?
BH		Anywhere there is a restricted area.
B	1:21:21	How come they don't? I mean, they'll go past the house, there will be ten people sitting around drunk or drinking, they've run out of grog or whatever, the cops only seem to come here when people run out of grog and start fighting. You know, it's like they know exactly when to come in. They're never here at 10.30 or 11.00 when the taxis start rolling in from the swinging doors, you know, from the bottle shops and that, they're never here, you know. But they're always here when people are getting bashed, you know, there's trouble around or to break up a fight or something around, they are always here, but it's like they know when not to be here. Because, I don't have a car, I catch the bus to Casuarina and back, and the amount of grog that comes off that bus into this community it's ridiculous. I mean, you know, it's just a matter of you get off at this side of <i>..community name...</i> when you come from Casuarina or whether you get off at that side, that's the only choice. And it doesn't matter which way, it's still gonna come in. Or, you know, you just catch the other bus over this way. And you know, the cops know exactly when to come. They know when the trouble starts, they know when the grog's likely to run out. They'll come around at night time and they'll flash their lights around the community, with headlights on full beam, and you know they've got to switch on every single light on the roof as well, with all the red and blue showing as well. They come through the community, I'd like to see them go through the suburbs like that, you know with all their lights on all over the place, but they do it here just about every night. They just think they can drive where ever they like, out the front of your house and then lights are just flashing and they don't care, they just come here to mop up, when people, late at night when they run out of grog and start arguing. They're never here when the grog's comes in through that fence over there, when people get off the bus, you know, they're never around, you know yet, they're just... It says on their door, it says, to serve and protect. But all they're doing is serving and protecting the governments own interests, they're not here to serve and protect the people, if they did, their actions'd be all over this place. They'd be arresting this person, it's sorry mate, it's a \$10,000 fine, you bring the grog in, well, I've got to give you the fine. Sorry taxi driver, you just lost your licence for bringing grog into this community, it's a dry area, sorry mate, start walking,

<p>B</p>	<p>1:21:21</p>	<p>How come they don't? I mean, they'll go past the house, there will be ten people sitting around drunk or drinking, they've run out of grog or whatever, the cops only seem to come here when people run out of grog and start fighting. You know, it's like they know exactly when to come in. They're never here at 10.30 or 11.00 when the taxis start rolling in from the swinging doors, you know, from the bottle shops and that, they're never here, you know. But they're always here when people are getting bashed, you know, there's trouble around or to break up a fight or something around, they are always here, but it's like they know when not to be here. Because, I don't have a car, I catch the bus to Casuarina and back, and the amount of grog that comes off that bus into this community it's ridiculous. I mean, you know, it's just a matter of you get off at this side of ..community name... when you come from Casuarina or whether you get off at that side, that's the only choice. And it doesn't matter which way, it's still gonna come in. Or, you know, you just catch the other bus over this way. And you know, the cops know exactly when to come. They know when the trouble starts, they know when the grog's likely to run out. They'll come around at night time and they'll flash their lights around the community, with headlights on full beam, and you know they've got to switch on every single light on the roof as well, with all the red and blue showing as well. They come through the community, I'd like to see them go through the suburbs like that, you know with all their lights on all over the place, but they do it here just about every night. They just think they can drive where ever they like, out the front of your house and then lights are just flashing and they don't care, they just come here to mop up, when people, late at night when they run out of grog and start arguing. They're never here when the grog's comes in through that fence over there, when people get off the bus, you know, they're never around, you know yet, they're just... It says on their door, it says, to serve and protect. But all they're doing is serving and protecting the governments own interests, they're not here to serve and protect the people, if they did, their actions'd be all over this place. They'd be arresting this person, it's sorry mate, it's a \$10,000 fine, you bring the grog in, well, I've got to give you the fine. Sorry taxi driver, you just lost your licence for bringing grog into this community, it's a dry area, sorry mate, start walking, you're a pedestrian now. Why don't things like that happen? I mean, they've got the powers to do them, they've been, you know, even more so empowered with the intervention, you're talking about prescribed areas and yet they're too lax to even get out of their cars and to do practical police work and do something about the alcohol in communities. What's the point of them, they might as well stay out there and just go straight past ...Road, don't even come into this community, because they don't do anything.</p>
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F	1:25:47	Handbags
A		And bags
B		All they've got to do is sit there one day, at about 10.30 or 11.00, after everyone's brought their grog in Casuarina, they get there at 10.30 or 11.00 and wait for a taxi. As soon as a taxi comes in, oh this is a prescribed area, we just want to search your car. And oh, what's this grog doing here? Well, that's a \$10,000 fine and you lost your licence. Why are do things not like that happen? I mean, that's just, you know...
	1:28:15	At Woolworths, they open the bag, ... <i>inaudible</i> ... they come down to the bus stop, can I look in your bag... (<i>indicating opening the bag and then uses a plastic bottle to show tipping out the grog</i>) Police man, for what? At Mandorah, you get off the ferry, they be there standing, man in car, they watch. Some one come off with the cask to the Cox Peninsular, people of Belyuen are living, every day he standing (<i>then uses a plastic bottle to show tipping out the grog</i>) There you go, pour him down in the salt water. Him, waiting, at Mandorah Wharf. They can't buy strong alcohol at Mandorah or the supermarket. Only people that can buy grog over there, at supermarket, is the people who don't live in the community. I'm talking about blackfella. He won't buy that strong grog, he get someone to buy it for him. But if him buy em grog from here, he can't. The fella in the khaki, he standing right there at the front gate, even though that restriction law is way down the community of Belyuen, police man inside the fishing place, where they're fishing, buy grog, going down fishing, police man go there inside the fishing ground, out come the grog, on the ground. Restriction area, like that one there it miles away.Mandorah Wharf, but he's in the main road with a 4WD. Laughing. And when he open, the whole lot goes.
C		Lately, the police have been coming in and if they see people sitting outside the houses drinking, they do walk over and they tip their alcohol out. And whatever they've got there, but they don't fine them. You know, because they've only just sort of started it up.
A		We have also gates around the community, gates. And the police have said to the council well why don't your council members look after the gates <i>inaudible comments</i> ... If you lock the gates they'll still jump over the fence and open the gates. So we just said to the police, no, we not going to do that. It's up to the police to check it out or the response people that comes in here. Why don't they do something about it?
?		<i>Someone says? The first response patrol?</i>
A		Yes. Why don't they do it? They here for what?
BH		Do you get night patrol come in here?
A	1:29:52	Yes, night patrol come in here. They just go zoom there, zoom there, come out

F		They drive around and drop people off.
A		Or drop people off, yes, that's all.
B	1:30:00	The police even bring people back, and drop them off when they're drunk
M		That don't belong to <i>community name</i>
A	1:30:07	Yes. That - no
A		When they're picking them up in the street or wherever, then they say to them: Where do you live? And that person just says <i>community name</i> and they are in here dropping them off.
F		At the Belyuen community they pick up the drunks and take them home.
?		- sobering up shelter
		Not only that – how many damaged – knock 'em down 1 -2 -3 -4 new fence –boom – gone –on the ground. You wanna take a look over there. Even if they put a strong bolt to hold it up – didn't work – fence just came down. Bran' new one we just put on.
A		We've got gates there. We've got gates there. We've got gates there. We've got a gate there. We've got a gate there. We've got a gate up there. And all along the fence it's open. Some of the fence that were put up – open.
F	1:31:10	They make their own gate – the drunken men. What do you reckon? .Yeh, they make their own gate to bring alcohol in.
A		And a lot of these people don't live here, too.
BH		<p>Just the last one we've got here: Business Management Powers. What that one was, when they first brought in the intervention the government brought in a rule that said: if the organisation wasn't properly managing the funds, or the programs for that money that the government could stop – the Minister had the power to stop the funding for that organisation, but what the government – since they brought that one in – now know to stop funding they don't need this rule to do that.</p> <p>There are other rules already in place that the government can use to enable that then to do that. So this rule they're going to just take it out of the intervention and remove that, because they don't need that, because there are other rules they can use to do the same thing. So that one there is just to let you know – it hasn't been used at all since the intervention has been in so that's probably another reason to – It doesn't need to be used. It hasn't been used. They can use other powers to do the same thing so it doesn't need to be in this legislation. And that's it.</p> <p>What I'll just remind you too don't forget you've got Carol and Lyle are around. So I'll still be talking to people about these things over the next couple of weeks. It doesn't stop just with this meeting. There is that workshop on next week on 4th and 5th. So there'll be more people, as I say, going from here and talking more</p>

		<p>and that'll be used in the information back to the government.</p> <p>The government's going to do a report. A report probably thicker than this (<i>holds up Future Directions Discussion Paper that was not given out to participants</i>) They'll then bring out another paper about <i>all</i> the meetings that have been going on in the Northern Territory and put all that information together and bring out another report saying this is what we heard back from people from all these different meetings that were held.</p> <p>The other thing, too, as I mentioned earlier, is that the changes are going to be looked at in October so do keep an eye on the news and the papers to see what's being talked about, so you get an idea about some of the things that might be happening. And then it's a matter of wait-and-see what the government puts up to the parliament and what the parliament then can pass – what gets passed. But it will certainly be around October so that's the process.</p> <p>Yes? (<i>takes question</i>)</p>
B		When is that going to happen?
BH		In October the government is planning to take any changes to the Commonwealth Parliament. So they'll be bringing this law – amendments to this first law – back here when we did this one here (<i>shows first page of yellow paper which says NTER 2007 – suspended RDA</i>) They'll be putting amendments, changes to law back in 2007. They'll be making changes and they'll be taking that into the parliament, where Kevin Rudd, Malcolm Turnbull, all those people sitting. They'll be talking about the changes and then they'll be ...
A	1:35:00	That's why we want the report from the child abuse. We need to look at that and discuss it so that we know why then we are still in income management. And if there's no any harm in the community or children or whatever, this community can them come back together and speak about – if we are not in that situation where we are still going to be looked after by the government, you know, or not. <i>We need to know that.</i>
BH		Those reports, I can check or Carol if we can get the information out to you. I'm not sure, Joy, if there is any information on it.
A		Well how are we going to survive if we don't look at all the reports about our children?
BH		And to see what evidence as you are saying?
A		Yes. We want evidence. We want to have a look!
BH		Yes. One thing though, I have to be honest, is the government is saying they are still going to keep a lot of these one's in (<i>referring</i>

BH		Yes. One thing though, I have to be honest, is the government is saying they are still going to keep a lot of these one's in (<i>referring to topics discussed</i>) – all of them in.
A		Yes, but surely they can give us a report?
BH		I can certainly look and see what is available. See what information, what data is around. I don't know what is available at the moment at all, but we can certainly, as I say -
A		And one last question before we finish. This buying a house. It's a joke because we are income managed –
BH		When you say 'buying a house' you mean buying a house here in <i>community name</i> , or - <i>inaudible</i>
A		Your own house, you know,
LC		<i>inaudible</i> ... in terms of home ownership.
A		I could just talk like that! This is a joke because we only earn the money that is coming form the Basic Card and even if we get a loan that will take us years and years and then we'll die – still paying for that house that we want in <i>community name</i> . You know we need to know where they are coming from, this government.
BH	1:37:00	At the start of the intervention there was a lot of talk about trying to get greater home ownership in the communities and that certainly part of the idea behind -
A		Through the five year leases?
BH		And like on Tiwi Island, where they've got the 99 year lease. They've got a 99 year lease, rather than a five year lease.
A		How did they get that?
BH		They went and negotiated with the government about it (<i>smiling</i>). That about the home ownership. It's probably two parts. One is it's certainly an incentive to get Indigenous people to increase their home ownership, but, because they have to have the income to try and pay for their home – now – in one of the programs running- actually it's called Indigenous Business Australia and they do have loans for Indigenous people to assist them get home ownership, but there has to be – and they sit down and look at people's income and they make an assessment on peoples' income and whether they can pay the loan back.
A		(<i>laughing</i>) It's a joke!
BH		Yes. It always depends on what he income is.
A		Oh golly!
BH		If there are any other questions?
A		No
BH		You've got Lyle here. You got that workshop next week that a couple of people are going to and Carol will still be talking to people over the next couple of weeks. The notes we'll get back from Carol and we'll give Joy, you, and a couple of other people – just to read over and make sure you are happy with them
A		Yes. And I'd just like to thank you and your crew for coming in.

BH		And thanks for the time you spent. It was a bit longer than an hour and a half. I lied on that! But that's probably because there's a lot of people talking, which is good.
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Annexure C
Ampilatwatja
Alyawarr Nation
Northern Territory

Transcript
of
FHCSIA 'Special Measures'
Consultations:
*'Future Directions for
Northern Territory Emergency
Response'*

12 August 2009

Ampilatwatja NT - Part 1

FHCSIA Consultations:
'Future Directions for Northern Territory Emergency Response'

12 August 2009

Identifier Code (in order of appearance):

- RD = Richard Downs, Spokesman for Alyawarr Nation
- CA = ABC TV Cameraman
- FS1 = FHCSIA Staff - General Manager in charge of intervention in NT
- FS2 = FHCSIA Staff - Manager of Government Business Managers
(GBM)
- FS3 = FHCSIA Staff - Manager, Indigenous Co-ordination Centre (ICC),
Tennant Creek, NT
- FS4 = FHCSIA Staff - Indigenous Co-ordination Centre (ICC),
Tennant Creek, NT
- LA = FHCSIA Staff - Project Officer, in charge of IEOs
Indigenous Engagement Officers in NT
- AM = Community Men
- AW = Community Women

Timecode Person Text

(Driving to the meeting, shots of community members and FHCSIA, Families, Housing, Community Services and Indigenous Affairs, staff arriving)

00:00:55;00 RD *(laughing)* I will try to remember, yeh.

00:01:02;10 CA I will just run that under your shirt if that's alright?

(FS talking to mob who are sitting under a tree)

00:01:20;07 RD *(language)* I know they are getting too slow *(language)* that Ross McDougall and that Brian Stacey that Macklin *(language)* Canberra bet you know wouldn't ya? *(language)*

(FS and RD and others.)

00:01:34;12 FS1 There is nothing secret about it. It's a public meeting.

00:01:36;03 RD Yeah I know that yeah.

(Shot of FS and RD and others)

00:01:36;08 FS1 But as I said before *(inaudible)* and what we plan to do is break up for the meeting for the women and for the men, which we normally do - in order to - so I will talk to the

(Audio of RD talking with community)

00:01:50;09 RD Alright so I will go through this *(language)* What we worried about, what we are concerned with *(language)* about housing, about welfare income management, about lease, work, training *(language)* and we'll finished and we know which way we are gunna go, OK. Yeah. So we get all our worries and concerns. *(language)*. You know, yeh?

(RD talking with FS and others.)

00:02:18;20 FS1 First of all we'll talk about the worries and problems first - the things you are unhappy about. Talk about them first. See if we can get them out of the way and then we'll start talking about this intervention Basics Card and all of that...

00:02:25;09 RD Yep.

00:02:25;12 FS1 And then we'll split up one meeting for men and one meeting for women and then we can all come back together again. We are with you all day and we want to have a proper talk with you.

00:02:37;01 RD And with that one, Brian, we will ask both groups - do you want to split up or *(language)*.

(RD asks the group, mob all speaking in language and gather around)

00:02:55;13

RD Testing testing, Not that one righto, *(language)* and you ladies too *(language)* this is a main meeting *(language)* about intervention that Green Card, welfare, income management *(language)*.

We got this chance now. We got this chance now. We got Ross McDougall and Brian Stacey. We got that letter from Jenny Macklin, the Minister, *(language)* so they can hear us, listen to us *(language)*. So another one, this young fellow here, Leo Abbot, family again, *(language)* from that side, Wallace Rockhole side and Rubuntja side again. And he will talk with us and interpret, *(language)* you know.

But first one we are gunna start off is talk about our worries with that intervention. What's happened in the last two years? You know, what we thought government might do for us here on this community, *(language)* it just like rubbish heap. We were left alone, nothing was getting sort of done here. We had two or three GBMs and still nothing *(language)*.

I wanna come back and help, so we can go forward and I was pushed out. All you people were all pushed out. One side. And our leaders there, Banjo and Martin, they were pushed out.

Brian and Ross, that's why we sort of started to stand up about three weeks ago, because we said enough, Enough. There's nothing happening here. The government is talking about Closing the Gap. They are talking about the health issues, environmental health issues, the housing issues, the septics, and we thought, once the government came in, took over for the five year lease, we sort of said OK that's great *(language)* with that five year lease *(language)* we are gunna come here and we are going to fix all this, but two years *(language)* nothing *(language)*.

And we thought there was gunna be two-way partnership on the way forward, getting our leaders and our ladies involved. Looking at the, under the NTER, the concerns the federal government has and highlighting those issues and telling the people this is why we are coming in. These are the issues and where we gunna go from here?

How can we go together? *(language)* What work together one way? But, Brian and Ross, we have never seen that. We have been sort of shut out, locked out and we've been patient, waiting and hoping that things might change.

Three, four weeks ago we agreed – no - nothing is happening here, nothing, you know? You talk about environmental issues, health issues and all that. You look at our oval, it just like concrete, you know? Yeah. And driving into the community from out there – just all the dust just blows straight onto the community. *(language)* you know? We can't breathe sometimes.

So, they're the stuff that we brought up with the previous GBMs over the last two years and nothing has happened.

So what I will do now is get Brian to say what he's gotta say, (*language*) then we will start going through that document there, that *Future Directions* and (*language*) We will go through that *Future Directions*. I'll write up here? And we can (*language*) listen to him and we will tell Brian and Ross what we reckon (*language*). What we reckon, this is 'no good', 'rubbish' or alright, (*language*) so I will hand it over to Brian and he can explain a little bit about why he is here and (*language*).

You mob taking too long to get back to us. We are not happy with that. We got no telephone call from the governments or senior bureaucrats, nothing. It's only now that we got a letter from Jenny Macklin, so which is - I said to Brian, Look it's too late. We are pretty much just fed up with all this prolonging and just holding off and trying to find excuses to make up and (*language*) you know. But Brian is going to talk to us. We are going to listen to him. We are going to listen to Ross. That young fellow there, Leo, again we will ask him to come in and talk to, interpret. Alright, Brian, I will hand over to you.

00:08:10;18

FS1 Good morning everybody. Can everybody hear me? Yeah? Ladies? Everybody hear me up the back, men? OK look - first of all good morning everybody. My name is Brian Stacey. I am the Manager of the department in the federal government, this is the Australian government, not the Northern Territory government. In the Australian Government it's called Families, Housing, Community Services and Indigenous Affairs. And I look after that department in the Northern Territory.

I have come today because Jenny Macklin, my minister, knows that people here are very worried and upset. And she wanted me to come to make sure that you knew that somebody, who was the boss for the department in the NT was talking to you directly. And that we could listen to what your problems were and see if we can find some solutions. Most of all we want to talk about this intervention and about what people are thinking about it.

I wanna pay my respects to the leaders in this community and the Traditional Owners. I was here nearly two years ago when we first started that intervention. I talked about it with you then. I have come back again. Thank you very much for agreeing for myself and others to come back and meet with you today. The last meeting was a good one. I hope this meeting can be a good one as well.

But can I just say again we pay our respects to the Traditional Owners, to the leaders of the community and we are very pleased that you have given us the opportunity.

00:10:11;15

RD Yep and thanks Brian and I want to catch you on one point. You said the last meeting was a good one, but I don't see anything good about this community, since your last meeting. So the outcome that I am looking for, and that we are looking for out of this meeting, is for you guys

to make some sort of commitment. We are going to make a commitment - some sort of solution. Even if we gotta wait three or four weeks to see some results. But we are not going to go forward without you people making commitment and telling us that yes, this is what we are going to do, and there needs to be a two-way approach.

00:10:44;10 RD *(to the community in language)* He is talking about 2 years *(language)* Brian *(language)* from this meeting. We want to come up with the way forward, two-way *(language)* not just talking *(language)* and just blowing away in the wind. We wanna make that strong and we are not going to agree with nothing less *(language)*.

00:11:14;12 FS1 Thanks, um Richard. We think that there have been some good things. The government thinks that some good things have come from the intervention, from what they call the Northern Territory Emergency Response. Some good things have happened at Ampilatwatja, but we know that we have still got a long way to go. We *know* that. We think some things that have happened here which are good. We know that there are things here that haven't changed. And we know that we have to keep working with your community, to try and make those changes and we can talk about that more. And we are prepared to talk about what we can do.

00:12:01;28 RD That's right. What you can do and what we can do for ourselves. That's the bottom line. From now on it's going to be a two-way partnership, not going to be one way at all. So we will talk about that income management and we will talk about that blanket cover. We will talk about all. Talk about all that pornography, everything like that one - and that welfare income management.

00:12:22;16 FS1 OK, I will keep going. We want to talk with you about what's happening with this intervention and some changes that the government is thinking about making that to that intervention. And we want you to...
(Microphone briefly stops working).

00:12:49;25 FS1 Hello. It works? Sorry about that ladies. We want today to talk to you about the intervention and the changes that the government is thinking about making to the intervention, including to that Basics Card and we want to know what you think about those things.
(Microphone stops workings again. RD swaps microphones with FS1).

00:13:14;00 FS1 Sorry about that. We are talking to communities right across the Northern Territory, not just Ampilatwatja. We will be sending a report back to government on what gets said today. We are going to write a report at the end of this meeting and we want to know who to show that report to, to make sure that we got it right before we send it onto the government.

We have asked for there to be interpreters. We have been trying to get an interpreter for today's meeting. The interpreter that we booked through

the Aboriginal Interpreters Service wasn't able to be available. She had to go to Tennant Creek. Another interpreter isn't also here. I think Wilma has agreed to do some interpreting, when we talk to the ladies later on. I am told by Richard that should be OK and he will interpret in the meantime, if I may not be making myself understood.

(FS1 is given a new microphone.)

00:14:29;50

FS1 OK, that's better. We've got new batteries in this one. Richard is right. I have got some helpers with me. Ross McDougall, who's standing up. He's over there. Ross McDougall, like me, has been working with Aboriginal people all his working life and, just so that you know, I came to this area in 1983 so I have been around a while. Ross McDougall has been around even longer than myself and he has come up here for a while to be the Government Business Manager. Just so that we can try and sort out some of these problems and get that two-way relationship going a bit better than Mr. Downs is talking about. He's right. We have gotta do things together, two-way. Both sides have to hold up their end of the bargain. If that hasn't been happening then it should have been happening. Ross is going to help try and find a way to get that going again. He is not going to be staying for long. We have got another Government Business Manager starting, who we would like to introduce you to. But Ross will be here for the time being, so we can find a way to get that two-way partnership that Richard is talking about, working properly.

I have got some other help. There is also Sylvia Mason, the ICC (*Indigenous Co-ordination Centre*) manager in Tennant Creek. I think a lot of you know her and I am not sure where she is ... oh she is behind me.

And Louise Apperton is there. She works in the ICC in Tennant Creek as well and, most importantly, Leo Abbot. I am not allowed to call him 'young Leo'! But yes of course from Wallace Rock side. He works for the Department in Alice Springs. Also can I just introduce a person, Jennifer, who doesn't work for the government. She works for a private business called *CIRCA (Cultural & Indigenous Research Centre Australia)* and CIRCA is somebody independent who is looking at how we are talking to communities about this intervention and what we are doing well and what we need to do better. So she doesn't work for the government. She is there - independent - somebody outside of the government to just look at what we are doing and telling us if we are doing things well or if we are making mistakes. That's her job.

And in terms of housekeeping I think we have got a barbeque organised, in fact, I can smell it, so we don't want to take all day. We will try and be brief.

What we would like to do with *your* agreement, because it's *your* meeting, not ours - what we would like to do is to have a talk about where we are up to with the intervention, what the government is thinking about doing and what we think are some of the good things and then we are thinking that, if you agree, we might split up into one meeting for men to talk about the Basics Card and grog bans and these other things with the

intervention and another meeting with the women, with the ladies and do it separate, if that's OK with people.

- 00:17:26;05 RD (language) This thing working? Oh yeah. (language) split 'em up (language) What Brian is saying when we start talking about that *Future Directions* paper (language) I will put up on the white board, but (language).
- 00:18:07;10 FS1 OK. Before we start talking about the Emergency Response, the intervention. I just wanna go back to the letter that Richard was talking about that he and Mr. Morton sent to the Minister, Jenny Macklin. I think that letter was about nearly four weeks ago. Is that right Richard?
- 00:18:25;19 RD Yep.
- 00:18:27;05 FS1 The Minister has given an answer to that letter. Mr. Morton got the letter, I think, on Monday this week. Richard when he got back, Richard hasn't been here, I think, until yesterday afternoon. Is that right Richard?
- 00:18:44;05 RD Yeah got back yesterday.
- 00:18:45;22 FS1 Got back yesterday, we gave him a copy of the same letter this morning. So the Minister has given an answer to that letter. What that letter talked about was some important things like houses, like the problem with the septic tanks and we had to try and find a way to look at those things properly and do something about it, not just talk, before we send an answer. It took about four weeks. I know Richard and others, very understandably, are frustrated, but the Minister did get back in four weeks. That wasn't too bad in terms of a minister getting letters from across Australia, having to answer them. We did get back in four weeks. Sorry it wasn't sooner, but we did want to try and see if we could fix up some of the problems, particularly the septic tanks before we got back.

I also wanna say what a good letter it was. And I know, I spoke with the Minister about it, Jenny Macklin, and she said that letter was very considered, thoughtful and raised some very important issues. So we are happy that Richard and Mr. Morton decided to send that letter, because we do think that that letter has helped us get together today to start thinking about that two-way partnership that we are going to - we still haven't got to yet here - that you believe we have got to do a lot more work about. So we say to Richard and Mr. Morton that was a good letter.

One thing we said in the letter was that we know there has been this terrible problem with the septic tanks in quite a few houses. Now I believe that we have now fixed up seven of the septic tanks. The Territory Government - as soon as we got the letter - we talked to the Territory Government, because it's the Northern Territory Government that has the responsibility for essential services for things like sewerage, not the Australian government. It's the Territory government. So Sylvia Mason, the ICC manager, she talked straight away to the Northern Territory

Government, the same day, to say 'well what are we going to do?' Apparently there is septic tanks overflowing in peoples' houses. We have to do something about it and the Territory Government organised for the Shire to get a plumber and other people to come out and start fixing up the septic tanks.

Now as I said, I believe, that they have now got to seven, is that right, Sylvia? They have now got to seven. Now they are looking at the other septic tanks as well and working out which ones still need to be fixed and we have to talk to the Territory Government about fixing those ones as well.

00:21:32;09 RD Brian, with that one there, there is still a big problem between the Territory Government and the Shire. The contractor finds it hard getting any payment at all from the Shire, so they are really not sort of going ahead and doing the job.

There's thirteen other houses that needs upgrades. Now, because of the Shire and the Territory Government not coming to the party and paying the contractors, and where these people have already ordered the plumbing and all the septic and all that, now, the Shire is turning around and saying 'Look give us that order back, we are gunna put it out to tender now'.

You know, it - well to me it's a laughing matter. We have already got the contractors on site, now the Shire is sort of playing their little games to claim the control and measures and that's one of the biggest problems that's here, and that's happening right now, Brian, I can tell you that now. So they want to put it out to tender and try and get someone else in, but at a lower cost 'cos all the bits are already ordered. That's wrong.

00:22:40;06 FS1 Richard, OK, we would like it if we could do things immediately, but government has to go through things like having to get quotes. It has to do things properly. It just can't give the job away to someone. It's got to go through a proper process, so that it's fair to everybody who wants to do the job, but we are not aware that the contractor has not been paid. That's the first we have heard of that. Before the day is out we are going to get to the bottom of it.

00:23:14;09 RD OK.

00:23:14;11 FS1 And Sylvia is going to speak - I'm going to get Sylvia to take some time out - to go over to talk the Territory Government and the Shire to see if there is a problem as you said and try and find a way to fix that problem up by the end of the day.

00:23:25;29 RD Yep, no, good Brian 'cos, if you talking under the Emergency Response thing, it's just not happening on the ground, you know. Yesterday when I turned up there was still sewerage about a foot deep overflowing and (*language*) that blue house, yeah.

00:23:42;16 FS1 Which house?

00:23:43;19 RD The blue house. But that was covered up last night, so that was done.

00:23:47;18 FS1 That was done? We didn't cover it up, somebody fixed it up.

00:23:50;07 RD Fixed it. That's three or four weeks later. Yet the sewerage was thick and rotten, flowing down on the lawn and so on. So, and we understand about the contracts and the tenders, but it's in between with the Shire and the Department and the seniors that's in there, they need to get a boot up their backside and get some action going.

00:24:11;15 FS1 OK, well I don't know if I can give anybody a boot up the backside, but what we will do is, by the end of the day, even by lunchtime I hope, we will get to the bottom of it, find out just what's going on and why it's not being sorted. That's the first time we had heard about it. We thought we were slowly getting the septic tanks fixed. That's our intention to get all the tanks fixed. That's what we are seeking to do, as a first step, as a first step.

00:24:36;13 RD Yep OK. Thanks for that, Brian, yep. Alright let's -

00:24:38;22 FS1 I would like to, do you mind, just to talk about a few other matters in the letter?

00:24:41;24 RD OK, yeh.

00:24:44;01 FS1 'Cos that was important letter. And it really is important that everybody knows how Jenny Macklin, the Minister, has responded to that letter.

Another very serious issue that Mr. Downs and Mr. Morton raised was about your housing and, of course, that it's not in good condition. Too many people living in the houses, overcrowding, and this is affecting all families and no one more than women have to suffer, when there is too many people in the houses. 'Cos they're the ones whose job it is to always look after the house and the children.

But the position, I want to be frank about, I just want to tell the truth about the houses. The government has, as part of the Emergency Response, as part of the intervention, it has found a lot more money. The Northern Territory Government doesn't have enough money to build houses for all the communities. The federal government, the government I work for, has found a lot more money to build new houses and, also, to fix up old houses.

They have a program now called '*Strategic Indigenous Housing Infrastructure Program*', SIHIP, - \$672 million dollars. What the problem is it's not enough. It's not enough. Even with further money that the government thinks it can find for housing, it is just not enough for everybody.

So what the government decided to do was build new houses on the large communities first, on the biggest communities in the Northern Territory first. Most of those are in the Top End. Some, maybe a couple in the Centre: Ntaria, Hermansberg, Lajamanu, Yuendumu. They will get new houses, so will the biggest communities in the Top End.

What the government said is that we have to build new houses there first, because that's where most of the over crowding is. That's where it is, so, it's the worst. Now, I know that doesn't make people happy here, because they feel as if they have got houses and they need new houses too. But what the government said is with the money that we have got we want to start with the biggest communities, because that's where overcrowding is the worst.

For the smaller communities like Ampilatwatja, for the smaller communities, like here, what the government said was that we will put less money just to fix some houses up, do what they call upgrades, or refurbishment, like we have, fixing up the kitchen, doing things which are going to make it a better house to live in.

Now Ampilatwatja is getting some money to fix up the houses. It's not getting money for new houses, and it's a tough decision. It's a hard decision and I know it's caused my Minister a lot of worry, when she comes to places like Ampilatwatja. But for the new houses it's in the biggest communities. For places like Ampilatwatja, it's getting money for what they call upgrades, for fixing some houses up and Ampilatwatja is getting money for that. That's important for people to know. *(to Richard)* Do you want to explain that?

00:28:15;07

RD Um yeah, with that one there, Brian, we're still disappointed about not getting new houses *(discussion in language)* They gunna do upgrades which is going to fix up a lot of them old ones, *(discussion in language)*. They are going to - I don't know whether that thing *(microphone)* is working oh yeah.

But what's Brian saying is that they are going to spend more money in those hub centres, like big places. But that's wrong again, because it's making sure that our people are coming back from the outstations and other places into those hub centres, which is going to create problems and arguments and fights and that sort of thing. Where - you people, we talk about homelands *(language)* on the outstation, *(language)* free, *(language)*, no arguments, no fights, nothing. But what Brian is saying is that they are going to spend more money in those hub centres so they create like town *(language)*, you know.

That's where we start getting a lot of problems. We have a lot of our young people in jails now *(language)* all the family and them *(language)* all the jails across the Territory are full up with young people *(language)* all family again. Yep, they are full up.

And what we told Jenny Macklin in that letter was that we wanted to play a role with the governments and the courts and the justice system, so we

can bring a lot of those young people back (*language*) and through family. Our next leaders, all the young people, they're all getting locked up. Only you mob the last one (*language*) you mob the last one. All the young ones are getting locked up in jail, but we can fix that and that's what we told, that's what we said to Jenny Macklin in the letter - about all that, about training and creating employment and work opportunities.

Brian is talking about upgrades, but the upgrades are going to be done by government, by contractors coming out from town, (*language*). Then all that money is gone back again. That *our* mob don't get that opportunity to train and work with the contractors. So that's another issue again that Brian needs to understand. We seen all these contractors coming in and doing things and going back out (*language*). They go straight back again, yeh? All the contractors, you know, (*language*) but our mob not getting involved. We are not getting trained, our young people.

00:31:29;15

FS1 That's right. What Mr. Downs says - he is right to say that it is very important that local people get training, particularly the younger ones, the young men and that local people get jobs, not just jobs to build the houses, but jobs to look after the houses for a long time. So not just to build the houses, to get jobs for a long time. We know that we have got to find a way to get local people, the young ones particularly otherwise they all (*inaudible*).

(Richard has more discussion with the men)

Now, one reason why it is taken longer than what we wanted to get this new housing going is because we are finding a way to make sure we can train local people and we can make sure and every contractor has a target of how many people they will train and how many Aboriginal people they will give jobs to. This is very important. We agree with Mr. Downs that we have to do something about getting people trained and into jobs and that is what we are doing.

It takes time. It costs a lot of money, but that's what we are doing. There will be training, there will be jobs for that upgrades, when they come to Ampilatwatja.

I know that the ladies here want new houses, I understand, because of the over crowding. There isn't any money at the moment for small communities like Ampilatwatja to get housing, just to fix up the old ones. (*a lot of community discussion in background*) But, we have to keep trying and maybe and hopefully the government will find money for new housing at Ampilatwatja.

Richard talked about another thing about the impact of the grog bans, in the intervention. And that the community needs to have much more say about what happens with the grog bans. What happens with kids who end up in the court, in trouble, in Alice. There we think Mr. Morton and Mr. Downs made a good point. I just want to keep going.

I want to talk about this problem with rubbish, picking up the rubbish at Ampilatwatja. This is another thing that Mr. Downs and Mr. Morton talked about in their letter. They are telling me that this truck, here, has to go around the camp and that the young fells have to pick up the wheelie bin and put 'em on top, that they are losing rubbish. It's flying about all over the place and it's too hard, is that right? Alright. Looking after this, sorting that problem out, is really something for the Northern Territory Government and the Shire, because that is their job, that's their job.

But, hang on, but, but we know that the Shire for Barkley region, that you are a part of, hasn't got enough money. We know that you need that rubbish truck desperate. So I have talked to the Minister and the federal government. We will give some funding - we will give some funding to help get a new rubbish truck for Ampilatwatja. We gave some funding for new truck for a rubbish truck to collect, not rubbish truck, a truck that takes the garbage at Utopia homelands and it's very good. I don't know if people - hasn't arrived yet has it? But Utopia and Irrultja, they are getting a new garbage truck to collect all that rubbish on those homelands.

And what I am saying is that we have listened to what Mr. Morton and what Mr. Downs have said in their letter. We think it's the job of the Shire. If the Shire is prepared to look after that truck, pay the petrol, make sure it gets looked after properly, then the federal government is prepared to give a grant, in order for a new truck to be brought for Ampilatwatja. So that's something. We are prepared to fund a new truck. The Shire has got to look after it. If the Shire agrees to look after it, then we will fund the new truck.

00:35:28;11

RD Yeah look Brian, Brian is saying one thing, yeah but I am just sort of getting this sense of this buck passing, you know. I mean, under the intervention - intervention came in first, then the Shire boundaries and the leases came in straight after that. So the Territory Government is saying one thing and Brian is saying another thing from the federal government side.

So - but I told Brian this morning, we'll talk about that, you know. I am not happy with it, even what I am hearing now, but we still gotta keep talking. You want us to keep talking (*language*) also that white board yeah? So he can put his cards on the table and we'll put our cards on the table. Yep 'cos I am sick of it all now. The federal government is going to have to start coming up with something concrete. This is not good enough. (*language*) right across Territory (*language*) our relation here, Leo, said that side looks it's going good, but, again, that might be because of the - they had a good GBM. Everything is happening there, but we will get Leo to explain that quickly before we have a break. (*language*) but we gotta make sure, don't walk away (*language*) so we can have a drink and (*language*).

(Brian speaking directly to Richard with no mike.)

00:36:59;03

FS1 But we have agreed to when the truck, we have agreed to buy a new truck if the Shire looks after it. That is something Richard.

- 00:37:04;29 RD A proper rubbish truck?
- 00:37:07:17 FS1 A proper truck, like the one in Utopia. I would like to say that. That is something. I would like to put that on the table as an act of good faith.
- 00:37:15;11 RD *(Richard into the mike)* I will put that up there directly. Like Brian said there, they have agreed to buy the community here and the Shire a proper rubbish truck. Not having our young fellas lifting those wheelie bins on there, because when you look at the Occupational Health and Safety side of things, you breaking all that, you know. So OK, alright that's good to hear.
- 00:37:38;05 FS1 OK and the other thing we have said is that there is money coming to Ampilatwatja to fix up the old houses. It's not new houses, but it is to fix up the old houses and that's a start and we will be wanting to train and employ local people to do that. And we agree about the need to keep talking and build up that two-way partnership, we agree.
- 00:38:03;17 RD Yep, that's good to hear that, Brian. Yep, but we still gotta big problem with your Jobfind funded people coming out here. Jobfind *(language)* catching all the young people there *(language)*, but then that person has gotta go back. Then he or she has gotta put that through the Centrelink. Now the Centrelink takes same process, whatever, however, long it takes to get that happen. Then from Centrelink, then it goes to the Shire, so it's really sort of a long way about to try and achieve something, but it really doesn't achieve anything, because, in the meantime, it might take two to three months and by then, Brian, our people are fed up, given up.
- I mean, you know, what we say in there - we have got the Shire manager in place here, why can't all those process happen straight away through that? It's like me offering you, I have got a job here, I want you to start tomorrow and not go through this rigmarole of the red tapes and three months later down the track you still don't know whether you got a job.
- So there is a lot of the stuff we need to do away with, so we can get this community functioning and working the way it should be, *(language)* you know *(language)* not just wait and wait it out. Our young girls too, you mob get sick of waiting *(language)*.
- 00:39:27;18 FS1 This whole thing about jobs and getting people into jobs - there has been a lot of changes on the federal government's side with CDEP *Community Development Employment Program*) and um trying other services that the federal government gives to help people to get a job. There has been a lot of changes, we know, and it's confusing. It's confusing for all of us, but it is about trying to find a way to cut the red tape and get people into jobs. This is very important.
- So we have to listen to what Mr. Downs and others have said to us, take that back, see what the problem is, get the help of the Government

Business Manager and we will try and fix it. If it is taking three months for the paperwork to be done, that's too long. I know that's too long. So we will understand better the problem and try and fix it.

The other thing I wanted to finish off about the letter was - Mr. Morton and Mr. Downs also said to us about how important it is to get business going, how important it is to get economic development, so that there is business here that is going to give people jobs. We just can't rely on the Shire and the government to employ people. We have to find a way to get business going. We have to find a way to get what they call an economy, so that we can make sure that people can stay on their country, live here and they can have a proper job with proper wages and not always be on CDEP. The federal government is helping with that. We started with a new organisation for this area with funding from the Aboriginal Benefit Account to get things going for a new organization, which is going to help. We are getting business going and getting jobs. So there have been some things happening.

*(Brian walks over to Richard who is writing on the whiteboard. The whiteboard reads: Jobs to be done. Better housing, safer communities, healthier children, *leases*, better schooling, pornography, alcohol, income management ...)*

- 00:41:30;16 FS1 *(speaking directly to Richard)* Organisation - that has got the funding, Richard.
- 00:41:32;00 RD Pardon mate?
- 00:41:33;13 FS1 They have got the money from ABA.
- 00:41:38;00 RD *(language)* but that's only just to get that little office to start everything, yep, that's a starting point. And yep that's right, just tell them you guys are gunna support it ...
- 00:41:44;07 FS1 Yeah we are.
- 00:41:46;05 RD - from there on. Well, go on! Yeah. I can just back you up there.
- Or what, you don't wanna say it? *(laughing)*
- 00:41:50;29 FS1 But we've given you some start up money. We might to give more money, but you see -but we wanna see if we can get it set up first.
- (Brian speaks into the mike.)*
- 00:41:58;24 FS1 Try and get it set up first. We will see whether or not if it works properly and its starting to find a way to get business going, then government might look at giving it some more support. It's a Alyawarr word, what is it Richard?
- 00:42:10;09 RD *(language)*

00:42:15.00 FS1 Sorry about that. We are starting. We have given some money for that and we will see how it goes. If it looks like it can get things moving, get some business coming, then the government will look at giving it more support. We think it's a good thing what people have done in these communities to get that organisation going. It's a good idea. I'm thinking that that might have dealt with the letter.

Is there anything else that people wanna complain about, or talk to me about that goes to the letter and the other problems, because now we can talk about the intervention, the Emergency Response?

00:42:44;21 RD Look, you gunna cover those points anyway, so we'll talk with you about like that Green Card, Welfare Management that kind of thing, welfare (*language*).

(Overlay from Walkoff Bush Camp outside Prescribes Area. Richard speaks with mob. Audio is the consultation – a discussion in language)

Mr. Morton takes the mike and speaks formally)

00:44:36;03 RD *(to LA)* You wanna interpret that one? You wanna do that one? Interpret? English and Arrente.

00:44:41;23 LA Old man Morton here was just introducing, telling the community, that Richard Downs is talking to you on behalf of the community, and he is a family member for him and yeah just telling everybody.

(Small discussion between the men.)

00:44:54;01 RD *(language)* that's good... *(language)*.

00:45:02;03 FS1 OK. I will keep talking just a bit longer and then we can break up into groups. I just wanna talk about this intervention 'cos that's - it's the intervention we need to talk about today and here what your thinking is.

I think everybody knows that this intervention started a couple of years back in June 2007, so over two years ago now. This was something that was started by Australian government, by the federal government. It was because the government thought things, particularly for women and children in remote communities across the Northern Territory, were very bad and that something had to be done.

Now many people, I know, are not happy with that intervention. Some people have already said to me they are cross, they don't agree. Some people do. The government thinks that because of the Emergency Response, because of the intervention, some things have got better.

In many communities they have got extra police who have not had police before. We have a police station in Arlparra. Now I know you still have to

wait for police to get here, but before I think you had to wait for police to come from where Richard? Avon Downs?

- 00:46:24;28 RD Ali Curung, Harts Range sometimes.
- 00:46:27:27 FS1 Ali Curung, sometimes Harts Range, how long does it get to come from Harts Range?
- 00:46:28;28 RD Think couple hours.
- 00:46:31;10 FS1 So I know some people might say we want a police station here at Ampilatwatja. Government hasn't got enough money to put a police station everywhere, but it did put a police station in Arlparra, Utopia, to try and help this region, look after this region better. So there's been extra police.

With the intervention every kid had a chance to go and get a check up and the government gave a lot of money for follow up. If they had a check up and had a problem with their teeth, or problem with their ears, hearing, the government gave money for the first time to get that fixed up. This happened from the intervention.

The School Nutrition Program. There is a School Nutrition Program at Ampilatwatja, making kids breakfast and lunch to help them stay at school and make sure the kids are being fed. So there has been some changes and I know because people are worried about housing, and I can understand why, they think that nothing has happened since the intervention started, but there have been some changes. I know not enough. And I know people are worried about their housing, but there has been, by the government, some good things to come from the intervention, more police. And that's helped your community, because now you have a police station at Utopia, Child Health Checks, that School Nutrition Program.

The government also thinks that income management, this Basics Card, that Green Card, that this has made things better for many women, that they've got more money and that more money is being spent on food, on meat, on clothes for kids, 'cos that's what it's there to do.

But one problem. One problem with this intervention that the government wants to fix is that, when it started, the old government said that we should take the *Racial Discrimination Act* out of the intervention. We should - and this is important - that the government said that we will suspend what they call the operation of the *Racial Discrimination Act*, that law that makes it illegal to discriminate against people.

The old government said that could cause many people to complain, we have to act quickly, we don't think the intervention is discriminating against Aboriginal people. We think what we doing is helping women and children. But, we think we should take that *Racial Discrimination Act* out of the Emergency Response law.

What the new government is saying is that we have to bring back the *Racial Discrimination Act* into the NTER (= NTNER Northern Territory National Emergency Response) law. We've gotta bring it back.

(to Richard) Do you wanna explain that?

00:49:22;00 RD Um yeah Brian is just sorta saying that the *Racial Discrimination Act*, he's saying the government want to bring it back in again. It's already there, partly there now, but we talked about this the last three weeks and I (language) ...

(interjections in language) I'll go back to a couple of things Brian said before we go into that racial discrimination laws.

We are not happy with the blue signs there. (language) all that pornography sign, all that grog alcohol sign. We not happy with that one.

(Mob speaking).

You mob (to Brian) the ones now that's doing wrong. But that sign right across Territory, right across. (language) You don't need to put that blanket cover right over us, because all our people here are good.

I will ask Brian one more thing. Brian, where you stand now, sexual abuse and the pedophile rings and all that's happening across the Territory as stated by Howard's intervention party, which was supported by the Labor Party for the bill to be passed, so it can be introduced into the Territory. You tell us now. I am going to ask you. You give us proof, some evidence, on how many people have been locked up since the intervention started, regarding sexual abuse and pedophile rings and that sort of thing? (language) might be Katherine, Darwin right through, Alice Springs. OK we got problems there, family all the (language), different (language) groups (language) they mix up. But I am asking Brian, before you start pushing that now, give us some evidence, give us some numbers and, you know, where are your facts and figures? (language) proof (language) about all this sexual abuse, I want to hear him now, (language).

00:51:37;04 FS1 OK. um The former government, the Howard government as Richard said, it started the intervention after the Northern Territory Government put out a report called *Little Children Are Sacred* and that report said that child sexual abuse, abuse of children, was happening on many communities. That *Little Children Are Sacred* report, the people that did that report, visited many communities, maybe not Ampilatwatja, and I am not saying it is happening here. And I am *not* saying, and nor is the government saying, that all men, by any means, do these terrible things. That's not being said.

00:52:21;19 RD Yet -

00:52:24;23 FS1 I know people, I know men might feel like that.

00:53:26;01 RD You keep going.

00:52:26;27 FS1 But that's not what the government is saying, we are not saying that all Aboriginal men do terrible things like that. That's not true. There was a report, independent, done over twelve months called *Little Children Are Sacred* report by the Territory Government, which said that this abuse of kids was happening in many communities. It also said that governments have to do something about this.

Now I don't know how many um ah people have been put in jail since the intervention started for child sexual abuse, but I don't think many have been. I don't think many have been. That's the truth. It takes a long time to work these things through. They are not clear cut.

The government thinks that this is not just about child sexual abuse. It's about making a better life for the communities, making a better life for women and children, particularly. And some of the things that have happened have been better for your community, in the government's opinion.

I don't have the evidence that you're asking me for. I can tell you that there was a report called the *Little Children Are Sacred*, which went across all the communities, and said they were very worried about child sexual abuse in many of the communities and something had to be done.

I can say that too that some people have been have been arrested since the intervention started. But I am not saying a lot and I do not have the facts and figures. But we don't think that what the government thinks is, after somebody independent looked at the Emergency Response last year, they think that the Emergency Response is helping to make life better for women and children.

We still have a lot of things to do, but we should keep going. What we want to talk to you about is making some changes so that it works better for you and so that we can bring back that *Racial Discrimination Act*. That's what we want to talk about with you this morning. Breaking up into groups and going through the Basics Card, the alcohol ban, other things that come through that intervention and hearing from you if you think its been good or you think its been bad.

00:54:41;23 RD Ta Brian. Uh yeah, look, you have sort of stated there some parts of the community, OK, he admits there is wrong and we are part of that community that are categorized, all us blokes now, as racist, as sexual abusers and got this, so called, pedophile ring across the Territory.

00:55:33;01 FS1 That's not true and that's a terrible thing to say, that's not true.

00:55:04;26 RD And I haven't heard one apology from any of the ministers, so, Brian, you got to understand, I mean that's how we feel. We're put down. We're pushed down. Talking about the *Racial Discrimination Act*, we will get onto that shortly. But we been pushed aside, we are outcasts, we're labeled. Yet the white society across across Australia are pure, appear to be clean (language) they got no sexual abuse happen nothing yet they are the ones that's starting.

00:55:43;02 FS1 That's not true.

00:55:46;00 RD It's out there, but we are the ones that get targeted. And that's – Brian, you got to understand that's like me accusing you of something else and you're trying to tell me it's not me and such and such and that's how I feel and you got to understand that too.

00:56:00;06 FS1 I do.

00:56:01;14 RD (*language*) right across Australia, across the Territory (*language*) and that's what today is, to listen to Brian and we talk to him straight out like that, then this afternoon we can agree or not agree, (*language*). But we got to (*language*). So what I am saying there, Brian, is we prepared to sit, talk, listen to you and give you our views. We want to bring out what's in those future documents there. We want to make sure everybody understands 'cos this is what they didn't get two years ago when intervention first came in.

So I am going to keep going back to the boards, if I have to, until we have cleared up all that, (*language*). I don't know what you're pushing for groups for, Brian. I think ask the people first, what do they feel about that *Racial Discrimination Act*. I think I would like to put it up on the whiteboard and you explain to us, and we explain to you what we reckon, (*language*).

That *Racial Discrimination Act* law government (*language*) so they can come in and put that special measures in, (*language*). And they saying that's the only way it's going to work. If they take away that, they saying it's not gunna work. But we want to tell Brian after, yes it can work. It was working before with us, with the governments and with the Aboriginal communities and the Aboriginal people. We don't need special measures so (*language*) we all talk here (*All mob talking in language*) We just gunna talk as one, Brian.

00:58:18;21 FS1 You're just gunna talk as one?

00:58:19;15 RD Yeah, we just want to all listen together, it's alright. We don't need to break up into groups.

00:58:26;19 FS1 Want me to talk about the *Racial Discrimination Act* first?

00:58:28;22 RD If you want to get that out of the road, you can, so that's no worries.

00:58:34;16

FS1 I think what they are saying is that they would like to all stay together.

I'll just talk about that *Racial Discrimination Act* a bit longer. This is a law for all of Australia. This is a law passed by the federal parliament, the parliament in Canberra. It means that people have to be treated equally, doesn't matter Aboriginal or non-Aboriginal, doesn't matter where you come from, what country, what race, what color skin, doesn't make any difference. You have to be treated equally. Now, most laws that get passed by government are for everybody, doesn't matter what race, but we know with the Emergency Response law that this was a law to help Aboriginal people. It was a law for Aboriginal people in communities and town camps in the Northern Territory.

So some people say it's racially discriminatory. It's breaking the law, because it's just for Aboriginal people living in remote communities. Now the government wants to make sure that the Racial Discrimination Act does work with the Emergency Response and it has said that in October, this year it will change the law for the Emergency Response to bring back the *Racial Discrimination Act*.

But the government also says that you can still pass laws just for Aboriginal people, if that law is going to help Aboriginal people have the same rights as everybody else. If it is protecting women and children. It's there to help Aboriginal people have the same rights as everybody else, then it's not discriminating under the *Racial Discrimination Act*. They call it a special measure. They call them Special Measures. That's what Richard is talking about. You can - to try and make sure you're not discriminating, you can pass laws for Aboriginal people, for another group of people, if you think that law is there to make the same, those people have the same rights as everybody else. We call it Special Measure. That's what the government says this is, to be honest some people say that is not true. This is something that has been argued about and I don't know what will happen.

Some people agree with what the government thinks, some people don't. We have to see what happens. But that's what this *Racial Discrimination Act* is talking about. The government says in October this year it's going to bring a law into the parliament in Canberra to bring back that *Racial Discrimination Act* and we will see what happens after that, somebody might wanna argue.

(A lot of community discussion in language as Brian Stacey is talking)

There are a lot of other laws that you can think of which are special measures. A good example of a special measure, a law that's just for Aboriginal people, is the land rights law. This is Aboriginal land. You know this is owned by Land Trust. This is Aboriginal land. It's been given back to Traditional Owner's under the Land Rights law. That's a law just for Aboriginal people. We call it special measure. It's there to help Aboriginal people have the same rights as everybody else in the community. It's a good example, because you're living on Aboriginal land

here. *(community all talking as Brian flicks through his brief)* OK, what I will do I will keep talking a bit longer -

01:02:24;19

RD Actually, Brian, did you want *(community talking)*

We might break for lunch and after lunch, but make sure you mob don't go back. *(language)* we sit down here and *(language)* dinner time *(language)* I will walk around, me and this young fella, walk around after dinner time and talk to you mob separately *(language)*. We gotta make sure people understand that *Racial Discrimination Act (language)* yeah, *(language)*. It's 12 o'clock now, if we keep going *(language)* just keep talking, *(language)*.

(Meeting break up and mob are talking and walking away from meeting area. Richard has discussion with his uncle. Brian begins personally speaking to Richard.)

01:03:56;29

FS1 *(inaudible)* about what's happening, I think people do want to talk.

01:03:57;15

RD They are following, it's good. So what I will do now is just walk between the two groups and just talk about the *Racial Discrimination Act* to make sure they get that understanding.

01:04:08;27

FS1 But we gotta make sure we don't lose 'em *(inaudible)* surprised free barbie.

01:04:09;12

FS2 A couple of the fellas were saying here the meat's keeping them here. *(laughing)*.

01:04:15;15

RD *(referring to the microphone.)* Did you want this?

End of Disc One

Ampilatwatja NT - Part 2

FHCSIA Consultations :
'Future Directions for Northern Territory Emergency Response'

12 August 2009

00:00:02;15 RD (discussion with women) Waiting for that *Racial Discrimination Act* to come back in, yeah, because (language). That's UN Declaration on our rights (*United Nations Declaration on the Rights of Indigenous Peoples*) (language). They push 'em out one side, but we've got to come back into that one. Ya ya. (language) so we all equal, whitefella them, might be Chinaman, Chinese. We all same (language) everyone (language) separate again that main one (language) culture, but this law the *Racial Discrimination Act* that's with that federal government and United Nations (language) watching 'em there. (language). Yeah yeah.

(FS has divided the community consultation into two groups – men and women. Filming alternates between the two groups, starting with the women. Much discussion in language)

00:01:18;12 FS3 Are you going to be my interpreter? Thank you very much. So this morning, shall we start? Some of the things that you people are concerned about and that was the housing and the garbage truck and those sorts of, and all the sewerage and septic tanks and that, but now we are wanting to talk more about the NTER, the intervention, and this government wants to talk to Aboriginal people to find out ways - What you are thinking about the intervention and how we can try to make it better. Everybody understand that, you right?

(reading from brief) So under the intervention we got the Income Management, the alcohol restrictions, the restrictions on pornography, the five year leases, community stores, some controls on computers that are in public places, like the Shire office and that, law enforcement measures and business management measures. And what this is all about is trying to make changes to the intervention so that the *Racial Discrimination Act* can come back, because it was put to the side when intervention first started. Now that's the big thing we heard from lots of other talks that people were not happy with the *Racial Discrimination Act* being put to the side. So now we want to work with you to put that *Racial Discrimination Act* back.

00:03:09;12 AW1 (language).

00:03:17;11 FS3 We tried to hear, we want to hear from people about how we can change the intervention, all the different measures, so that we can bring the *Racial Discrimination Act* back, because when the intervention started it was put to one side so really quickly, so now we want to make

some changes and make it good so we can bring the *Racial Discrimination Act* back.

(*Women speaking amongst themselves.*)

00:04:02;12 FS3 So it's about working with everybody here, Indigenous People, yeah, and being fair, come back and bring it back, equal, be fair for everybody. Does everybody understand the *Racial Discrimination Act*? Should we talk more about that or should we go straight into income management? OK alright.

(*flicks through brief - reading*) OK. The *Racial Discrimination Act* it requires everybody to be treated equally. Doesn't matter what color your skin is, everybody's treated equally. Yeh.

00:04:46;22 AW1 (*language*)

00:04:57;25 FS3 That's the *Racial Discrimination Act* - And the way that the government can do it - So it's a law, the *Racial Discrimination Act* is a law. So the way the government can do it is that it makes laws that are not discriminatory. OK? So it means everybody is equal.

And another way they can do it is through what they call a Special Measure. And the Special Measure is about helping people of a particular race or skin color, so that they enjoy the same rights as everybody else.

And an example of a Special Measure is the *Aboriginal Land Rights Act*. That actually gave recognition to people, Indigenous People, that they owned land, so that was seen as a Special Measure. Is that - do you want to say something to explain that? Does everybody understand that one? The first one is that everybody gets treated the same and the second one is where people of certain skin color they get special help or special assistance, so they get that equal treatment and the *Aboriginal Land Rights Act* is an example of that. That's one thing that could be said to be a Special Measure. So it gives special treatment towards Aboriginal people and their ownership of land, but that is called a Special Measure. And Special Measures are there just to make things better. They are solely there to make things better, and as soon as that things better it stops. So its purely just to make that thing better.

EG Is that why the *Land Rights Act* stopped (*amended*)?

FS3 No. The *Land Rights Act* is still going. Abstudy is another Special Measure.

00:06:54;26 FS4 A Special Measure brings everyone up so they are level with everyone else and that *Racial Discrimination Act* law makes sure that everyone is level and equal in Australia. Government can't make a policy or the laws can't be - new laws can't come that discriminate. And that *Racial Discrimination Act* that makes sure that everyone is equal under that law.

(Women speaking amongst themselves in language.)

00:07:23;17 FS3 So with the intervention ...

(Women speaking amongst themselves in language ... they bin take 'im away.)

FS3 They want to bring it back. The government wants to bring it back. And we say *(more discussion in language)* and the government says it wants to work with Indigenous People and to work out how we can to pull the good things out of the intervention, and make it better and bring the *Racial Discrimination Act* back. The government wants to get it right. We don't want to have to keep coming back, backwards and forwards all the time. We want to put in big effort this time and get it right and make it right.

(Women talking amongst themselves in language.)

00:08:48;08 FS3 So the first - the first measure under the intervention was income management, you know, where, if you are on a Centrelink payment 50% of your pay gets put to one side and then a few months ago they brought in the Green Card, you know, the Basics Card, to help you shop. Yeah?

They say that from the studies that we have done so far with the intervention that the income management is a good thing, because more money is being spent on food and clothing and people got washing machines now and fridges. They didn't have those things before. That there is less gambling and drinking and there is more -

(Women talking in language Not everybody's alcoholic!)

00:09:32;27 FS3 But we also know there are lots of problems too, especially with the Green Card ...

(Women talking in language over rides FS3 – much discussion.)

Some people say ...

(Women talking in language over rides FS3 – much discussion.)

00:10:35;11 AW1 A lot of these woman can't speak English and they don't like talking on the phone. They are not happy about talking on the phone even though there is an interpreter. So what they are asking is, they want to go back to the way it was before.

00:10:48;23 FS3 Before income management?

00:10:51;01 AW1 Yes.

00:10:52;19 FS3 Without the 50%?

00:10:53;27 AW1 Without the Basic Card or -
00:10:59;20 FS3 Well, what the government is saying..
00:11:00;21 AW1 I am just interpreting -
00:11:01;16 FS3 Yeah, no, that's fine. I understand that thank you. What the government is saying is that they are going to look at two options for income management and they want to hear what people think about these.

One is that they don't change it at all. And the second option is where, if people want to go off income management, they can go to Centrelink and ask to come off income management and they ask for what they call an exemption, so they are exempt from being on income management, and its based on an assessment of that person and their family to make sure, you know, they are not getting humbugged and all that kind of thing. They can manage their money.

So that is a second option, that is what we are looking at, maybe. So one option no change. The second option is when you go to Centrelink and ask for an exemption, but you have to have an assessment about you and your family, so that we know that everything is going to be alright if you go off income management. So what do you think about that second one, do you reckon that would be a good one?

(Women are talking amongst themselves.)

00:12:09;25 FS3 Explain it in language? Do you want me to go through it again?

AW1 Yeah.

FS3 o the first option, no changes at all, but the second option is to, if you want to come off income management, and go back to how it was before the intervention, that you could go to Centrelink and say 'I'd like to come off income management'. And then they would talk to you about your family and how you are living and all that kind of stuff and make sure that you are not being humbugged and that if can come off income management it's not going to cause you a problem. And when they work that out, yeah, you can come off income management.

00:12:46;08 AW1 Yeah.

(Women talking amongst themselves.)

00:13:13;03 FS3 *(to FS4)* I might get up and walk around and see what more of them are saying.

(inaudible discussion between FS ... brief is open on page entitled "Future of Income Management". Lively discussion between community women.)

00:13:48:25 AW1 What I said to them is that if they don't want income management they need to go and see Centrelink.

00:13:54:22 FS3 But that's not there right now. I am just saying this is what the government is going to look at. But we need for people to tell what - if they think that is a good idea, or should we just leave it the same as what it is now? Or would we go Option One is leave it, no change, Option Two is make that change where you could go to Centrelink.

(Women talking amongst themselves.)

00:14:31:28 FS4 When they brought in that income management, they brought it in because they were worried. They were worried that maybe little kids and families, the money wasn't going to feeding those kids, to looking after the family. Maybe there was someone in the family really strong pulling that money away to other things. So they were worried about that. So they said OK we are going to bring in this income management for people on Centrelink, so half that money can go to food, clothes, shoes, maybe white goods like the fridge or the freezer, yeah washing machines. When that came in people were thinking different things about that. Some people were thinking that was a good thing. Some people were thinking that was a bad thing. Some people thinking a little bit good, little bit bad. Lots of different thinking from people about that income management and, but what we were hearing always back was, you know, this does not work the same for everyone.

Government needs to look at a different way to do this. We either keep it there, one way, or another way would be to change it, so we go and find out from that family is that income management helping. Is that a good way for that money to keep going into the family, keep going into the children, keep helping that way and if it is, maybe we should be saying OK well we do an assessment. We'll talk to that family, those people, and see if income management is helping or not helping, if they don't want it. And then we will look at maybe putting people off income management. If there is no humbug from family and people managing their money well, and they can spend that money on family, then they don't need income management.

(Women talking amongst themselves.)

00:16:39:06 FS4 That what we are wondering from you what you are thinking. Should it stay the same that income management, or maybe we should be doing an exemption to get some people, who are using their money in a good way - no humbug - so they can come off income management.

FS3 *(to FS4)* I'm going to go for a walk up the back.

(FS3 walks to the back of the group of women and the women's group is further split into two for this part of the consultation. Women talking amongst themselves.)

00:17:09;25 FS4 So people are thinking different ways about income management ...

(Women talking amongst themselves. FS3 is talking with women up the back.)

AW1 The Green Card - it embarrassed her. But I mean she wasn't shy, but she was feeling embarrassed.

00:18:18;12 FS3 If the Green card got fixed up would the income management still be alright? *(more discussion in language.)* If we fixed up the Green Card and made it better? *(more discussion in language.)* Do you still want funding for half and half? If you wanted to come off income management um go to Centrelink and apply to come off *(inaudible due to lively discussion in language)*

AW1 If no humbug then Centrelink take you off income ...

FS3 But we wouldn't want to put you back in danger again, like back into that humbugging scenario, where you've got no money and kids get weak again.

00:19:35;14 AW1 What they think is just the Basics Card, the Green card -

00:19:37;07 FS3 - is the problem.

AW1 Yes.

FS3 Big problem the Green Card. And having to ring up with your pin number and you don't know how much you got on it and some times it doesn't work.

00:19:44;27 AW1 Sometime when they get, receive, a new Basics Card but it doesn't work.

00:19:57;11 FS3 Yep. *(looking through brief)* OK. Alright. *(walks to front)* Thank you ladies.

(FS3 returns to other FS passed ABC TV film crew. Women talking amongst themselves. FS4 is speaking with a group of women on the side.)

00:20:28;22 FS4 It sounds like it's hard to understand.

(FS4 is filling in the questionnaire.)

00:21:02;05 AW1 They don't know how to speak English, you know, they don't even know, you know, how to give their reference number to Centrelink, and also, yeah, their pin number.

00:21:26;19 FS4 It's alright, but how is it alright? Why is it OK?

AW2 *(speaking too soft to hear all)* If you've gone somewhere, different place, then income is enough for food.

FS4 So you know you can buy food. *(To FS.)* I don't know whatever. Maybe collecting the information is easier.

(Very lively discussion in language. FS4 writes on questionnaire and goes back to speaking with the small group of women.)

00:22:12;18 AW2 Income? They can tell you can tell how much you have of your income?

00:22:13;20 FS4 They can tell how much income you have left at the shop? Oh OK on their machine without ringing.

00:22:22;06 AW3 When they got that Store Card that white one *(language)* only that Basic Card now.

00:22:32;16 FS4 I see. So you're not talking about the Basic Card, you're talking about the Store Card, the local Store Card. Are there any restrictions on the Store Card? Can you buy anything on the Store Card? Is it the same, in that way, as the Green Card? So it's different to that Green Card.

(Women talking amongst themselves)

AW4 Old ladies, they don't know how to use the card ... Basic Card ... They don't understand what they are asked, the question.

00:23:27;28 AW3 It's hard for them with the Basic Card. When they get asked for their date of birth. Old people doesn't know, you know.

00:23:33;13 FS4 Are there things that you think, if the income management goes on, are there good things that you think will come from that, are there benefits you think that come from that for some people maybe, maybe not all people? I think it sounds like it's harder for older people to be on income management. But are there other people that might benefit from income management, do you think?

AW1 Another problem is ...

(Women talking amongst themselves)

00:25:15;03 AW5 She knows. *(indicating woman sitting behind)* She knows how to ring up and all that, you see. But especially the old people.

00:25:18;02 FS4 So some people benefit, other people not, yeah?

(Women talking amongst themselves. FS4 takes more notes.)

AW5 *(continuing previous point)* ...'specially them old people ...

(Consultation moves to the men's group where FS1 is now speaking and reading from the brief.)

- 00:25:36;14 FS1 Bans on grog. Now some communities, like Ampilatwatja, they've been dry for a long time. No? You been dry here, for a long time, or not? *(language)* You're a restricted area?
- 00:25:40;24 RD *(language)*... dry community *(language)*
- 00:25:44;12 FS1 It's always been a dry community?
- 00:25:45;19 RD Yeah, yeah.
- 00:25:47;12 FS1 Always been a dry community yeah. What the government - There are some communities, which aren't dry, like town camps. One of the changes with the intervention, that the government made, was to ban grog. Not just on communities, but on *all* Aboriginal land. Also in communities, which are on cattle stations, and also for town camps. The government decided, because grog was doing too much damage to communities, it said that we needed to have a break, until we decided what to do with grog, you know, down the track. So what we needed to do was just to ban it on all Aboriginal land. So outstations as well, not just the big communities, outstations as well. Ban it in the town camps, ban it on the communities in cattle stations.

Some communities in the Top End have got clubs, up in Tiwi Islands, and they can still go on, but they can't sell green cans, only sell mid strength beer, not allowed to sell full strength. Some people can get permits in Top End communities, but the government said otherwise, because it was told that alcohol is causing too much damage, grog is causing too much pain for Aboriginal people, we need to ban it and see what happens. And we need to ban it. It might not be forever, but enough time for us to work out what to do next. Now that's what the government did with the alcohol, the grog bans.

(Reading from brief) The government says that a lot of people feel safer. This is one of the good things that people are feeling safer. There is less grog and it's helped, because there is more police and there is less family violence, less violence in the home, because of the grog bans.

But there some problems too. People worried about those signs. Richard talked about that before. People worried about the signs. People worried that, in some places, because they can't drink on their community anymore, they are finding places to drink, which aren't safe, on the side of the highway. People are buying for take away. Is it working? And some communities, and I think this includes Ampilatwatja, they are saying that they want there own alcohol plan. They want to have more say on what happens on alcohol in their community. I will keep going a bit longer. The government thinks we should keep going with the grog/alcohol restrictions.

00:28:39;16 RD Brian ...

00:28:40;19 FS1 Hold on. Let me just finish. The *Little Children Are Sacred Report*, I talked about before, we think that that's proof, that's evidence, that grog is causing a lot of damage. But the government is ready to look at changing the restrictions in *some* communities. So the government is thinking about changing the system so that the level of the restriction – it might be total ban, might be half ban, might be partial ban - can happen. There has got to be a discussion with the community first. Have to look at how much harm alcohol is causing the community. We need these community develop, alcohol management plans and we've got to keep thinking about women and children how to make them safe. So the government is thinking about changes for the alcohol restrictions, which could allow communities to talk to the Minister and the Minister could say well you only need this particular ban, you don't need a complete ban. Yeah? So I guess I'd asked, you know, what do people think are some of the good things about the alcohol restrictions. Has there been any good things?

(Men talking amongst themselves)

00:30:04;15 AM1 *(drawing in the sand with a stick while standing)* We try and ask the government for money, for what happens, you know, for money right here.

(speaking to RD in language) We don't want this one.

(AM1 continues speaking to mob in language. Men talking amongst themselves.)

00:31:26;15 AM1 *(To FS1.)* We don't want this one. Money *(language)*

(lively discussion amongst the men. ABC TV is filming from the back.)

We don't want this one. We want to see money. *(language)* greater

FS1 *(evidently not understanding the lengthy discussion in language.)* What's this one?

AM1 We want to see money – greater.

FS2 Can we go back to the grog?

00:31:43;17 RD *(language)* but that grog.

00:31:55;22 AM2 Grog. We had problem, but we handled that. If we can't handle it, we call police, stop everything. We doing well.

00:32:07;17 FS1 Try and sort it out yourself. If it doesn't work, call up the police at Utopia? How long does it take to get the police from Utopia to Amplitwatja? How long? OK. From when you ring them up how long does it take, half an hour? You happy with the police at Utopia, does that help?

So having the police at Utopia has been a good thing? That's a good thing, Mr. Morton?

00:32:36:14 RD (language) He is talking about that alcohol now. You keep banning it, but why don't you focus on the culprits? Through the police you can pick up two or three times (language). If I get it three times, then I should be picked up and put on that Green Card, straight away.

So what we saying, Brian, is that the law it not working. It's just a joke, It's not getting enforced. You want to penalize the whole of the Territory, both black and white, with all these bans, which is - I don't know - To you guys it's easy way, but to us it's really not focusing on your trouble makers (language) and you mob the ones that's getting penalised, getting in trouble. You've got those big signs, that sort of thing, you know.

So - and we have seen that, Brian, and like we have said with Utopia and Centrelink, its showing our young people it's one law for them and one law for us, so we can get away, we will just keep doing it. You know, and that's why I think the recommendations of the 2008 review, that was done, I don't think Macklin or the Minister had a look at it. She might sort of had a glance through it, but really there was a lot of good recommendations regarding the way forward across the Northern Territory under that Special Measures.

But, I am getting here just same old discussion, as far as the governments have already made their decision as to the way forward and this is just formality, to say that we have consulted with Aboriginal people on the - under the *Future Directions*.

So, you know, the law has got to be enforced. We keep saying that. How many times do we keep telling people? How many times do we say about the Green Card?

Penalize the troublemakers, you know. Let the families have their full money to look after the kids and children, but penalise the trouble makers, the ones who are making trouble, (language).

00:34:45;23 AM1 (language) white man (language) they drinking too, white man they drinking too in the pub. What about white man? They drinking too. They got to pub. They buy beer and drink. What about that one?

00:34:57;11 FS1 Everybody can do that. Everybody can go into the pub.

00:34:59:15 AM1 (language - all the men laughing.) Yeah that's right.

00:35:07;09 RD Shut the pubs, yeh! All the takeaway!.

00:35:12;04 FS1 No. Well can I answer? And maybe you can interpret for me, please, but just to say that the pubs are in Alice Springs. The pubs are not here they are in Alice Springs. Black and white can go into the pubs in Alice. Black and white can use the roadhouse, so it's not - the bans are in the communities where Aboriginal people are living. And the government

has done it, for the time being, because its worried about the damage and what we need to do is find a way to support communities so that they can manage the grog better.

White people, if white people - Just be clear, if the Government Business Manager, Ross McDougall, any white person, who comes to Ampilatwatja, can *not* drink. They are *not allowed* to drink. Drinking is banned at Ampilatwatja. Drinking is banned on Aboriginal land, like Utopia, white and black. Let's be clear. I am not allowed to drink here. If Ross McDougall got caught drinking here, not only would he be charged by the police, but he would also loose his job straight away. Automatic. It *is* applying to white people here too. It is.

00:36:20;12

RD (laughing) Yeah? No Brian. No. No, because -

FS1 People don't believe me?

RD No. No. No, I don't, because the teachers and some of the staff here we've had, they are able to sort of get permits and bring grog out there for themselves. So (language) wrong way again (language) whitefella wrong way (language) teaching 'em, and that women's' centre -

00:36:43;14

FS1 I did say that if people applying for a permit. I did say that if people apply for a permit, then they can bring alcohol, if they have a permit, a legal permit. But Aboriginal people can apply for legal permit too.

00:36:51;18

RD Yeah no we. Look Aboriginal people have agreed to make dry laws on the communities and you stick with your dry laws. Don't start chopping and changing and making new laws. (language) dry out (language) it's got to stay dry. No permit.

FD1 No permits?

RD No permits. Just cut it right out, (language).

FD1 No permits?

AM1 Yes. Really dry.

RD Yes.

AM1 That's good. That's good.

00:37:18;03

FS1 That's the feedback we need, no permits. In that letter, in that good letter Mr. Morton and Mr. Downs wrote to the Minister - it was a good letter I thought, very properly thought about - they said Ampilatwatja needs to have more say over how grog gets managed in this particular community. Traditional Owners have to have more of a say. Is that it? Is that your position? Or should it be the government that does it?

00:37:40;22 RD No. Look, we want a full say in our community, on everything that happens about the way forward with the intervention and so on. Because what's happening, Brian, look it is the enforcement of someone's visions and goals onto people and that what we up against. And this blanket cover and accusations and categorizing and all that, you know. It's wrong.

00:38:10;20 FS1 People want to say anything more about grog?
(Men talking amongst themselves.)

00:38:32;17 RD *(language)* Permit. Cut that permit right out! *(language)* Whitefella can't bring grog in! *(language)*.

AM One rule.

00:38:42;09 FS2 You mentioned before about the signs. What was the story about the signs?

00:38:45;14 RD That blue sign, the pornography, you know, it's pointing the community, at *each* community, *each* outstation, you know. As if we involved in all that and we not. Not out in the remote areas, nothing.

00:38:55;14 FS2 So it gives the impression to people that it's a problem?

00:38:57;21 RD - that we have a pedophile problem – that we have a sexual abuse problem, alcohol problems and we don't! *(language)*. Clean

AM1 Nothing. Nothing.
(FS2 is taking notes.)

00:39:10;23 FS1 OK, we understand. So you think it would be better if there are no permits and it would be better, do you think it would be better if you had an alcohol management plan for your community? Would that work better for you – where you had your say or just completely dry?

00:39:31;12 RD No. *(language)* might be to put in alcohol management program I don't know.

00:39:38;22 FS1 Plan. Alcohol management plan.

00:39:40;13 RD Plan, plan but *(language)* What for, Brian? If this is a dry community, it's a dry community. No permits for white or black, nothing. So why should we look at putting a plan in? You know, just getting confused -

00:39:56;22 FS1 Yeah, I see.

00:39:58;18 RD - because the law is already in place for the police to enforce. So we don't want plan. We just want dry community, that's it. No permits, nothing.

00:40:08;04 FS2? So existing laws should be in force?

00:40:10;04 RD Existing laws should be enforced and *must* be enforced.

00:40:15;27 LA You mob was talking about them men centres and women centres here and then you mob was talking about education through social stuff like, you know, (*language*) program you know means (*language*) that's where all the education side of things you mob was talking about earlier.

00:40:29;13 RD You yo.

00:40:31;14 LA That's the sort of things you should bring up again, here, so he can write it down. Just put it down again.

00:40:35;22 RD That's right.

00:40:36;03 LA Yeah and we can talk about all those other issues too, that affect men. And women can talk about their stuff over there.

00:40:42;12 RD Yeah you know, Brian, Ross, like we talking about the men's and women's centres. OK. We're talking about controls and measures, education and training, preventative programs, health programs, talking about grog programs, too, like people that have problems in town. That's where the focus has got to be, through the men's and the women's centres, trying to build up, so the strength -

(Camera moves back to FS3 with the women.)

00:41:01;00 FS3 Five year leases. As I said before there were problems with the five year leases when they first came out. People thought, you know, they were grabbing it and that Aboriginal man was being taken away. That's not the case at all.

(Women discussing in (language) FS3 reads the brief.)

We got to look at the big picture. And the rent is being paid as well. It's being working out. Big job to work out that rent.

(Women talking amongst themselves.)

00:41:37;17 FS3 So is there anything any body wanted to say about the five year leases? Do you fully understand them? Do you want more information? Do you think its good? Do you think its bad?

00:41:47;08 AW1 So how many more years left?

00:41:48;17 FS3 August 2012, so that's another three years. Another three years. It's been going for two years, another three years to go.

00:41:59;29 AW1 Another three years? (*language*) Another three years?

00:42:01;08 FS3 Another three years.

AW1 Five years, three years are left.

(Women talking amongst themselves.)

00:42:08;39 FS3 So do think it's a good thing, bad thing? You're happy about it?

(Women talking amongst themselves.)

00:42:21;04 AW1 They're not too sure about it.

00:42:22;04 FS3 Not too sure about it. OK, that's fine, that's good. You want more information? If you want we could come back and talk about it another time and talk exclusively about the five year leases, yeah? Another time?

00:42:41;01 FS4 Is there any questions people have about those five year leases?

00:42:47;13 FS3 *(to FS4)* They don't know enough about it. That's what I am worried about.

I am hearing that you don't know enough about the five year leases to make a comment? Is that what you are saying? Is that right? Do you want more information? Not sure?

00:43:02;16 FS4 Because this is Aboriginal land and so it's owned by Aboriginal people. The five year lease was a way for the government to put things down in community that would be of benefit to community. They were things like to put down different services. You know the basketball court you're getting that upgraded with the shade area and they are going to fix up the toilets? That happens through the five year leases, that the contractors can come in and do that, because no one can just come in and just do anything anyway. It needs to be a legal arrangement. So the five year leases allowed people to come in and do building and bring in services in a legal way. So –

(Women talking amongst themselves.)

- so, and when you, when land is leased, with these five year leases, it's like the government pays rent. When you lease a property, a house or land you have to pay rent on it. So now the government is going away and saying OK, we have to find out what is the amount of rent that we need to pay on this Aboriginal land to put those services there? So that's the other thing that's happening at the moment.

So when government puts in services and infrastructure they need to know that they have what's called secure tenure. Yeah that it is put down there in the proper way and it will be used for the proper reason. So it's

about getting that - those things into communities like SIHIP for instance. You're going to have housing upgrades. That will become a legal arrangement by the law for the government to come in, put that upgraded housing here and then it's like a legal arrangement.

So this land remains Aboriginal land and government will pay rent on the land that it is put that infrastructure into. They pay a rent on the land that they lease. So it's about the law, Australian law, and putting buildings and community infrastructure into communities in the legal way in the law. It's a bit of a funny one really!

(Women talking amongst themselves.)

00:46:06;08 AW1 She's saying – another three years? Three more?

FS3 Yes. Another three years.

AW1 In another three years can they ask for new houses? She is still living in a tin house.

00:46:25;07 FS3 The new houses in the SIHIP program, that's happening right now, the new houses are going in the big communities, you know, where there is huge big community. You know Yuendumu's a big community. They have got thousands of people living there and so the new houses are going in there and we are upgrading the smaller houses. That's the first part of this program. The SIHIP goes for 10 years. So this is the first four years, it's happening now, the new houses going in the big communities. After that first four years we go back and look at what's left. And what we will do for the next 6 years after that.

(Women talking amongst themselves.)

00:47:22;04 AW1 *(language)* ... upgrade the houses, but they are still overcrowded. *(instructing FS3)* Just write that down, the houses will be upgraded, but they will still be over crowded. And in another three years, that's what they said, question mark - new to houses? *(language)*

00:47:53;28 FS3 *(Reading brief again)* Alright. So what I have heard from you is that you're really asking - you really want new houses here.

AW1 That's what they want.

FS3 The houses are overcrowded here and you can fix up the houses and upgrade the houses, but you still have overcrowding. So you're asking how does this five year lease making it better for here, at Ampilatwatja. OK? I can feed that back to the government to say the houses have just been upgraded, but they are still overcrowded and the five year leases are not really giving you a benefit here, because you need new houses. Alright? I'll put that up to the government. I'll tell them.

00:48:26;28 AW1 Maybe next time the Minister should come out herself.

00:48:40;04 FS3 OK. (*reading brief, then to FS4*) OK, we leave it at that? That one? Alright.

Next one, community stores. Through the intervention the stores, the community stores, had to get a license and part of that was to get the stores to put better food, better healthier foods into the communities and to make sure that the stores were managed a lot better, you know, like they had good people in there managing the stores and that it was able to take part in that income management. So if you had half your money put to one side, you could go to a good store and get good healthy food that was being run properly.

(*Back to FS1 with the men.*)

00:49:27;01 RD (*Mr. Morton is speaking language to RD.*) They are still asking, Brian – (*language*) - They are still confused asking, Brian, you know, why government came in, whatever you want to call it, land grab to get that lease put in so on. And they were gunna carry on and do a lot of that stuff here (*language*) and still nothing happening, you know?

So if you look at the lease it's given the Governments and you guys the freedom to be able to come in and help us, work with us and do a lot of stuff here to get this place moving forward, but (*language*) still nothing. 2 years down the track and we're still talking and, Brian, you still asking us, nothing - you know but what we saying is that government is really not sort of serious. Like I've said, I've offered my services since the first intervention come in (*language*) so we can all work together (*language*). But they wouldn't put me on, you know. (*language*) We want to listen, talk to you to make we get it right. So that's a lot of our concerns, Brian. That's two years down the track and nothing and we are fed up.

FS1 OK

00:50:53;28 AM (*language*) in the old days you wanted people to come into the station. They didn't have a lease. You go in there and get your lease. No they just come there and work in the station, every station, all over. Before. (*language*) This government changing it's lease lately, not like before, not like before.

00:51:16;03 FS1 It's a big change. It didn't happen before. What the government is saying, the government wants leases, not to take land off people, to sit on top of the land. They want the lease so that they can make sure that they can own assets that they build, you know, whatever it is, a building, and that they can look after that building properly. It's not to take the land off people.

It's because governments say they just don't want to build houses, they don't want to build health clinics, they don't want to build schools on someone else's land, because this is Aboriginal land. And that's what happens across Australia. If your building, if the government is building a health clinic in Darwin, it's got to own the land first. We just want to lease from the remote communities. This is a big change and hard to

understand, I know that. This is a big change and it's very difficult to understand and we haven't done it before. I know that's true.

00:52:08;10 RD Yeah but, Brian, it's still no excuse. We have got the NT Department of Education, we got schools there. They've come in and built on the place. *(language)*

00:52:25;06 FS1 Yeah, but they got a lease though. The school has got a lease.

00:52:27;12 RD That's right, then there's no reason why others can't approach those two organisations and talk to the leaders about lease arrangement, you know.

00:52:33;20 FS1 And the Land Council.

00:52:38;27 RD Well, it's *our* place. The Lands Councils, they think they might have the power, but it's *us*, we are the ones that make decision on this place here. We have agreed with the school set up there, so there is no reason why we cannot agree with someone else coming in here to work with us, or partnership, or helping, *(language)*. We don't need special leases to make any of that sort of agreement. *(language)*

00:53:07;14 FS1 One thing I can say is that the federal government is saying that the leases will only last five years. They won't keep going. But they want to find a way, they want to find a way to talk to you about, on the ground, with your agreement about any lease they want after then. It's got to be done voluntarily. With the five year lease it was meant to try and get things moving, That's the way you described it, Richard.

They want to make a few changes to the law about five year leases, make sure that it respects Aboriginal culture and sites, don't want to upset sacred sites and they want to make sure that you can't have mining and other things within the lease area. It's just there for the community. But the government wants to keep it at this stage, pay rent, and then at the end of the five years, see if we can negotiate a lease. And what are you telling me, Richard, from people here? They don't think we need it. Is that the position?

00:54:06;01 RD Look, you don't need to take over our community and enforce the lease arrangement and so on. I mean, you know, these are the leaders. These are the people that make agreement with the NT government for school and that sort of thing *(language)*, school houses, school teachers and everything you know. Yeah well you mob can make another law again for somebody else. You, through you mob, because, Brian, any sort of thing that we will look at that's going to help and make improvement to the community, it might be a partnership, starting another business, something like that. We will look at it, but we will want to be able to fully understand and we are definitely interested in having more shops here, more different shops. Our proper service station running there properly, you know, so we can fix up a lot of the cars, for the

governments. All these vehicles need servicing, so they got to go to Alice Springs or Tennant Creek and that's another little business again.

00:55;08.21 FS1 OK. We understand. We understand your position. Now, Ross, we've got a sense there.

Can I talk about some other changes just quickly? What this one has been very important, very important in Ampliatwatja and Utopia 'cos I know you have had a few problems and this goes to community stores, to the stores. One of the changes with the intervention was that um, the government ah ah decided that the stores in the communities need a license. And this is so that we can make a license so that we can make sure, before a store gets a license, that they've got a good range and quality of food and groceries, that the community stores are being better managed and so that they can be part of this Green Card, this Basics Card system.

Now you have a store at Ampilatwatja and this was so that we could try and find a way to fix up the stores, because many stores didn't have good food, and they were charging too much. And they weren't properly managed. Now I am not saying that was the case for Ampilatwatja, but you got somebody looking after your store at Ampliatwatja at the moment, no? From the NT government? What his name? That Rob Burton.

So what do you think?

What we think is that there has been some good things. That most stores have got better food. A lot more food and other things are being bought in community stores. They have all got a better computer system, but it's a problem, because we think that still more work needs to be done on the stores. That we haven't done enough yet to help people to be able to get fresh food at a good price, that's nutritious, that's good for you.

So the government wants to keep going, so the government wants to keep going with this system of giving community stores a license. Um and in the new system, they want to make some changes to make it better and one of the things that they want to do is say, that to get a store, to get a license, from the government, we also want to look at the person who's operating that store. We want to look at the *character* of the store manager to make sure that person is a good person and is going to do the right thing, and hasn't been in jail and isn't going to do the wrong thing.

(Men talking amongst themselves.)

00:58:42;23 AM3 People, people, here they vote for Labor. This law, come in here, for lease, from Labor?

(Most of the men say - Shire.)

00:58:51;01 AM4 Shire and government.

00:58:54;09 FS1 You're worried about the Shire, no?

00:58:56;08 AM3 Yeah about the lease, we talking about the lease.

00:58:58;16 FS2 The Shire, the local government..

00:59:00;28 AM3 Local government or Labor..

00:59:03;02 FS1 Which one for?

00:59:04;20 LA For the Shires.

00:59:07;16 FS1 Northern Territory, Northern Territory Government.

00:59:08;26 LA Shires.

00:59:10;00 FS1 Yeah, the Northern Territory Government set up the Shires. The Northern Territory Government, not the federal government, but, but we want to make sure the Shire system works properly for communities like Ampilatwatja and if you have problems, we want to try and help fix those problems up.

We think maybe people feel as if they have lost control over their community. And that they can't have a say and we understand people are worried about the Shire. It's got set up the Northern Territory Government, where we want to find a way we can make it work better for communities like Ampilatwatja.

00:59:53;19 AM3 All the communities in ... *(language)*
(Men talking amongst themselves.)

01:00:15;01 RD What Brian is saying is that *(language)* yeah, that's what Brian is asking now to tell you mob. But big problem, Brian, you know, it's -

01:00:30;01 FS1 What's the problem?

01:00:30;28 RD The Shire hasn't got money. You know, I mean, we got to jump and down before we get any action to be able to get that rubbish truck you mentioned this morning, which was good.

01:00:44;01 FS1 Garbage truck. It's a garbage truck, not a rubbish truck. *(laughing)* It's a good one.

01:00:50;21 LA Not a *rubbish* truck! You're gonna get a good *garbage* truck.

01:00:55;15 RD Yes. I'll will put it this way. The Shire is a joke. Look, I am not blaming the management here and I am not blaming the CEO's in Tennant Creek, but whether it's the federal or the NT Government, the money is just not there.

We were able to sort of work a bit better than this when we were self, and we had this office here. We were getting things done. We had machines

and we had equipment and we started to do a few things, but since the Shire has taken it over, nothing, nothing, you know. They do what two - how many hours a day do they work? Joe? How many hours a day do they work?

- 01:01:31;01 AM5 8 till 12.
- 01:01:31:35 FS1 From 8 till 12?
- 01:01:32;04 RD Four hours a day, that's it. But the other thing, Brian, is that all the contractors that came in and the ones that were painting all these houses, when the intervention first started off -
- 01:01:45;06 FS1 - the community cleanup, yeah?
- 01:01:46;16 RD Yep. Look. Quite a few of them were earning over \$5000 per week. Some of them were on \$60 to \$70 bucks an hour. And we put a proposal to the GBM then, why don't you give us the work and we will manage and we will do what they doing, because it's only just sort of house painting on the outside?
- 01:02:04;24 FS1 Did that help the community cleanup? Was that a good thing?
- 01:02:09;07 RD So no - hang on, hang on - you getting away from the point here. Either we b----- close the meeting and f--- off --
- FS1 Alright. Sorry.
- RD - or you just shut up and listen. Now (*language*). There's the opportunities and jobs we should have had, which we should have been involved and said look, Richard, I think that's a good idea, but we weren't allowed to. We were pushed aside and said No. So it's outside contractors from New South Wales and Queensland and that is still happening, you know.
- So the government is really not serious about what you're saying here. I just don't believe what your saying, mate, you know, and the government is really not listening. The job opportunities are there with all these contractors coming in, where we could put two or three people - we got five young people that's got tickets in with buildings and they are told, 'No, you just have to stay on CDEP', four hours a day, you know. So ...
- 01:03:02;14 FS1 So there are a few problems with the Shire?
- 01:03:03;18 RD Problem with the Shire and people not listening, Brian, you know. So I mean, I listen to you and I expect the same thing. We got to all take turns talking, we got to listen to each other, if we serious about going way forward (*language*). So we have got a lot of work, a lot of problems ahead of us but for us to start coming, talking, communicating. Brian and Ross, you both know.

(Men talking amongst themselves.)

01:03:39;18 AM6 All that money - contract take 'im away.

(Men talking amongst themselves.)

01:04:24;17 RD *(language)* That's why you got to stay here, *(language)* They listen to us. We want to make that agreement with that five year lease, but we want to look at what - how that community's is going to benefit. And how can it benefit if we go back to the old way. Can we still make agreement like we did with the school up here? *(language)*.

01:04:41;25 FS1 You still can, you still can do that.

01:04:43;29 RD OK, yeh *(language)*

01:04:47;07 FS1 'Cos that's long term. You can do that.

(Men talking amongst themselves.)

01:05:10;18 RD *(language)* We should all finish off one together. Yeah we saying, Brian, we should all start to get together again *(language)*.

(Men talking amongst themselves.)

01:05:32;02 FS1 So is it OK with you if I just ask you a few more questions? Do you mind?

01:05:34;19 RD A couple more and I will talk to the ladies. Yep.

01:05:35;17 FS1 And then we will finish yeah. Just a couple more. We were talking about that store, community store and the idea of the license. Do you think that's a good idea? We should keep going with that? How's your store here? Is it going OK?

(A few men say 'good' and 'OK'.)

Good? You happy with the store?

(A few men say 'yes' and are talking amongst themselves.)

01:06:04;21 FS1 So the store is good? Yes? *(A few men nod.)* Happy for the government to keep helping to try and make sure the store works better?

(Men talking amongst themselves. Mr. Morton speaks to RD.)

01:06:37;27 RD Yeah, we just got a couple of paperworks, because that management didn't do a lot of the audits, so we bringing that back now then *(language)* then might be next week then *(language)* we will finish *(language)* and hand it back to you mob. And get that committee going properly, Brian, you know, sort of through the committee. There's no

reason why your GBM can't come in and sit in at the committee meeting give some ideas.

- 01:07:02;13 FS2 Rob's working through strengthening the government with the committee at the moment. He has done some papers for the store committee to look at. Similar to the stuff that Rob's done with Mutitjulu and that, trying to make the committee strong.
- 01:07:21;27 FS1 *(to RD)* We should quickly talk about the pornography. I know that's a difficult one. It's rude material. See what people think about that change, you know, the sign and everything or, you know, because you know -the intervention.
- (to the group of men)* This is a bit difficult to talk about, but I have to ask you. You know the intervention, one of the changes was that they put a ban on rude material, this pornography. Do you know what I am talking about? This rude material. I think you know what I am talking about. You've heard about it.
- 01:07:47;17 RD Yeah yeah. Brian, I just ah -.
- 01:07:49;01 FS1 I don't want to be rude that's all.
- 01:07:50;19 RD *(language)* all over the country and other parts of the world *(language - all the men start laughing)* *(language)* all them, you know. and all that pornography, that sexual abuse *(language)* blue sign – take 'em away! *(language)* You pointing the finger at us! *(language)* Whitefella they see that sign *(language)* and they think they must be really bad with that pornography *(language)* ...
- (Men talking amongst themselves. Mr. Morton speaks to RD.)*
- 01:09:01;09 RD Because like we said, Brian, we have got nothing like that happening here, nothing at all. So to us that's an embarrassment. That's putting down and showing the general public around Australia all the black people are into all this.
- 01:09:15;05 FS1 So you are not happy with the sign? You're not happy with that sign? You're cross?
- 01:09:16;17 RD No.
- 01:09:16;17 FS2 Those big blue signs, they're a shame job.
- 01:09:19;10 RD They're a shame job.
- 01:09:20;03 FS2 They make people think that there is a big problem in communities when there isn't?
- 01:09:24;05 RD When there isn't, that's right, that's right. Yet you can still go into newsagents in Tennant Creek, adult bookshops and so on and buy all the materials there, but not here.

01:09:34;18 AM4 I think you can go to Canberra and you can buy even worse books.

01:09:37;24 RD That's rights and that's where the ministers and prime minister live, you know!

01:09:40;22 AM5 Do they have the blue signs there as well?

01:09:42;24 FS1 No they don't, no they don't..

01:09:44;06 AM5 That's unfortunate!

01:09:46;10 FS1 Well, to answer the question. I think that people are not so worried about the alcohol sign, the alcohol part, 'cos you're used to having the sign that says alcohol is banned. Is that right?

01:09:56;37 AM5 It's been there a long time.

01:09:58;27 FS1 So it been there a long time. This has been a restricted, a dry community, before the intervention.

01:10:04;00 RD Yep.

01:10:07;04 FS1 I don't - a lot of communities are saying to us it's not the alcohol part of the sign that is causing offence, it's the part that goes to this rude material, this pornography.

01:10:14;17 RD Pornography.

01:10:17;05 FS1 And is that what people here feel?

01:10:20;10 RD Yep, they don't want that. You've got your alcohol sign there. We quite happy with that to say this is a dry community, here are the penalties -

01:10:26;00 FS1 But the pornography - people feel ashamed.

01:10:26;27 RD It's got to go. (*discussion in language*) You have got two signs there.

01:10:39;01 FS1 Is that right? Have I got it right? Can I just say from the government's side, I don't think that they wish to cause offence and sorry, it was not designed to cause offence. That was in the sign was because some - if it got - if it's in a sign and somebody gets caught bringing this sort of terrible material into communities like here, then the police have got a basis for taking them to court. Because they can say you were told in the sign that it's illegal. And even though the sign said it's illegal you still bought it into the community. So that's why it's there. It's there to help with prosecution, because then you can, somebody can't say I didn't know. Because then you say sorry, the sign was there, you were told that it was prohibited, you still brought it onto the community and we should be able

to take you to court and punish you for doing it. That's the thinking. Might be wrong, but that's the thinking.

- 01:11:29;17 RD Right Brian. No, look. That's the thinking but it's still wrong. Because you can visit a lot of the white peoples' houses in there and they have got pornography materials and CD's and all that. They got computers and all that there, you know, so -
- 01:11:52;26 AM5 How many people on Aboriginal communities have been charged by the Act - for bringing pornography onto communities?
- FS1 The truth is, a couple.
- AM5 That's right.
- FS1 A couple.
- AM5 Realistically are the signs worthwhile having?
- 01:11:55;07 FS1 They may not be. The government will have to listen after these consultations about what all the communities have been saying and decide what to do next. You may be right. You may be right.
- AM5 They are right.
- 01:12:16;06 RD It is. It is, yeh, especially when we all still under this categorized –
- FS1 blanket
- RD blanket cover,
- AM5 painting us with the same brush
- RD that's it, yep.
- 01:12:25;27 FS1 One of the other things with the ban of pornography was also controlling what happens on computers, that are owned by the government, the Shires, by government funded agencies. There has a been a problem in some communities with computers. People getting this rude material, videos and pictures and everything from computers.
- 01:12:49;13 AM5 We fully support the lock down on all that sort of stuff.
- 01:12:52;04 RD Yep. Brian, through the mining industries, we have all had computers, but again there is a lock. You can have access to purchases any other items that you want, except anything to do with sex, pornography, nothing, it's automatically locked out. There is no reason why the government can't enforce that. They don't need to go and highlight this and make it into a big thing. All they have to do is, this is part of the condition of why we supply and give you the computers and all that – bang - you must have a lock for this. So they are just making a big thing

out of nothing, you know. The other companies, the private companies, the mining companies, already sort of way ten years ahead.

- 01:13:29;08 FS1 Is there time for me to talk about two more things very quickly?
- 01:13:31;07 RD Yeah well two more things Brian 'cos, hurry up, look. I am just concerned that we divided (*language*) (*men talk amongst themselves and (language) between the men and women.*) Well, go on there, they still going, quickly.
- 01:14:38;01 FS1 One of the - just a couple of the other changes, pretty small ones. (*using brief*) One of the things the government set up, when it started this intervention, was a thing called a taskforce that would look at what's happening on communities around violence and sexual abuse and people who are doing the wrong things. I think you call them troublemakers. And trying to get information about those people, trying to help communities give information about those people, so they can be ah, find a way for it to stop, find a way for those people to be stopped from doing those bad things. Whether it's family violence, it's hitting their wives or it's doing child abuse or other things, which are wrong. About setting up a group of people - it's based in Alice Springs. It's called the National Indigenous Intelligence Taskforce. It also got some powers to make sure that people have to come before it to give evidence. Is that a good thing, do you think, to keep going with? And has that had any impact out here at Ampilatwatja? Are you worried about that?
- 01:15:50;24 RD You mob already had those powers. hey? Through the police and everything? (*language*) No, not this one, not this one. But you mob were able to control all the fights and arguments (*language discussion*) yeah that's right that right, then the new law come in (*language*).
- What I am saying, Brian, is that was already controlled. One or two drunks might come back. Next morning the whole community bring them into a circle and family, (*language*) we tell them off, we bring police in. So that is already happening, so why are these special laws and special new laws? (*language*) Yeah, so I am just confused with that. (*RD speaking with the men.*) Yeah 'cos you was handling that. (*language*) We might sort 'im out here – any trouble. You mob was handling that one. So why bring this special laws in, measures in, what for? (*language*). Ross, you know what I am saying, hey?
- 01:17:23;15 FS2 Yep. You people used to take control of looking after law, the old way.
- 01:17:32;28 RD Again with the police -
- 01:17:36;22 FS2 The police used to work *with* the community
- 01:17:39;24 RD Yep, that's it.

01:17:40;29 FS2 And that's always the way you're gonna be strong is to work *with* people. Working together. It's a bit like when you bogged that car. If you got one person trying to push the car out of a bog, it's really hard, but if you got four or five or six people all pushing the same way, easy.

AM5 Not rocket science!

(Men talking amongst themselves. Richard goes over to the women's group.)

01:18:51;11 AM5 Alright can we go back to the intelligence Aboriginal taskforce you were just talking about? How long have they been up and running for?

01:18:57;16 FS1 'Bout two years, since the intervention started.

01:19:01;24 AM5 How many Aboriginal people are actually involved in that taskforce? four or five?

01:19:04;19 FS1 Do you mean employed in the ...

AM5 Yes

FS1 I don't know.

01:19:09;24 RD *(language)* All the community here..

01:19:15;13 FS1 It's a pity that the troublemakers - but it's about trying to build up better intelligence um and um and being about being able to get more information from people if things are not being done, if there is somebody doing the wrong thing and trying to find a way for them to stop it. It is done *very* quietly.

01:19:35;13 AM1 What other departments that are associated with the police are involved with the taskforce.

01:19:38;07 FS2 There's none directly. The police are the ones that are driving it. A lot of the work that they are doing - It's not that it's secret, but they do it quietly because, if they let people know what they are doing, those who are guilty of doing the wrong thing find out and they start to cover their tracks. So a lot of what they do is done very quietly and a lot of - Brian just touched on it - some of the stuff that they are looking at is about people, and a lot of these are white people, who prey on weakness in Aboriginal communities, you know. They are real mongrels and some of them are really cunning, so if you start to advertise what you are doing, they disappear and they hide their tracks and they get away with it, you know, and that's not what we want to happen, you know.

01:20:19;13 FS1 It's actually run by the Australian Crime Commission, that's who actually runs the taskforce. It's got police in there, federal police. It's not very big. It's only a very small unit, but it is about trying to find a way to get a better handle about abuse, about violence in remote communities.

01:20:37;25 AM5 Do they have a direct phone line number or anything like that?

01:21:47;17 FS1 Yeah yeah, they do.

01:20:42;01 AM5 'Cos it may be better to consult with them than the police down at Arlparra 'cos, I mean, we ring them up and we don't get much action.

01:20:48;22 FS2 Well, look it's very - well some of the other powers that they have is about people, who are providing information to them, can do it in secret. You know, the witnesses are protected, whereas in a normal police investigation, eventually those witnesses are dragged into court, but, under some of the special powers that this mob have, people can give their evidence and they are never going to have to appear in court. So you're dead right. In some matters –

AM5 We need a breakdown –

FS2 - I can get you the numbers. It's not a problem yeah yeah. 'Cos a lot of the stuff the uniform police deal with - most of their work is what they call general duties. It's stuff about here and now. Some of the stuff that this mob do, it's very long investigations and the general duties officers don't have the time to devote to very wrong, very complicated -

01:21:45;02 AM5 When it comes to we need police here, we don't get 'em and we need them. It's just like we need an ambulance out here. Well, unfortunately, we will have to go and wake up the nurse at the clinic.

01:21:54;29 FS1 What's the service like from Utopia with the police?

01:21:59;25 AM5 Um I couldn't really say, but from what I have seen, not very good at all.

01:22:04;18 FS1 Well it should be. There should be a better police service.

01:22:09;03 AM5 Nah. It's not really good at all. I get blokes coming up wanting to pay their fines, want to pay to get their drivers license. I asked the police officers when they going to come here. They tell us they will be here on a regular date during the week and they don't rock up, for one reason or another, and then another week goes by and another week goes by and -

01:22:22;18 FS1 That's another issue we might - We will investigate that. Ross might go talk to the police.

01:22:29;10 AM5 We've got cars that need to be registered. If there was a regular time - they used to do it before from what I have been told. We haven't had a meeting in the last four months.

01:22:35;11 FS1 Ross might talk to the police this week, I think. They should be doing a scheduled visit every week.

01:22:42;19 AM5 From what I understand they have had a change of guard or they have had new staff move in, maybe that's the problem.

01:22:48;02 FS1 They have had a change of guard.

01:22:51;06 FS2 They should do a mixture, like, to do their policing properly they should have a mixture of regular patrols and irregular patrols –

FS1 unscheduled, so you don't know when they are coming.

01:22:59;09 AM5 Exactly. It worked well up the Top End, where the police worked well with some of the Aboriginal people and they really get on really well. But I am surprised it doesn't happen down in Central Australia.

01:23:09;05 FS1 That's because we haven't had policing in most Central Australian communities. That's the problem. Yeah we got to find a way to get police, who know how to work with communities in Central Australia, for sure. Now there should be scheduled visits and what they call unscheduled visits, so if someone is doing something wrong and all of a sudden the police rock up

AM5 They are more running on their own schedule.

FS1 Alright, well we might take that up 'cos that's not what our expectations are. We would expect that Utopia, sorry Ampilatwatja, should be getting a significantly better service. That's one reason why I put in Utopia 'cos there's most people around there - a 1000.

01:23:48;14 AM5 Can we just go back to the five year lease? You have said we have gone into two years. What plan has the federal government got for the next three years?

01:23:54;23 FS1 Well, I did, - well, I think on the five year lease we are expecting that the five year lease will continue until 2012, so for another three years.

01:24:07;25 AM5 So what infrastructure or building has the federal government earmarked for Ampilatwatja?

01:24:11;21 FS1 Well, we have earmarked some funding for upgrades to the houses, fixing up houses. But I made it clear this morning that, at this stage, there was not funding for new houses, but there is funding for upgrades.

01:24:25;09 AM5 So that's one thing -

01:24:27;10 FS1 That's one thing. Well, um beyond that I don't know about any other plans for Ampilatwatja, in particular. That's something for the -

- 01:24:32;26 AM5 - So the government wants to lease this Aboriginal land for five years and they have no idea what they want to build out here and what they want the five year lease for?
- 01:24:44;01 FS1 Well um this was taken - the leases were taken out across all the communities to do some things quickly like, for example, put the GBM demountables in -
- 01:24:55;28 FS2 - and the school.
- AM5 - and the houses for the school teachers so we have got accommodation for the government people to come out here and do the work. But there is not going to be anymore houses for the Aboriginal people that live here?!
- 01:25:05;13 FS1 Well, if you mean new houses, not at the moment. And I know it's tough, but there might be later on. I just - at the moment, no, but I know people are saying that they need them. But the problem is at the moment the government with the money it's got is putting all the money into building new houses in bigger communities. You know where the biggest need is, particularly in the Top End. So I don't think that -
- 01:25:27;13 AM5 - maybe not houses but what about shelters?
- 01:25:30;16 FS1 Well, I think what we are going to do is do some upgrades. Shelters I don't think are going to make it any better for people. Um we have got to find a way to fix up how people are living currently so it meets the standard? Look, there may be things planned for Ampilatwatja in the next three years, but the GBM is going to have to find out what other plans there might be for Ampilatwatja.
- 01:25:52;19 AM5 They have to work with Graham 'cos there is only here for two weeks, unfortunately. Ross, Ross sorry. It's a bit hard 'cos he is only here for two weeks. So then we have got to get another new guy in and we gotta go through all this consultation process -
- 01:26:00;28 FS2 Maybe I can clarify that in that I am here for this initial two weeks, then the new guy starts next week and I get to have a bit of a break for ten days and then I will be back, to work with him, so that he is not by himself.
- 01:26:15;22 AM5 So what I am saying, to work with you now and then the new guy comes in and we have to go through all this consultation process.
- 01:26:21;26 FS2 No we wont have to, we shouldn't have to 'cos part of my role will be to brief him to make sure that he is up to speed with what the community wants to do.
- 01:26:32;04 FS1 You won't have to go back and Ross will come back for as long as he is needed. No. In 2 weeks stints until we get this new GBM bedded in and we are satisfied he is working properly with the

community. So we won't have to go back all over this again. We won't have to - we will brief him and we won't waste time having to do that.

We want to find a way to bed the new GBM in, and someone who gets a good relationship going, and Ross is going to keep coming back until we are satisfied that we've got that. Probably two week stints, if that's OK. Do you mind? I mean this is just a way to try and get him bedded in.

01:27:09;28 FS2 Really, at the end of the day, the Government Business Manager is there to work *with* the community, you know. It's not about what the GMB wants, it's about what the *community* wants. The GBM's role is to work *with* the community to achieve outcomes *for* the community. Now obviously there are some boundaries that are set by government about something's, but generally it is about trying to support the community. Certainly not dictating to the community or any of that sort of stuff, it's working *with* community.

01:26:22;12 RD Look, that's it.

01:27:36;11 FS1 There was one other thing I was gunna say is that, just about this relationship with the community, is that we are thinking about whether or not we ought to provide some money, so we could have what they call an Indigenous Engagement Officer, um, who would work in Ampilatwatja and Utopia. So, we have got a Government Business Manager, who, of course, is a public servant.

What we are thinking about is giving some funding so that we could employ a local person, a local Indigenous person, to work with the new Government Business Manager to help that relationship. So that goes to what you said at the start this morning, Mr. Downs, about getting a relationship going. Would it help if we were prepared to give some funding to employ a local person?

01:28:19;07 AM5 Oh definitely.

01:28:22;07 FS1 Who would have a job, a proper job, not CDEP, but a proper job. It's not CDEP. Yeah and who would help that relationship. We would advertise locally, not in the paper or anything, not for everybody, just for somebody from Ampilatwatja or Utopia. They would have to look after both Ampilatwatja and Utopia. Is that a good idea?

01:28:41;07 AM5 Yeah, that's a fantastic idea.

01:28:43;01 FS1 Well, that's what I would like to put on the table at the end. If you like that then we will go ahead and do that then.

01:28:48;01 AM5 Why can't we have a guy from here as well as Utopia?

01:28:50;05 FS1 I haven't got enough money. It's as simple as that. I haven't got enough. We have only got 30 across the NT.

01:28:56;11 AM5 Of course, you're including outstations as well? That's why I thought if you had another guy there and another guy here -

01:29:03;13 FS1 Well I would like to. I would like to have two but I'm sorry, but I don't think we are going to have enough funding.

01:29:08;02 AM5 Well one job would be good yeah.

01:29:09;25 FS2 I think the bottom line is, if you start with one, and if we can make it work so well, then eventually it will reach a point where the government says, well that's working so well we can't afford not to have another one.

01:29:19;29 AM5 Yeah we got a couple of really good guys -

01:29:23;03 FS2 I reckon - my advice is start with one and do it really well.

01:29:26;21 FS1 OK. So that was my idea, Mr. Downs, for helping with the relationship. *Our* idea, as an offer to help with this relationship, going forward, and I am sorry the ladies weren't here to hear it.

01:29:37;27 FS2 Because it might be a lady.

AM5 It's up to the community.

01:29:40;23 FS1 Could be a man, could be a woman.

01:29:42;02 AM5 It's up to the community. When we go through that interview process and everything.

01:29:45;05 AM1 OK. We are finished.

01:29:47;26 RD OK. *(language)*

01:29:49;03 FS1 Well, thank you very much for the marathon, being prepared to listen to us for such a long time. Thank you very much for coming.

FS2 Thank you, Banjo.

AM Thank you. See you.

(Everyone gets up and disperses.)

RD *(to AM)* All the ladies gone. We split up too much. We lost all the women.

(RD, LA and FS1 engage on conversation.)

RD With this one, Brian -

01:30:44:03 LA (language) I just said, like, because all the women went and if they get together, if they come across with some recommendations for us, we'll take that on board.

01:30:51:24 FS1 I was hoping at the end we would all come back together because I wanted to tell everybody.

01:30:55;18 RD No. nah.

01:30:58;19 FS1 - because they're tired and they been going on for a long day. I understand why.

01:31:00;18 RD It's just, we have lost the women, so we can't tell you anything at the moment

FS1 OK

RD and yeah we are still unsure. (language) I'm not convinced about a lot of things, Brian, so –

FS1 Understood.

RD And I see this is just an opening, a little door opening for us to start coming through and start getting together. Yep, yep, so -

01:31:22;13 FS1 I know we have a long way to go. That's OK. I think on good faith we have come here, we have had a good discussion. Well I think it has been a good meeting and appreciate the help you have given us and everyone staying for as long as you have.

We have talked about the housing, that there is some money for upgrades, not for new houses. I have said that if the Shire is ready to look after the garbage truck then we will fund, provide the funding for a new garbage truck and I have said that we will fund a new job for a local person to help that relationship, get that partnership going that you're talking about. But, I know you have got a lot of concerns. We respect that and we know that it's gonna take a while to get things moving.

01:32:11;27 RD Yeh. Yeh. Like I said, I just don't see much at the moment, but I do see a little opening there (language RD to LA). Give me your card

LA (language)

RD That's right. (to FS) Give me your card, because I would like to get some sort of an idea how long does the process takes from the time you guys interview Centrelink (language) the Shire.

(Men talking amongst themselves.)

End of Disc Two

Annexure D
Arlparra/Utopia
Northern Territory

Transcript
of

FHCSIA 'Special Measures' Consultations:

*'Future Directions for
Northern Territory Emergency Response'*

13 August 2009

Identifiers

Arlparra/ Utopia

13 August 2009

- A FHCSIA General Manager in charge of NT Intervention
 - B Rosie Kunothe-Monk, President of Urapuntja Council and Barkley Shire President
 - C Harold Nelson, Senior Lawman and Boss of Rain-making Ceremony
 - D Gary Cartwright, Shire Services Manager – Arlparra /Utopia, Barkley Shire & previous CEO Urapuntja Council
- E – I Community members

Part 1: 13 August 2009:

ARLPARRA/UTOPIA, NT
FHCSIA SPECIAL MEASURES consultations for NTER

Australian Government meeting on "Future directions for the Northern Territory Emergency Response"

(NB: A lot of Arlparra community input, opinion and feeling is omitted due to lack of translation.)

TCG+00:00:00;01 *[scene from front window of vehicle traveling into Arlparra/Utopia: warning sign of Prescribed Area, blue warning of alcohol and pornography prohibition, sign for Utopia Station, map, heavy road train passing raising thick dust cloud. Kev Carmody's song, 'Freedom' is playing]*

A:TCG+00:00:36;10 *[approaching the community, then Brian Stacey, FHCSIA General Manager, Head of NT Intervention for FHCSIA, standing on porch, reading from papers to many Aboriginal people. The women have their heads down in Sorry Business]:* I know there is some anxiety, at the moment, you've got some close family members who are not well. We're very sorry about that, and we, like you, hope they will recover soon. Today we would like to talk with you about all these changes that have come through the intervention, what's been good, what's been bad, and what you think about going forward.

TCG+00:01:05;20 We've got a lot to go through. On the other hand I know people have got other worries, so they're not going to want the meeting to go too long, and I think we've organized some lunch as well. I hope that we can do it within an hour or so, and how you want to do the meeting is really up to yourselves. *[to Rosie seated on chair]* So, just with that, Rosie, is that enough in terms of a start and people have understood?

B:TCG+00:01:32;11 We're still not very clear, Brian, what proposals you bring to this community and we would like to hear those. We feel, here, that the intervention offers us absolutely nothing, excepting to compound the feeling of being second-class citizens. The only thing we have gained out of the intervention is the police. We had had dialog in the past about having a police station here.

TCG+00:02:06;07 But that is all, and also, we are still reeling from the way the Federal government wheeled out, or dealt out, the intervention, in a military fashion, when Major Chalmers sent out the army, in uniform, and they did the health check, which is a duplication of our clinic here, and we still feel that you are breaking some human rights points, in the way you have addressed our needs.

TCG+00:02:43;22 Not you personally, but the Federal government, in agreeance with the Northern Territory government. If this intervention was so good for us, why did you remove the Racial Discrimination Act?

TCG+00:02:59;03 We want to know all that. We're not idiots here. We think very clearly. After hearing your proposal, we will then, perhaps answer, and maybe we will put in a counter proposal. Out of the, say, money that you have received in the Northern Territory, on behalf of Aboriginal People, we are not getting a red cent out of that, as far as we are aware.

TCG+00:03:27;00 That is going to do some band-aid work elsewhere, and a few houses, new ones, are going up. I've just come back from listening to the Top End communities in the Arnhem Lands, and people are dissatisfied with what's at the front of our Sacred Lands, those blue signs. I have spoken to Jenny Macklin's advisor. I have asked them to remove that.

TCG+00:03:57;23 There is this morning on the news, just for your information, sly grog running between Geelong and Ballarat. Why hasn't the intervention signs gone up there? Now I would imagine it is a little bit more than just the grog, sly grog, selling. I would imagine there is pornography there, I would imagine there are drugs there.

TCG+00:04:22;17 If there's one rule for black people, and one rule for white Australia, who are our brothers and sisters? There is a division being created, and these are some of the questions that are going around. The other thing is, when you said, or Rex Wild and Pat Anderson put out, *The Little Children Are Sacred* report, Howard did not get in touch with Rex Wild, even to have a yarn.

TCG+00:04:51;16 We are human beings, Brian, we are human beings, and we also have our own culture, which we're not about to roll over and hand over. We find, because in the Land Rights Act, Section 74, I think, or 2, double A, has been weakened, and this community has been divided, by just a family of white people here, and we seem to be helpless, because our authority has been usurped.

TCG+00:05:26;14 It's been undermined, and I think you know which one I'm talking about. It's the issue of the store. One of those people, I think, has been convicted, and another one went to court. We, on this place here, have always controlled alcohol coming into this place. If there are any of our young people come back here, we, we discipline them. We say, 'you do not drink, where there's children, women, and older people like, like myself.'

TCG+00:05:58;29 We have a good community here. But there has not been any investment, financially or otherwise, into our lives here. The only beautiful thing that has happened to us lately is that we now have the secondary school, just here behind. And once again the government undermined the interests of our young people and they have understaffed that school. There are people wanting to go in there and we have not got enough teachers.

TCG+00:06:42;02 Once again the government has assumed, assumed, that assumption has to stop, and a real dialog has to begin, and it has to begin

very soon. So, Brian, there's a lot of things that we want to hear from you, and we will tell you whether it's good or whether it's bad for this community. We have survived this long and we will continue to survive, under *our* Law, not under the whiteman's law.

TCG+00:07:14;00 We will obey the whiteman's law because it runs parallel to how we feel anyway. But our rituals and so forth, that's our business, nobody else's. Not any whiteman has a right to tell us how we live or how we speak. Today we can just speak, if we want to, just in language. And you're very lucky, you've got my son, Leo, over there, who can hear what I can say, in my language. But you can't understand me, because white Australia has not bothered to meet us halfway. We've met you more than halfway.

TCG+00:07:53;00 We've met you more than halfway. It is time you came and had a relationship of meaning and significance with us. So Brian, if I sound a bit angry, it is the way we are feeling, because I don't think the intervention is going to do what it purports to do. It's a lie. It's a lie. My people are not pedophiles. If they are pedophiles, I want you to point out which one. Which one mucking around with little kids?

TCG+00:08:24;25 None of my men, none of my women. They're my family, and I certainly am not a pedophile. Nor am I a porn addict. Nor am I an alcoholic. So these are the questions. The southern people think that we are that. We're not, we're not, and we're saying it loud and clear. Now I want you to answer and tell these men, and these women, and myself, why we are being punished by the Federal government and by the Northern Territory government. Thank you.

A: TCG+00:09:00;11 [*She hands microphone over to Brian, says something in language, several voices answer*] Well, I'm – just say a couple of things in response. This consultation around where the direction, what direction the emergency response should take, we are looking at this issue of the signs. I don't think, with respect, that everybody agrees that the signs have been bad, but -

B: TCG+00:09:34;00 [*interjecting*] We say, Brian, it's bad!

A: TCG+00:09:36;00 – some people - I know, and I've heard that, loud and clear, but others have told us that they think that the signs have been a good way, to tell people that they don't want these things in their particular community.

TCG+00:09:47;12 But we are, as part of this consultation across the Northern Territory, the government is committed to looking again at the signs and what we should do. But I've got the message loud and clear from Utopia. But what I want to say, was go back to three points, really. We did a review. We had a look at this intervention last year by people who were independent, and people who were Indigenous. This review was a commitment by the Labor government in Canberra, after the last election.

TCG+00:10:26;15 It was done last year. Some of you might recall, Peter Yu was the chair, an Aboriginal woman from New South Wales and another very experienced public servant, who had worked for a long time with Indigenous People. And there were three things, which came out of that review, and they

go to what Rosie is saying. The first is that people - the first is that the situation for remote communities in the Northern Territory, is - requires national and urgent attention.

TCG+00:10:58;23 Not enough housing; not enough schools; people not always looking after one another the way they need to; not being able to get food at a good price, the right sort of food; not having, as I said, adequate housing; not having a good health service; not having a good school. These are things, across all the remote communities in the Northern Territory, and that review said, for that reason, we have to start doing, continue to do something about that.

TCG+00:11:30;09 Now Rosie said that she doesn't think what's being done now will work. But, leave that to one side, just for a moment, respectfully. The government - this review - independent - said there was a critical need for governments to do something about the many problems that communities across the Northern Territory have. The second thing the review said was that we can't - is that we have to find a way to reset the relationship with Indigenous People in the Northern Territory. Now this goes to *many* Aboriginal people feeling that the intervention was wrong, because they were not consulted before it started.

TCG+00:12:09;08 Because the Racial Discrimination Act was taken out of the intervention. And that made many, many Aboriginal people feel less worthy than other Australians, that they had been discriminated against. This review said we had to do something about fixing up all that hurt and pain. We had to do something about that relationship.

TCG+00:12:36;11 The third thing the review said was that, whatever the government did into the future, it had to make sure that it complied, that it was consistent with, the obligations the government have around the Racial Discrimination Act, and also it's international obligations around protection of human rights. The review complained, exactly as Rosie has, about the Racial Discrimination Act.

TCG+00:13:02;17 So there were three things that that review said: one, that the situation in many remote communities in the Northern Territory was very bad, that governments had to take responsibility, and do something about it; secondly, that we had to fix up this relationship - and it's been badly hurt by the way the intervention was rolled out in the Northern Territory; and the third thing was that what we did needed to conform, or be consistent, or the same as what it is for - and meet our responsibilities on the human rights laws.

TCG+00:13:39;23 Now the government accepted each one of those findings of the review. The government has agreed with that and the government said that. That's why, in making changes to the intervention, we're coming out to talk to *every* community before the government makes up its mind. Now I know people can be cynical and critical of the government, but we have put a lot of effort into talking to hear what people think about the intervention, good and bad, before it makes up its mind about what changes ought to be made.

TCG+00:14:18;01 The government also has said that it will bring back the Racial Discrimination Act into the Northern Territory Emergency Response, in October, this year. That is the commitment. It's a public commitment. The government has made it time and time again, particularly Jenny Macklin, over the last six months, that legislation, a law, will come into the Parliament for it to agree to have the Racial Discrimination Act brought back into the Northern Territory Emergency Response.

TCG+00:14:47;03 And we're here today to talk about that, and some of the other changes that need to be made, so that we can make sure that we are operating within the Racial Discrimination Act, when it comes back. So, the other point to make, is that the government doesn't think that, if it needs to fix up the relationship, if it knows that it's hurt many Aboriginal people because of the way the intervention got rolled out, because of the way in which the Racial Discrimination Act was taken out of the intervention. It still believes, like the review, that there were some good things to come from the intervention.

TCG+00:15:31;23 Now I've heard, loud and clear, what Rosie's just said, but many communities have told us that good things have come. Police is one of them, and I'm, you know, Rosie, I'm pleased, acknowledged that there were some good things about police being put at Utopia, at Arlparra. We've put police in about another eighteen communities across the NT. That's been a good thing. We think there have been some other good things.

TCG+00:16:01;02 The government's decided to keep going in the meantime to try and make sure that the good things keep happening and, at least, for another three years. So I guess that's my opening. That's my response, Rosie, to what you've said, upfront.

TCG+00:16:14;02 *[hands microphone to Rosie, who stands up]* Thank you, Brian. It certainly doesn't make me feel any better, but I will have members of the community speak, on how they feel. I'd like to see some public servants with a Green Card and see how they felt the thing goes down. We are *not* children. We're adults. We have survived in this country long before any white people come.

TCG+00:16:44:19 I will now hand over for some response from members of the community. *[hands microphone to an older man wearing a red Central Lands Council cap.]*

C: TCG+00:17:01;05 *[there is a buzz of conversation in language]* Heh. Sorry. I think about government people making this rule. This is Aboriginal land and here - *[he reaches into his pocket, gets out green basics card and throws it down]* That one! *[he kicks it with his shoe]* It's come into our Law and changing it every might be three years or two years, one year, and changing *all* the law, *all* the rules.

TCG+00:17:00;01 And what about Aboriginal people? They've got the law. It's in the Northern Territory, Aboriginal land. Why that come? Why you lot not like anything like us people, black people. You, you're joking. Oh look! Look into Melbourne, Sydney, Brisbane, Alice Springs, Darwin. Probably you mob

very brave place! Really good. That sounds really good. You run into Business Law, big Law, in this Northern Territory. That's big thing - I'm not joking.

TCG+00:18:11;18 That's a big thing. That's why Aboriginal people living here. Here! You mob of Aboriginal people, fifty million dollars, for you mob look after yourself. You work for your life, for your meal. You gotta do that. Don't play around with the Aboriginal people, poor people. They're rubbish. You look me. I'm Business man, whiteman. Own my own ceremony, a big thing. Don't play on any government people today. We share together. That's only way. That's the Law. That's the Rule. Not playing up. All right, blackfella, are we people? That's all right, we can give them no money. We give them little bit, little bit of money. That's joking. You play up with people. That's not right. You come into this land, We've got a Business I can show you. Rock sitting there.

TCG+00:19:13;10 That's the Rule. That's the Law. That's a big thing there, but you're run into Aboriginal country. Hey! I will call up all these people, men we call, everything, and we made that million, million dollars. We can play with them, they can't read. They don't know what they doing. That little money'll be alright. They can fix their kids. And you turn around, and after that you got a (*inaudible*) thing, then you take away all their kids.

No, you got no Law there. You got no Business. You are just a white people, nothing! You only want the money, that's all.

But the Aboriginal people got a different Law. Big thing there. Sitting there, all the time. Never change in our land. Thank you. [*offers microphone to the other men- discussion in language*] Everybody know me. I can speak. I can face the government people or any people today. That's rubbish, that's rubbish. That's not a good thing for me. [*pointing to the Green Card on the ground*]

TCG+00:20:32;02 No change, no tobacco, that's all. [*picks up card- more discussion in language*] Playing up with that. That's rubbish. I put 'im in the rubbish bin. There. I might get a little bit money out from there. [*then picks it back up*] I'll keep 'im for a little while, I'll throw it away. I'll burn 'im.

B: TCG+00:20:53;17 And it's not a joke.

C: TCG+00:20:54;29 Yep. I'm not joking. I mean it. That's my Law. I mean it – all over Australia. I'm big thing in that. You know all coming, Captain Cook, near that Sydney. We might go looking for minerals, we might find a lotta good things. Like this? Where now, that Canberra? Million, billion. Million, billion. They're rich people, and they're changing idea. Thank you. [*Hands the microphone over to Rosie, and there are several comments in language as she offers the microphone to the men*]

C: TCG+00:21:47;21 [*sitting*] I wonder is there anybody in the Territory that we love Federal government. Let the people, we might think about it and ask for money, and for them to think about it and do something for us mob. Please!

[stands and walks towards Brian] That's all you gotta do. We altogether. I said before, three times – in Land Council meeting and every other meeting, I've said the same thing. I've never been school myself, but I'm just rubbish, just a bush man – me and Rosie – been born together *[meaning born on the same day. He hands her the microphone, walks away laughing]*

B: TCG+00:22:29;07 So that's how we feel, Uncle just said –like - he and I, in your eyes, are rubbish. You gonna babysit us, you going to hand feed us? We're capable people. We are capable of looking at future directions for ourselves. And what we're giving you, the message today is, that we will put up a counter proposal, to what the government is putting, through you, to Jenny Macklin, holding in place - holding in place *[there is a lot of talk in the background, in language, and she holds up her hand and says something in language]* So that's the message, very strong. We will not stop being Aboriginal People, with our language, with our rituals, through our rituals, our responsibilities to the land, and furthermore, holding that land as the *underpinning of everything we are.*

TCG+00:23:30;29 *[a vigorous conversation in language ensues]*

B: TCG+00:23:46;00 There's one more. Gary's going to talk.

D: TCG+00:23:49;05 As the former CEO with the Urapuntja Council Aboriginal Corporation. Up until the 30th June 2008 Urapuntja Council ran this place. This is my fourth year here. Up until the 30th of June 2008 there were very strong indications that Urapuntja Council was being listened to and it was making some progress and I'll give you some examples of that. In the 2008 - 2007-08, up until the 30th June, we had managed to negotiate a very, very satisfactory, and good, SRA. A Shared Responsibility Agreement with the ICC *[Indigenous Co-ordination Centre]*. That was Stage One, with all strong indications that Stage Two would follow. Now, Brian, I'm a little bit puzzled, because, when the intervention came, I was told that the money that was being used for SRAs were absorbed into the intervention. I'm not too sure if that is correct or not.

TCG+00:24:48;27 But, we did complete Stage One with, with some excitement about Stage Two, which also included an art centre, but all that has stopped. So, I'd like to revisit, or I would like to ask Brian's staff, Sylvia and Louise, if they can follow through with what was the SRA, with what was possibly going to flow through with Stage Two. That's the first thing I would like to ask.

TCG+00:25:22;27 The second thing I would like to point out, and I'm not playing a political game here, I just want to point it out, to Brian, at Brian's level, and to Brian's staff, that when we were Urapuntja Council Aboriginal Corporation, our last funding for the 2007-2008 - I mean it was always short, but a lot better than what it is now. In that year we got a grant from the NT government for \$211,000. That was a grant. And the other part of the housing grant was a target rent, which was set by the NT government at \$134,000.

TCG+00:25:58;04 We actually collected that rent. We collected \$134,000, which was reflected in our audit. So we did pretty well. We got over \$300,000 for housing and we sort of added on. Although we had a few staff members, we were sort of keeping up with it to some degree.

I'm informed, as of yesterday, that our housing has now dropped to something like \$134,000, which is less than the grant we got before, which was \$211,000 and the rent is only \$70,000. That's wrong.

Under income management, everyone, initially, paid rent. It didn't matter if someone lived there, or they lived in a little old house with no toilet, everyone paid rent.

TCG+00:26:46;08 Then we did have a hiccup and Lenny's house burned down. And when I made application for TIO coverage to repair that house, we were told by the NT government: 'Lenny's house isn't insured.' Well why should people pay income - through the income management - rent, if houses aren't insured? It's something the NT government and the processes have not considered properly. We actually fixed Lenny's house, with existing R&M money.

TCG+00:27:00;27 Now, the last financial year when Urapuntja Council was operating, we actually attracted a good grant of \$400,000 dollars to upgrade our septic systems. We have *huge* problems and it's been in the media. We've got huge problems with septics. Now with that \$400,000 we were able to fix up 37 of the 85 septics at the stage. But no other grants are coming through. And so, I've just raised three areas of funding that worries me. The SRA – what happened to the possible Stage Two of SRA? The second point I've raised is, we're now getting less housing R&M money than we did under Urapuntja Council, and the rent, I'm told, is \$70,000.

TCG+00:28:07;01 There is rent money somewhere, in the NT government housing or somewhere, that belongs to the Barkley Shire Council, that should be tagged for this community. We did it, under Urapuntja Council, we did it, and we did it without complaining. And the third issue is, we still have serious problems with our housing, and with our septics. Now the ICC did help us with \$400,000. It's a lot of money. But when you're talking septic systems, \$400,000 did help us upgrade 37. We still have another 50 to do.

TCG+00:28:40;05 But I can't seem to get my message through and I may get sacked for this. I cannot get my message through to my director within the Barkley Shire, that we should be talking to ICC about additional money for upgrades. And, as far as, I want to end, and I'm not playing the politics, but I want to end by saying, we did miss out, Brian, on the cleanup money. And to me, that's a big issue. When people live in, and I'm not pretending, in third, fourth world conditions. *[he hands the microphone to Rosie]*

B: TCG+00:29:19;0 Just before Brian responds, just before you respond to all that which are very real, that Gary has brought up, and most likely he will be reprimanded through the Barkley Shire. But this is not apart from the Barkley Shire. The Barkley Shire is funded at a very minimal rate. The other thing I think that we must remember, Brian, excuse us, Sylvia for a minute,

is, this area is not included in this SIHIP Program [*Strategic Indigenous Housing and Infrastructure Program*] of the \$672,000,000 that has been allocated for homes and rebuilds of old houses.

TCG+00:30:07;04 We are being punished. We do not get one red cent from that first investment, by any government, in Aboriginal housing. We want all this explained to us, by you, and we want the answers. And we will have a counter-proposal. We will have that, Brian. And you will get it, and it must go to the Minister. [*she hands the microphone to Brian*]

A: TCG+00:30:27;25 Hum, well, shall I try and respond to the things that Gary said first?

B: TCG+00:30:36;00 Yes, absolutely.

A: TCG+00:30:37;00 Gary started off by talking about the Shared Responsibility Agreement, and that there was a - we finished Stage One - I believe. I think that's right, is it? But not Stage Two. Stage Two went to looking to build an arts centre, which is something I think you absolutely need and I'm astonished, quite frankly, given, you know, the art that's been produced in Utopia, of such quality, that it's been done by people here without the support of the arts centre. I actually always thought that you had one given how great the art is from here.

TCG+00:31:17;00 We also talked in that Stage Two about helping with setting up an aged care centre, I think, Gary. Was that it, too?

D: TCG+00:31:25;01 That was part of the Stage One that we ...

A: TCG+00:31:28;10 Look, the money for SRAs did not get taken off – away - and put into the Emergency Response, and so, if that was the message you were given I'm sorry for that misunderstanding. I think what happened was that all the focus of the public servants shifted to the intervention.

TCG+00:31:45;29 And it sounds like, sort of, in through that process, things to do with the SRA just got put on the back burner. But Sylvia is working very hard to get it back on track. We remain committed to it and to fulfilling it. It's not necessarily our – we can help with the arts centre through ABA. We have to make a case through the Aboriginal Benefit Account. You've got a letter, I saw it, Gary, from the Department of Environment, saying that they wanted to keep working with you around setting up an arts centre. So, as far as we're concerned, it's a high priority and we're going to keep working with you to find a solution to that.

TCG+00:32:22;21 On the aged care centre, same deal. And the third house, I think it is, for the aged care centre. We are working on it and we still regard that we've got to fulfill our commitments completely, and we intend to do so. We just haven't – On the arts centre, it's a big investment. I think you know that. We need to do a proper business plan, do it properly, work out how it's going to be viable and support itself. We've got to do that work, whatever it takes. But we are hoping to get something into the Aboriginal Benefit Account for building something, if that's possible, and they need to agree.

TCG+00:32:56;23 But suffice to say we're sticking at that, and we're sticking at the aged care centre. That's the SRA. We're not walking away from it. On the matter of housing support, I'm worried about what you've just told me, that amount of money's being reduced. That's not what we had been told. So - We'd been told that the position of the Federal government, and keep in mind that support for homelands is now with the Northern Territory government – they get funding from us, though, to do that.

TCG+00:33:25;17 But we were, we've been asking the Territory government to make sure they don't let the housing that the Federal government's funded over the years, fall into disrepair. That's the assurance we're seeking from the Northern Territory government. You've told me today that you've had a reduction in your housing. Before we leave, if we could have a copy of that correspondence, we would be very grateful, because that's very worrying, what you've told us.

TCG+00:33:49;19 We are told by the Northern Territory government that it will continue for *occupied* outstations, where people are living, to give services, essential services and municipal services at the same level. I don't know if that part's been cut, has it?

D: TCG+00:34:01;23 My understanding is that ... (*inaudible*)

A: TCG+00:34:04;00 Well, I'd like to see the correspondence about that thing too. I'd like to sit down and have a yarn to you about that. On the rent, I thought that we fixed up the problem about the rent money that was paid through income management going to Territory Housing instead of the Shire. It was meant to have gone to the Shire. You ought now to have an amount that is at least as much as what you had before.

TCG+00:34:22;23 I don't understand why that's not the case. We've worked very hard to get to the Territory government and the Shire. That's one reason why the delay in the letter from Rosie and Mr. Jones. I apologise for that, but again, I'm worried about that.

D: TCG+00:34:37;17 If I could just say, Brian, with the rent, I'm particularly concerned about it, because, under income management, everyone was paying rent. *Everybody* initially was paying rent. Now, we managed to collect \$134,000 dollars under the Urapuntja Council because that was, that made up the budget. Now \$134,000. I with somebody else in this office, went around to every house, and we just said, this person and this person will pay rent- this person, this person pay rent. And we managed to achieve \$134,000 target rent. Now, with income management, and with the debacle and the saga, and it was all highlighted because of Lenny's house burning down, that we were shown there were some serious problems. But then Centrelink and NT Housing, they've got together, and, I think, with your department, tried to sort it all out. The money that has transferred back to the Barkley, as I understand, is \$70,000. That is wrong, Brian. That rent money should be, and I've estimated, should be up around \$200,000. And I would like that to be investigated.

A: TCG+00:34:41;15 Yeah, well we *[Brian turns on mike]* We agree that needs to be investigated. That was not what we'd understood was happening. We thought that we were fixing a problem up, and bring it up to the levels that it should be. You've just told me that something different may have happened. We need to investigate that properly.

D: TCG+00:36:00;23 And I have raised this through Ministers in the NT government, I have raised this very issue. But I can't seem to move it any more. And my position here has changed, and I really shouldn't be talking at this meeting, but I'm talking as the former CEO of Urapuntja Council.

A: TCG+00:36:19;29 That's fine. The last thing really will be investigated. So I've said three things, Gary. One is that we are committed to working with you around Stage Two of the Shared Responsibility Agreement. That's still on the table and we want to find a way to further those commitments. Two, and we are doing, we are making some progress on that. Two, on the housing funding. That's going to have to be investigated. Three, on the rent funding, I can't understand why we got to that position so that needs to be investigated.

TCG+00:36:43;14 On the community cleanup – you are right. That leads to the 73, you know, communities that were part of the Emergency Response, and

B: TCG+00:36:56 10 We weren't part of it, were we, Gary? We weren't part of the Emergency Response, originally?

D: TCG+00:36:43;00 Initially we weren't. *[inaudible]*

B: TCG+00:36:06;10 It was rolled out in indecent haste and all of a sudden they decided that we would be in it.

D: TCG+00:37:13;04 When it was first rolled out, Brian, we weren't on the original list. But then later that year there was that legislation to include communities on Aboriginal Land Trust, and we ...

B: TCG+00:37: 24;10 Now, I must warn you gentlemen that people are getting restless on this side – *[pointing to the Aboriginal men]* – because they too have concerns. White people talk themselves in English, and our people are sidelined. Ray, did you want this, here?

B: TCG+00:37:41;00 I think Uncle Harold wants to say a few things, and so do other people. *[goes over and speaks in language to the men. hands mike over –]* I want to hear from young people too. *[more conversation in language.]*

C: TCG+00:37:59;27 Hey, any European people got this? *[he holds up Green Basics card]* Government! *[referring to Brian]* Anyone got this? Like white people, you know, they got this? Only all the Aboriginal people, hey? Whiteman! Any white people got this? And that thing, that's only for Aboriginal people. Black people.

A: TCG+00:38:30;18 It's for – can I just answer? It's for people who are living on Aboriginal land, ah, in the communities, and the town camps. Now, ah, we know that nearly all of those people are Aboriginal, are indigenous. If a white

person was living here and they were on Centerlink, they would also get that card.

B: TCG+00:38:55;06 *[Rosie says something in language to Uncle Harold, then adds]*
... only because he lives on Aboriginal land.

C: TCG+00:39:10;25 You've got a responsibility. You got to give me \$900 dollars a week. That sounds pretty good for me, in my idea, alright? And you got no Green Card? We want to get rid - from all of the Northern Territory. All of the Northern Territory people – You'll have to put in little bit more money for Black people! All pensioners – Centrelink - instead of waiting for money – find a way so they can do something with own money. That's a good question for me. And me, I'm old people, I'm pensioner, but people got to give me \$900 dollars a week! *[laughs]*

TCG+00:39:55;17 Nah, I'm not joking, I mean it. Like honestly, that's big thinking that. I wouldn't, I did hang on to this one for little while? Then I might throw it away, I'll burn 'im. *[walks back to his seat]*

B: TCG+00:40:10;20 It's only white people that live on Aboriginal land that'll get green cards. Mah!

E: TCG+00:40:15;13 Yeah, When they come up to Australia, Northern Territory, we've been talking about another strike. Where that place is a good place. Good cry. We've got nothing to cry ... How many management are Darwin, Canberra? How many people we've been packing' up? Lotta people. I'm sick n' tired coming asking. Alright you've got to go with this law. We can't go – on own - *[Lot of interjecting in language]* We trying to follow that track. How many people been sit down alonga Minister in Canberra? We got nothing. We still the same. We still the same. It's true, Aborigine, never change over. We live?

TCG+00:41:17;21 Where is the bloke that come and give me money? That's why we called for a strike. We want our pride. I can't give me pride. I would be looking for you give me pride. This one here *[he goes over to an intricate painting of Utopia lands]* We're looking for price for this one. Asking? That is my land. Utopia. I'm not gammon, looking my land. I've got own book – that's why we're trying to lookin' *[inaudible]* we got *[inaudible]* down, That's why we are trying little bit, we got homeland, we're trying to look with government.

TCG+00:42:03;28 We can't change which way we got to go. That's a power! That's a really power! *[several people clap, saying 'Power! Power!' as he hands over the mike]*

B: TCG+00:42:17;10 I think almost on that note - we're not interested for anybody dictating to us how we're going to live on this land, on Utopia. You heard it loud and clear, Brian. Future directions of the Australian Aboriginal persons will come at our pace. We'll own that journey.

We'll not be dictated to from edicts coming down like bullets from Canberra. This land is much older than white settlement. Your values are entirely

different to ours. *Entirely different*. If you're going to have generosity of heart and good will, you take into consideration, one of the oldest living cultures in the world, in the whole wide world. We are *not* second class citizens!

TCG+00:43:24;00 We're the first Australians! And we will not lie down and take orders when we are not committing a crime. What the Northern Territory intervention is doing, as far as we are concerned, is dividing us from our white brothers and sisters. The goodwill of what Charles Perkins started in the Freedom Rides is disappearing. *[She turns to the men and says something in language about the Aboriginal man recently murdered by whitemen in Alice Springs]* We do not want that to come to Utopia, because Black people are not encroaching on your law. We obey the law. We obey it. Every tin god that's been set up through the bureaucracy think they're ten feet tall. They are not. *[turns toward the Aboriginal Elders]* These are the men with the wisdom of Solomon.

TCG+00:44:27;06 There they are. And nobody has taken time off from this crazy cash cow, which is the intervention, to come and listen to us. Listen to old women like me and listen to these wise men. You look at them like they're rubbish. They're not rubbish, Brian! They are not rubbish! But that is what the intervention is imparting to us. We don't do that. And that's what we're feeling.

We want the high school in close proximity to our culture. Our culture will live on. Our culture is inclusive of every person. So this is what, what you put up in good will, is it good will? *[there is much discussion in language in the background]* ... the issue of the living culture of the Aboriginal people.

TCG+00:45:33;02 *[More spirited discussion in language. Uncle Harold goes over to the NT Policeman sitting down and speaks to him - inaudible]*

F: TCG+00:46:05;16 Aboriginal land! 'Im can't take it away! You know, we can't go. It is Aboriginal land. We got grown up here. We sit down here. Aboriginal land! Aboriginal land! That's right. 'Im can't take 'im away! We stay here – Arlparra. Aboriginal land! Old one, this one, Aboriginal land!

B: TCG+00:46:00;00 This is strong. *[More language]* This is strong Aboriginal land. Nobody is to erase it or take it away from us. This is strong Aboriginal land. *[She gives the mike to Brian and sits down, with vigorous discussion in language going on. People are studying and talking about the government booklet]*

C: TCG+00:47:47;00 *[Uncle Harold goes over and gets the mike from Brian, speaks]* All of the people in CDEP(?) All of the people they looking after every outstation every place, every community place - Why they been ? The Aboriginal people all they been put up England somewhere. Have they been put up by England or what? They made that way.

Blackfella is here. Emu. Kangaroo. All the coming of the police, they're working. What they've been made there? They might be proper educated to understand and know that. That's Aboriginal Business. Emus. Kangaroo.

How they made that? Oh, they might a been in a dream? That one put up there oversea and Mister Cook and family - all they bring Kangaroo and Emus?!

TCG+00:48:49;11 Our minerals? They made 'em gold, everything. Kangaroo. Emus. Lot of Business is here. If you look me I can talk my something here, Business. That's 'im. How you going to bin know? You made out of England or oversea? Might be someone bin dreamed that! What's that? *[He walks over and hands the mike to a man in an orange shirt, someone sings out]*

G: TCG+00:49:23;22 *[He speaks forcefully in language, then hands the mike to Rosie, and a lot more discussion in language ensues, then she continues]*

B: TCG+00:50:19;29 *[after replying in language]* They give us, out of that intervention money, \$5,000,000 million for Utopia and we run ourselves. That's what we've been talking about, little bit.

TCG+00:50:29;28 And we're going to write that one down on paper first. *[speaks in language]* ... village *[gesturing around]* ... You've been to Garma. You saw what happens at Garma. We have not had any real investment in this area. Our gold, our gold, everybody robs us, is that art. *[speaks language, indicates painting on the wall]* This didn't come from outside, this came from Urapuntja. That's our gold. Our *[language]*.

TCG+00:51:03;19 That's our gold, and if the government were serious, they would not put us in a little tin shed and call it an art centre. We demand nothing less than a village, whereby our visions and our dreams, and the spinoffs from that, will make us independent of the welfare cycles, which the government has put us in. We don't want to be there anymore. We don't want the green cards or anything else, nor Jenny Macklin's friend. Our Dreaming's here. And we can grow from it, and we can prove, within five years, we can be off the welfare system. Our art is known throughout the world. And it's been smelted down and it's been dribbling out of Utopia. We want to harness that. Thank you.

TCG+00:51:58;06 *[Much more discussion in language, people looking at the government booklet, and the Green Card]*

B: TCG+00:52:45;28 You want to talk about that income management? *[she gestures, saying something in language. More discussions in language]*

A: TCG+00:53:04;26 I just want to talk about the Green Card, this Basics Card. And I'm just talking from the government's side. I've listened to what people have said what are in their hearts, and in their minds, from your side.

I know very well this is Aboriginal land. And I can tell you there is absolutely no intention of this land being taken off the Traditional Owners. And it is very important that you know that. I know the history of this place very well. You might not believe it, but I do. I was here in '83, I was the one who told the Minister to make it Aboriginal land. I know very well the history of Utopia,

TCG+00:53:43;07 and Urapuntja, and Arlparra. No one is taking your land off you, and we know, and respect, your culture, and we want that to remain strong.

I need to talk to you though about what the government's thinking about some of these changes and to see what you think about it. We've been talking about this Basics Card, this Green Card. And I've heard that people are not happy with the Green Card. The government, it's thinking is that, because of the income management, there are some difficulties.

TCG+00:54:18;11 Maybe it's just not here, but more money, on food, on clothing, less drinking and gambling in a lot of places, and better food. But hang on, hang on, I just want to say that we also note there are problems, that people are complaining, that it goes to everybody, whether they can look after their money or not. That you can only shop at certain stores with this Green Card. There are problems with finding out your balance. It's very hard for old people, we know. That's right. People complain because income management doesn't apply to everybody, just to people living on Aboriginal land in the communities.

TCG+00:54:58;01 So, the government's thinking, at the moment, at the moment, is that we should keep going. In its discussion paper, in a paper that it's put out to all the communities, it says, two ways. One way is not to make any change. Keep it as it is, try and find a way to fix up the problems with Basics Cards. The other way is that individuals, a person, could go to Centrelink, or someone else, they could go to Centrelink and say, 'I don't need income management' and they can – ultimately - the Centrelink can say, 'Yes, you don't need income management.' It's what they call 'being exempted.'

TCG+00:55:46;15 ... from income management. So somebody could go and say, 'We don't need this income management, we don't, we can look after our money properly. This is no benefit to us.' and Centrelink could say 'OK,' and give you a tick and, 'You don't need income management.' What do people say to that? Without yelling!

C: TCG+00:56:04;01 Yeah, but I can do that, what you're saying now, but I've got my kids, I've got to draw off that money, money go to bank, cash money, and I look after my children, my home, feeding. I've got somebody looking after 'em. My blood kids, I look after. I give milk, I won't drink, I won't stealing, gambling, or anything like that. I'm a really sensible, I'm really sensible. I look after my kids that way. I want to get full money from the government, sit down money or grant, you know? Anything like that. I can grow my kids right way.

A: TCG+00:56:48;26 OK. Well, what the government's talking about is those people who can't look after their money, it's too hard, they've got too many problems, they've still got the Green Card. Those people who can go to Centrelink, they can look after their money, they know what they're doing, they can be taken off the Green Card. That's what the government's thinking about.

C: TCG+00:57:10;00 *[some comments in language]* ... that mean Aboriginal people got to understand? If they're like me, I can speak back to the government.

A: TCG+00:57:25;15 That's it. I'm sure that's right. Rosie was asking, 'How much longer?'

C: TCG+00:57:40;00 How much longer? 'Till I die!

H: TCG+00:57:46;00 Minister? What's your name? 'Brian' Dennis Kunoth. This is all my family here. I come from this place, all right. This Green Card here, when you're saying, people, if they want to go to Centrelink and say they're doing all right with their own money, what requirements would Centrelink want to do that? Because not everybody would, most of the people here, nobody got a job here, nobody can make any difference, really. They wouldn't be able to go there and say I manage my own thing. What money they got to manage what? They only getting rubbish money, when they got that green card, they can't get any change back or anything.

TCG+00:58:25;11 What a load of crap! Too many government organisations, government included, the Federal government, the Northern Territory government, all these Aboriginal organisations reckon they're helping Aboriginal people. They're making a big mess.

C: TCG+00:57:37;00 That's right!

H: TCG+00:57:37;20 They're not putting any money into people, people got no money whatsoever. People are struggling. And you're saying that people can go to the Centrelink. What people? What they've got to go with? They've got no money. They're battling, but they can't even get any change from ice-cream. People are battling, properly. Why is the government messing things up? They should've left people - People got no job. People got to have money, full stop. Why shorten money up?

TCG+00:59:01;25 Why all the governments and all these Aboriginal organisations and whoever, squabbling over things? Aboriginal people need to live. They don't want to – We don't understand what all these arguments about. You people just come here from nowhere from the government and start saying what're you going to do, and carrying on and all of this sort of thing, and people can't survive. The government, Australian government is rich. They taking a lot of these minerals out of the ground. They make money from everything, *and* including on Aboriginal land. Where's all the money?

TCG+00:59:35;17 All the money? What about this art centre, that's supposed to be built? All my family's painting some of the best paintings in the world. We know that, you know that. Why isn't there art centre here? All the money, white people coming in, the art buyers, the carpet-baggers, the whole lot, come in and buy - I know, I'm a bit of an artist too. I've been painting. I got a lot of paintings hanging in Araluan and everything. Like my brother's family there. We're watercolor painters like Ntaria side, Hermansburg side, Namatjira's side. Why haven't we got an art centre here? All the tourists and that can come in and buy. People can make a lot of money. That's creating employment for people, that sort of thing. Never mind saying, oh, we're

working on it. You've got to get it happening, alright? Never mind saying people can go to Centrelink, saying, I'm self-sufficient, I don't need a Basics Card, that's a load of hogwash. People will never be able to do that. Thank you. *[clapping]*

A: TCG+01:00:24;25 Rosie asks when are ... *[Rosie stops him] sorry, [people are speaking in language, the, 'Yeah, you're right,' then more language]*

B: TCG+01:00:51;00 We haven't got a homicide happening every week. *More language]* What about like wearing seatbelts or something? How do people pay their fines? They then get a criminal record for not paying, like that.

A: TCG+01:01:01;15 OK, well, look I'm - there was a lot to talk about there. I'll just go to, when this, if the government was going to change it, so that a person who had that Green Card could ask Centrelink to be taken off, I can't say when. The government is bringing legislation into the Parliament in October this year. That's what it said, that's its commitment. Now, you know, unless something goes horribly wrong, it will be bringing changes to the law for the emergency response in October this year. One of the changes will be definitely to bring back the Racial Discrimination Act.

TCG+01:01:50;25 That's definite. It was suspended when the NTER started in 2007. It will be reinstated. That is definite. That is a rock-solid commitment from the government. They've never changed from that. They've got to make up their mind about whether or not it's a good idea to allow people to come off income management, if they can persuade Centrelink. If they did that, that will be in the legislation in October. Now, how soon that gets through Parliament, well- um - it's got to get through Parliament. They don't have a majority in the Senate, so, it's going to take some time, I presume. But that's the answer. *[to Rosie]* Just get the ladies -

B: TCG+01:02:33;00 Ladies, which one want to talk?

TCG+01:02:35;01 *[Many women are sitting in a circle on the ground, with the mike, speaking enthusiastically in language about the Green Card. Children come and go. Hestitant with microphone.]*

B: TCG+01:04:09;00 You going to talk? Hurry up. We're going to break for lunch in a minute. *[they all continue speaking in language for a few more minutes]*

I: TCG+01:04:14;00 This Aborigine land. Strong land. Strong culture. My uncle, Harry Nelson, has ceremony and big Law in this place, Arlparra. ... Very strong cultures and that's all I can say.

B: TCG+01:05:01;00 Thank you. *[more discussion by the women in language]* OK. lunch is ... *[in language]* We can have a break and have lunch. And if people want to bring more up after that we can talk again. Thank you Brian.

TCG+01:07:02;00 *[Two NT policemen, armed with pistols, etc leave the courtyard and walk into the building. Outside some of the younger men are*

grilling sausages, and inside the police, Brian and Ross McDougal, Head of Government Business Managers are talking.]

End of Disc One

Part 2: 13 August 2009:

ARLPARRA/UTOPIA, NT

FHCSIA SPECIAL MEASURES consultations for NTER

Australian Government consultation on "Future directions for the Northern Territory Emergency Response"

(NB: A lot of Arlparra community input, opinion and feeling is omitted due to lack of translation.)

TCG+00:02:00;17 *[Scene on porch, with about 20 Aboriginal people lined up, mostly women and a few children. Switch to Rosie, holding microphone.]*

B: TCG+00:00:07;24 And then we'll finish up, eh? *[she speaks with someone in language, then hands the microphone to Brian]*

A: TCG+00:00:25;13 *[mostly reading from a sheaf of papers]* Thank you. Good afternoon everybody. Before we broke for lunch, we were talking about this Green Card, this Basic Card. And I, *[pauses]* - We were talking about that if the government keeps going with this income management, this Green Card, how could it work better? And one thing we talked about was, somebody on the Green Card, who's got the Green Card, being able to find a way to be taken off. Be switched off income management, because they didn't need it. That's one of the changes the government's thinking about.

TCG+00:01:17;00 We asked people here to tell us what they thought about the Basic Card. I sensed that many people are worried about this Basic Card. They're not happy. Some, I think, one woman said that she thought there were some good things about it. *[A comment was made in language]*

B: TCG+00:01:35;11 They were just pointing out to you that it was *one* person.

A: TCG+00:01:38;00 OK. One person. All right, I got that message. There were some other changes that came with the intervention, not just the Basics Card. And I'm wanting to talk about that as well. One of them goes to these bans on grog. Before - a lot of remote communities were already dry

TCG+00:02:08;14 under the law of the Northern Territory government. After the intervention, the Federal government changed that law. They said that grog was causing too much damage to communities. It was hurting too many people, and instead of just for the communities, the Federal government banned that grog across all Aboriginal lands. They banned it on all the communities, which were on cattle stations and in the town camps.

TCG+00:02:56;00 It also asked the police, and you know that the intervention brought more police, including a police station at Arlparra. The police had to make sure that the new law was enforced. People weren't drinking alcohol,

they weren't selling it and there was a ban. Some communities, could be at Ampilatwatja, I don't know what happened in the Homelands, at Urapuntja you could get a permit to drink. At Ampilatwatja yesterday people said it should be completely dry. If that's what the government wants, we shouldn't allow permits.

TCG+00:03:40;18 What men said was a bit different to what women said. That was at Ampilatwatja. Some people said it's good, and some people said, no, it was wrong. They didn't need the ban. The government is thinking about making some changes, but before we do that, I'm just thinking, ah, Rosie, you know, is there anyone who wants to say what people are thinking about these grog bans. Maybe some of the good things and some of the problems. *[He hands the mike to Rosie]*

B: TCG+00:03:40;18 OK. *[interprets in language. She walks along the line of men seated against the building. They speak with her, but none of them take the proffered microphone. She goes back and reports]* Not on our land... Where's the women? They've gone. Men feel strongly, that is to be endorsed. We don't want anybody drinking out here, making a nuisance of themselves, in that way. Maybe at a later stage we might look at forming a club, but that will be our own decision, in the future, not now.

TCG+00:06:03;06 *[She hands the mike back to Brian]* Is that clear?

A: TCG+00:06:04;25 Yes it's clear. *[inaudible – talking to staffers]* Certainly... I think it's clear.

B: TCG+00:06:14;00 And we don't want anyone getting permits to drink here.

A: TCG+00:16;00 *[turns to three staffers]* No permits, and no permits.

B: TCG+00:06:21;00 No permits. Complete ban on homelands. We never had it, and we never want it.' *[He shows her the papers. Rosie and Brian speak, but the background noise makes their words inaudible]* They said a flat No! We see a need and we make a decision on that need.

TCG+00:07:01;05 Lease. *[speaks to the men in language]* We said No. ...school ... That five-year lease, remember? We said no. *[continues in language]*

C: TCG+00:07:26;19 ... Complete *[inaudible]* land Utopia. We've got a big ground. Business, Business is push you mob back.

B: TCG+00:07:33;00 Yeah, Too much Business we have ...

C: TCG+00:07:35;14 *[inaudible]* Sydneyside. Not here, Arlparra. Arlparra, I'm responsible. I'm Land Trust, but I want no anything.

B: TCG+00:07:44;30 No lease.

C: TCG+00:07:45;05 No lease.

B: TCG+00:07:46;11 Very strong against any lease. As the occasion arises, like it arose with the high school, we gave that little bit, or we're going to.

C: TCG+00:08:01;00 ... people might stir up little bit grog in. Bring grog in. We got to look after all the kiddies like school.

B: TCG+00:08:14;12 Yeah. So, no grog. The school, we look after that very strongly right now. And, I've got to report that the school is overflowing. There was more than what was in June in that school. And there are people that are 18, 19, 20, whose wanting to go back and access that. So we need to (?) through Batchelor and ICTU, we'll take that up with them.

A: TCG+00:08:39;30 Do you give a lease to that school?

B: TCG+00:08:41;25 I think that's coming. They're going to come back, the DPI, for a lease, they're coming back to talk to us about that. When we give land for school or something, what our people are saying here, is, lease, first, commitment from the Department for putting it up and control left with the people.

TCG+00:09:12;07 So three things are clear from what people have been saying. If we make a special purpose lease, such as the high school, what is the commitment by the Education Department? They're not just going to dump it there and then expect *us* to do repairs and maintenance. But the control must always be with us, in the behaviour of the students, in looking after that piece of land. That, I think differs from other communities. Got that?

A: TCG+00:09:43;00 Yes. Understood.

B: TCG+00:09:45;24 The lease...

D: TCG+00:07:47;30 It's all individual ... with a staff house. There's a lease just on that staff house.

B: TCG+00:07:52;26 But staff can't drink and make mess there ...

D: TCG+00:07:54;10 No.

B: TCG+00:07:55;10 Control is with Aboriginal people of the land. We control that. We don't just say, lease *[language]* You can do whatever you like. No. We still *[something in language]*

C: TCG+00:10;13;00 *[inaudible]* ... This mob's been doing ... we wouldn't want ... that sacred ground ... I don't want to let 'em people everything, major mistake ...

B: TCG+00:10:38;10 We had a bad experience when the police came out and dug up everything, and Uncle Harold came back from somewhere – Oh - big rocks was everywhere!

C: TCG+00:10:39;30 And you know what then? Boss! Boss! *[Attracting Brian's attention]* Aboriginal land. Minerals. You mob, you got lotta money. You got to respect Blackfella, me! Nothing happens. Nearly all over Australia,

Aboriginal land. Please, can't you understand and listen to me? Like you mob, you got a lot of buildings all over the city. What you respect your place, built all the houses and - Money belong Blackfella, from this Territory, you got me?

B: TCG+00:11:25;10 When we see the need arises, we will make that decision.

D: TCG+00:11:33;00 Well, Rosalie, I think the best way to explain it is, the middle school was built by *[inaudible]* but actually they went through five different sites before they found that site. And when they found that site, it was right.

C: TCG+00:11:44;30 *[talking with and other men, talking partly in language. He walks to another man who gives him a stone]* Sydney, Melbourne ... there are a lot of good buildings ... Alice Springs *[raises stone]* Darwin. Same. That's why we sit here with people – Europeans. *[points to stone emphatically]* If we sink this one, we drop 'im ... *[drops stone]* ... anything like that ... Clean 'im up all the city. *[language]* You make me sorry for all the money. Even Canberra, we can do that easy!

TCG+00:12:42;14 Take away all that money for the people. Too much! Too much! Nice clean baby! All of the city ... one day *[picks up stone]* that's 'im. That cyclone, yeh cyclone, same thing. *[throws stone to ground decisively]* clean 'im up all the cities. Too much European. Too much black ... from Blackfella! *[Lively discussion in language]* And we can take all that water too from everything. Water, we can take plenty that water and bring back to the homelands. That's the ceremony. That's the Business. Hardest thing. Hard one. Lot of city like Sydney or Darwin, Melbourne – you got no water, What you do – you drink that saltwater? ... for the tea?

TCG+00:13:38;19 That's why we keep 'em quiet like poor buggers, we mob! Broke. No money. We sit down quiet.

B: TCG+00:13:49;00 Yeah.

?: TCG+00:13:49;19 Lotta power.

C: TCG+00:13:50;00 We got lotta power. That's from my tongue. *[more language Uncle Harold re-enacts dropping the 'stone']* ...anything ...saltwater ... fresh water ... won't make any difference ... we can drink all that water I carry 'im in my belly ... *[Rosie advises Brian to thank Uncle Harold]*

A:TCG+00:14:11;04 Thank you very much for that message and we know how important your culture is for you. And I remember hearing about that rain-maker when I came here over twenty years ago. So I was talking to mob right along Plenty Highway, you know, as well, I was *[inaudible]* then. *[Uncle Harold makes a sign with right hand]* It's very pleasing it's so strong *[Uncle Harold makes a sign with both hands raised]* and we want it to be strong. So, thank you very much for telling us that, and I'm sure there are things that we could learn from your culture and the way you do things. That's right, there's not enough water in Melbourne.

C: TCG+00:14:45;27 *[laughing]* Saving water at Melbourne!

A: TCG+00:14:52;10 That's right. I'll just talk a bit more about the changes in the intervention. The government just wants me to ask you what you think about some of these changes. I got the message very clear on the grog bans, thank you. And also about the leases, the leasing.

Another change with this intervention was around the stores, the community stores. One of the changes was that the government decided that the stores had to have a license that came from the government. This was because, this was because, on many communities across the Northern Territory, the government was thinking the stores - the prices for the food was far too high, that the food was very bad quality. It wasn't good for kids. The stores weren't being properly managed and that was hurting Aboriginal people.

TCG+00:15:49;09 And that this had been happening for a long time. Now I'm talking about across the Northern Territory. *[reading from brief]* So one of the changes with the intervention was to say every store in the remote communities, it includes here, had to get a license. And this was a way, by getting this license, that the government could make sure that there was better food, that they were better managed, and they could also be part of the Basics Card. We think, on the government's side, there's been some good things, that there's more food in the stores. There's a lot more being bought. A lot of the stores have got much better computer systems and it's been a way to make sure that people, who are managing those stores, often people who are not from the communities, they have to - it's been able to make sure that they are doing their jobs better.

TCG+00:16:50;06 But not everywhere. We think that there's a lot of work still to be done. The government wants to keep going with the licensing system for the stores, but it's thinking to make some changes. One change it wants to do is to make sure that when it's looking at whether or not a store should have a license, it will look at the *character* of the store manager, to make sure that character is good. So, I'm thinking about whether or not people have anything to say to us about some of the good things or some of the problems around community stores. *[hands mike to Rosie]*

C: TCG+00:17:26;20 *[seated on ground]* What don't take the - like Arlparra, say. Store. They got a name there, Arlparra Store. I don't want people to put a different name. It got to be the Arlparra. Arlparra community owned community. We got to keep that one. Not Outback Store, or whatever you call that one. We wouldn't have money in the pocket. Nothing happened! I'm not happy, gentleman. I'm not happy. That's why I'm telling you, truly, honestly -

E: TCG+00:18:00;06 *[Rosie hands him the mike]* We problems with - Problems are with the store manager look after 'im place and --- Community member they got to be witness. They got to have a meeting on how much he spending. All that things they get through - community member account to the committee. That's what he should be doing.

C: TCG+00:18:21;00 That bloke only just *manager* looking after our store. But *they* drinking grog!

E: TCG+00:18:28;30 You know that 'nother thing, you know, too much price for things . All the Blacks got to sort him out and he got to listen to the store manager.

C: TCG+00:18:40;19 Storemen got to listen to we, all the Blackfellas.

B: TCG+00:18:48;24 Thank you. Did you get that, Brian? Yeah, they're not very pleased with what's going on. And we do want the store managers, when they come in, to listen to people. We're not quite sure how we can make the committee more effective.

A: TCG+00:19:06;01 But does that mean, Rosie, that people, at least as a last resort, are happy enough for the license system to continue, and that governments are doing something about this problem?

B: TCG+00:19:17;10 Store management [*switches to language*] ... license ? ... store run ... Yes, that's OK.

C: TCG+00:18:29;00 I'm not happy with that what you mob meaning 'Outback Store' Blackfella store.

B: TCG+00:19:10;30 They're not quite sure about the outback store ...

C: TCG+00:19:37;00 That's no good for people. We got to name there, 'Arlparra'. 'Arlparra Store'. 'Blackfella Store'.

B: TCG+00:19:45;00 You are not to take the name 'Arlparra' from the store.

[then there is more conversation, mostly in language]

A: TCG+00:20:00;00 This outback store was just something that was set up so that a community, if it *wanted* it could ask Outback Stores to come in and look after their store. It doesn't mean you have to change the name. You can still have 'Alparra Store'. It doesn't matter where, you don't *have* to. It's not compulsory. It's just an option for communities to think about.

TCG+00:20:23;07 They might think, well, getting Outback Stores is a good idea. There's other ones. There's Arnhem Land Progress Association. We call it 'ALPA', 'ALPA Store'. So, there's different companies. We're not - the government's not going around saying you've got to have Outback Stores. It is just another option to try and help communities to manage their store. The store's still owned by the community, and they still have the name. And the store's still owned by the community.

TCG+00:20:50;14 All they do is come in and help you manage it. Yeah?

C: TCG+00:20:53;17 We like to keep our own opinions here. [*comment from another man in language*] That store gotta listen to Alyawarr People. [*more discussion in language*] ...little bit funny one.

B: TCG+00:21:21;00 *[in language]* This one Simon ... *[in language]* It's on the grid.

A: TCG+00:21:30;00 OK. Fine. OK. This one is a tiny bit difficult. This is a difficult one to talk about and I don't mean to be disrespectful or rude, and I'm sorry to have to raise it, but one of the – but I think I need to know what you think. One of the changes that came with this intervention, we already talked about changes with stores, we already talked about grog, Basic Card.

TCG+00:21:54;56 *[reading from script]* Another change with this intervention, another change in the law, was about this thing called pornography. This is, um, um, ah - Something that the intervention did was ban - so that you couldn't have this pornography on any community, on any place on Aboriginal land. It was completely banned, because the government was worried that in communities there were people, often people coming from outside, that were, taking advantage of Aboriginal people and doing the wrong thing. I think- Do people know what I mean by this pornography? I don't know how to describe it in your language, but white people talk about rude material. It's rude, you know, may be video, something like that.

B: TCG+00:22:44;03 *[Brian passes the mike to Rosie, who speaks in language, and several of the men respond likewise ... yeah, we are still clean ... sign ... grid 'No pornography here']*. But we never had it anywhere in the first instance. But that's what he's talking about. Nobody's allowed to bring that into our country. We don't want that rubbish.

C: TCG+00:23:12;02 We've got to push that back.

B: TCG+00:23:13;00 Yeah. That rubbish. We don't want it. We've always been that way. So it's nothing new to us. Only white people do that kind of thing. Our people from here have said, 'you don't see *[language]* ...or video ... That's not our Law. *[speaks in language, and men comment likewise]*. We don't want it here. *[the men comment in language]*

TCG+00:23:42;09 Thank you for that and I've got the message very clear. This is something – I know people have been worried about the signs. This is a problem. I think that people have been - Aboriginal people have been complaining that the signs make out that all Aboriginal people have something to do with pornography. And this has really been very dreadful I think to many people, and I'm sorry. And that the signs make out that Aboriginal people somehow or other are not worried about protecting their children from this rude material, and I *know* that that's not the case.

TCG+00:24:24;24 *[reading from script]* The government is thinking about making a change to the pornography ban, the ban on pornography. They want to - they are going to look at the signs again. I said this morning, a lot of people have said they don't like the signs, but I have to say to you, some people, women, for example, even yesterday, said to us they thought the signs have actually helped. So not everybody says that the signs are bad.

The reason why, can I just explain, the reason why the signs are there - the government put them there so that they had a way, if somebody did the

wrong thing, to be able to say to that person, 'The sign was there, you should have read it, you can't come and tell us now that you didn't know.'

TCG+00:25:17;01 So that is why the signs are there. They are there as a way for the police to be able to say to somebody, 'you can't excuse yourself because you can say you didn't know.' They're very big, those signs. I know that's hurt a lot of people. They're coming onto the grids, you know, as you are coming into places like here. I saw them in and out of Ampilatwatja. They, and Irrultja's got one even, I think.

This is about people not being able to make an excuse when they go to court, that they didn't know, because the police will say, 'yes, but the sign was there.' The signs do *not* say that all Aboriginal people like those things. This is how people feel. But the signs don't say that. The government will look again at the signs. It will have to, I think, and what to do with them.

It's also thinking that, with these bans, maybe into the future, I think you've told me you don't want it, it's rubbish, and that's the end of it. But some places, they might be able to say to the Minister, 'well we don't need that restriction. We don't want it here. We want that choice'. [*Rosie gestures for the mike and he hands it to her*]

B: TCG+00:26:28;00 Brian, what hurt us mob is, that we didn't even know what that was, and white people in Alice Springs have got those things. They've got shops where you can go in and buy all them dirty material. You can't come into our shop, or to Arlparra, and find those things, we got, we don't want it.

We have exercised our authority from the *customary* side, from *Aboriginal* side and we've not had any pornography here. But what the message went out all the whitefellas look at us and they say [*in language*] 'dirty buggers' ... worry. That's our worry. That was our worry and the way it was put there, at every Aboriginal place.

When I was staying in Adelaide, and I come out of the hotel, and just in Hindley Street there, and there's this, 'Adults only' it's called, right in front of me. And I was thinking, 'Well why doesn't the government put that blue sign here?' They can't do it. They can't do it in Adelaide and even with the grog, we don't have grog here, we've controlled it. But the way it was rolled out offended this community of people.

TCG+00:27:49;05 That was our angst, and still is, to a lot of degree. [*She offers the mike and Brian gets up and takes it. There is some discussion from the men ... main office was looking after us strong.*] We want it that way.

A: TCG+00:28:05;05 OK. That's good. That's great. OK, I've got a clear message, thank you very much. [*reading from script*] Another part to that is, that, the government's been worried that, sometimes computers, in offices in communities - sometimes people have got onto the computers and they get this rude material, this dirty material too. You've heard of that one? You know what I'm talking about? And so, one of the changes with the intervention was to say that all the organisations, which are getting money

from governments, including shires, for example, including Aboriginal Medical Services, it doesn't matter -

B: TCG+00:28:47;27 ... including government departments ...

A: TCG+00:28:48;29 ... government departments. Everybody has to, if they're working in Aboriginal communities, or on Aboriginal communities, they've got to install these filters.

TCG+00:28:59;09 And they've got to be watching how the computers get used. In government departments in Melbourne, Sydney, Canberra, it doesn't matter where, they've already had these sorts of things going for a long time. But it wasn't happening in Aboriginal communities.

[reading from script] The government thinks we should keep going with this change. And that we should be making sure that everyone who's got a computer in communities has filters, like you do across Australia, and that they're recording the use of those computers, and they're having a look to see what happens with those computers. Every six months, they call up and audit. *[he hands the mike to Rosie]*

B: TCG+00:29:35;10 That one, like we don't know much about that computer, *[speaking partly in language, and various men nod or speak in agreement]* the internet, dirty things they can bring it up there... see what filter ... But we don't want that one. We don't want that one to stop. We want the government to look after that one. We don't want dirty things coming in from that whitefella's side ... through our community... So that's OK as far as we're concerned – I don't want my grandchildren to look in there and see that. None of us do.

A: TCG+00:30:22;18 That's me message then? OK, we're nearly finished. One of the other changes was that the government set up something - it's in Alice Springs - Rosalie might know it. It's called the National Indigenous Intelligence Taskforce. It's part of the Australian Crime Commission.

TCG+00:30:47;23 It's trying to get information about violence and abuse in communities and trying to find a way to protect people in those communities who give this information. This is about trying to make sure that governments are getting notice of what's happening in communities about people who, troublemakers, or people who are doing the wrong thing, might be abuse, might be violence, and let me say, many times, this is white people coming into communities. But we know, that because governments haven't been supporting communities the way they have been for a long time in places like the Northern Territory, that they do have these problems, and no one there to help deal with violence and abuse, and trying to find a way to get more information so we can sort this problem out.

TCG+00:31:39;20 *[still reading from script]* We want to be able to look after people who want to be able to give information on what's happening in the communities. For the government, they would like to keep going with this change in the emergency response. *[hands the mike to Rosie]*

B: TCG+00:31:54;18 *[speaks in language first]* We don't, we don't see any reason why you can't keep that going, but here, because our Law is strong, we look after those things. We look after when wife and husband fight too much. We are the ones that come in, family mob, and we separate them and say, don't fight, because we marry our country-way, and Law – old –safe that way. *[language]* ... wife smashing husband, or husband smashing wife *[language]*. So with our Law in place here, we don't have that violence, however, if there are dysfunctional communities, we cannot disapprove of that. That's OK ...

A: TCG+00:32:59;29 *[hands the mike to Brian, who continues from script]*, Thank you. There is one other change. It's not a big one. Part of the function of the intervention was to give the government the power to stop funding organisations, if they weren't doing the right thing. They weren't giving the services. They might not be - they might have bad people managing them and it was to give the government some power to be able to cancel the contract and stop funding them. A lot of people were worried about that, because they said, well, that's not fair, the government shouldn't be able to do that, if they don't want... they should have to review it properly, and talk to the community and everybody else

TCG+00:33:51;11 before they were coming in over the top, and anyway a government's got other ways it can do that. So the government wants, the new government wants, to what they call repeal that part of the intervention. They want to actually take it away. That power. Does that make sense?

B: TCG+00:34:03;00 They want to drop that power?

A: TCG+00:34:05;30 Yeah, drop it altogether. So some say there are other ways in which we can stop the funding. We ought to go through a proper process, talking to the community, and we shouldn't - the government shouldn't just have the power to stop the funding. *[gives the mike to Rosie]*

B: TCG+00:34:19;20 Can I ask, can I ask, to how that relates, say, between the tussle between the Tangentyere Council and the government, right now? How do we read that one? *[she hands back the mike]*

A: TCG+00:34:34;21 This power I am talking about has never been used, and it is certainly is not being used against Tangentyere. Tangentyere's funding is being continued. *[he hands the mike to Rosie]*

B: TCG+00:34:40;11 *[speaks in language with the men who reply in language]* ... Now, we want that to continue funding, funding for that place. So, as far as we're concerned, it's too much exertion brought to bear on naughty children. We're not naughty children. We're very deep thinking people and we utilize our Law of the land to assist us to where we want to get. The biggest thing that we have an argument with the government is, we're not white people. We have our own language. We have our own ceremonies. We have our own land. What we want from the government is *real* help and *real* funding, rather than putting law on top of our Law.

TCG+00:35:43;02 Because we won't tolerate that. *[She hands the mike to Brian and Gary comes over to whisper something in her ear.]*

B: TCG+00:35:59;15 *[She turns towards the men and speaks language with them.]* ...
...say no we don't want to fund them anymore and they take it away ...

C: TCG+00:36:23;00 That's why we want little bit a money from them. We can fix things up.

B: TCG+00:35:59;15 *[language]* ... I might say to uncle ... *[language]* That's my business. That's my family ... That's our business.

E: TCG+00:36:48;07 *[language]* ... all the government would put 'em there ... in town, no toilet, ... that's why we keep ... *[more discussion in language]*

B: TCG+00:37:32;25 They're talking about the by-laws of the company (in Alice Springs) - but they're concerned about that too, that they're going and they might put their swag in the fork of a tree, and go and shop for a couple of hours, when they come back, it's gone. Those new laws, ... Alice Springs town camp *[she turns to the men and continues]* ... Alice Springs town camp. We can write letter from us mob and say, That's wrong.

E: TCG+00:38:03;10 ... not allow in town ... people from the bush, maybe sick people, kidney problem, heart problem, ... *[discussion continues amongst the men and Rosie in language]*

B: TCG+00:38:38;00 They should be able to go and sit down with family in Alice Springs.

A: TCG+00:38:59;22 *[Brian picks up the mike from table]* I think that's it for talking about the changes to the intervention itself. Just to say again that these changes start with bringing back the Racial Discrimination Act - that the former government decided that the Racial Discrimination Act should be taken out of the Emergency Response. Not because they thought it was racially discriminatory or wrong, but they wanted to find a way to be able to remove any doubt that it wasn't, and they were worried about arguments. Now, whether that was right or not, the new government knows that this caused a lot of hurt and left many Aboriginal people feeling as if they weren't equal to other Australians.

TCG+00:39:57;03 The new government will bring – *[reading from script]* has said that it will introduce changes to the law for the intervention in October, this year, to bring back the Racial Discrimination Act. That's the first thing. We're also looking at making some changes to the - also looking at fixing up and making some of the changes that were put in place work better. It's not straightforward. It's not easy. That's clear enough. We're doing a lot of - when the Emergency Response started, in 2007, we all know the government believed it was an emergency and it had to act quickly and it didn't consult with communities before it started the Emergency Response. It believes that that was the right thing to do. Many Aboriginal people feel as if that was the wrong thing to have done. Before the government makes changes now, it is talking with communities across the Northern Territory.

TCG+00:40:53;13 Government business managers are talking to their communities. We're having community meetings, like this one, across the Northern Territory. We've got what they call workshops on a regional basis with Aboriginal leaders coming across communities in a particular region, and we're bring all the organisations together across the NT, including the shires, to talk about changes to the intervention. The government has said it won't make up its mind until it's been told what came out of those consultations. What did Aboriginal people say about what they thought about the intervention? That's why it was so important to have this meeting today and know how you feel. We will - we started talking to people in June. We don't expect to keep going with meetings beyond the end of August, because the government's gonna have to be briefed about - and start thinking about what it's going to do.

TCG+00:41:52;01 There will be a report that is public about what happened with all these consultations across the Northern Territory. The government said they will table that report when they bring the legislation into the Parliament. So that's what's happening from now. Did you want to? ... *[handing the mike to Rosie]*

B: TCG+00:42:09;11 ... ask any questions ... *[to the men, in language, then addresses Brian]* So that one, our Law does not change and we hope in future that there will be dialog before changes are implemented or introduced onto our country. We hope that any journey that the government proposes will also include us in conversation, right at the beginning.

TCG+00:43:03;00 We hope that there won't be the conflict which now exists. But we have heard you, Brian, today. But we will *not* keep on, continuing to trust, word after word. *[She turns toward the men, and speaks in language]* You've got to invest in your communities, out bush, in very real terms. One of those proposals - I'm very glad that you've heard us today and we will talk about that in a forum, perhaps not here. And thank you very much and thank you, Sylvia.

A: TCG+00:43:47;00 And one more thing. Just one more thing. Well, two more things. One is that we will write a report, from today, that will go back to the government, but we won't send it until we've shown it to you. So we are going to draft something. But –

TCG+00:43:58;00 Who should we give it to, Gary? To check and you'll get sign off, who he needs to, maybe a couple of men, a couple of women –

D: TCG+00:44:05;00 Just give it to me and I'll make sure the President ...

A: TCG+00:37:32;25 That's important and, second thing, is to thank you very much for having us, and, I agree with Rosie, it can't just be words, it has to be action. We do want to have a relationship, a strong relationship with all Alyawarr People. We accept that we don't always get it right, but we do want to have a strong relationship with you. We - I've also talked with Rosie and others today about having a local person employed, and I don't mean somebody from outside, somebody from inside here, who can also work with

us, proper job, quality job, and who will help that relationship grow stronger again.

TCG+00:45:01;07 So, we call them 'Indigenous Engagement Officer'. It's a local person. It's not somebody coming from outside - and just to help us get that relationship going stronger, again. So that's the last thing, I thank you very much everybody for –

B: *[reaches for mike]* I'll just explain, just make it clear. *[speaks in language, mentions Arrente, looks to Aboriginal man who walks forward]* Leo, you're working with these mob in that way, *[adds more in language, then]* Because we got position, I'll get my son just to explain what that role is too *[hands mike to Leo, who speaks in language, mentions 'government business manager,' and continues the discussion with others in language.*

C: TCG+00:46:45;03 That about the police, alright. Honestly you're talkin' ... What they're doing little bit wrong. Government doing little bit wrong, but, we mob, we're doing alright. We listen to them, and we ... *[inaudible interjection]* and government got to listen to us too [... 'however we getting money from 'em'] We're not lying or anything ...

B: TCG+00:47:13;00 Government and family, thank you very much, *[people clapping]* You're very strong, thank you. *[people are walking into the building, and Kev Carmody's 'Freedom' plays as the government car drives away, past the Australian Government sign: 'You are now leaving a prescribed area']*

End of Disc Two

Recorded for and on behalf of the community
at the request of
Rosie Kunoth-Monks
President of Urapuntja Council
by
Eleanor Gilbert,
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NTER REDESIGN TIER 3 CONSULTATION, TENNANT CREEK

Date	30 June –2 July 2009
Venue	Karugu Room, Tennant Training Centre
Staff	Geoff Richardson; Jim Ramsay; Jacqueline Bethel; Gail Ah kit; Lee-Anne Barnes; Di Collins

Participants

Participation at the workshop was open to all community members in the Tennant Creek region. People wishing to participate were required to register their interest with the local Government Business Managers or Indigenous Engagement Officers. Thirty six people drawn from Tennant Creek, Murray Downs, Ali Curung, Elliott and Alpurrurulam, attended.

Format of the Meeting

The workshop was conducted over two and a half days. It was structured to provide participants with detailed information on the Government's position on the NTER as detailed in the Future Directions Discussion Paper, including:

- its intention to table legislation in the Spring Sitting of Federal Parliament to restore the Racial Discrimination Act; and
- proposed changes to individual measures to improve the workability of the NTER.

A copy of the agenda is at **Attachment A**. Each information session was followed by a workshop using the specific questions from the Discussion Paper and a plenary session which engaged the whole group into the discussion about the future directions of the NTER.

Participants were advised that the government has engaged a consultancy firm to ensure that the consultations are conducted in a transparent and professional manner.

General Comments about the NTER

There were three propositions strongly supported by workshop participants.

1. That the Government establish a working group of Indigenous people to work on the redesign of the NTER.
2. That the Government establish local Indigenous committees to monitor the progress of the NTER against set targets. Participants considered that what has been passed off by the Government as achievements, are just numbers (quantitative) – not evidence of any real impact (qualitative).
3. That the Government focus on achieving real outcomes and determine if the NTER is actually improving people's lives or not. These outcomes must be able to be measured, monitored and reported against at a regional, state and national level.

There were a range of other issues raised.

1. The Government's Mandate

- The previous government lost its mandate partly due to its intervention into the NT and setting aside of the RDA.
- It is up to the Parliament to make the laws and change the legislation.
- The issue of a trigger for a double dissolution was raised.

2. The need for an effective complaints handling procedure

- There is a culture and practice of buck-passing by different levels of government and certain authorities.
- People were often told by departments that their issue was not that department's responsibility, but offered no support to find the appropriate one.
- No one seems to care about the concerns and treatment of Aboriginal people.

3. The lack of understanding/commitment by people in government

- People expressed frustration at the lack of consultation, particularly with Indigenous people working in the system – they have a lot to contribute and should be consulted.
- A lot of changes are happening but not all of Government is working together properly. There is a lack of coordination at the local level e.g. staff from Attorney General's Department were in Tennant Creek to hold meetings on the same day as the NTER consultations so people had to decide which meeting they should attend, yet both were important. The police are not working with night patrol and the Shire and CDEP are just a big mess.
- There was a strong view that the government is taking control away from the community. Tennant Creek has been working very hard to control alcohol and its effects in the town, but this has been overridden by the NTER (with little acknowledgement of the work people were already doing on the ground).
- People's lives have been turned upside down by the NTER, but nothing effective has been put in place for the children – no real outcomes, just 'numbers'.
- Families and Children's Services (NT) is not doing their job effectively and should be knocked down and rebuilt in consultation with the community.
- If the NTER can do sweeping changes, why can't sweeping changes be made to the public service culture, particularly where departments are not doing their job.

4. There is a lack of support for Indigenous Organisations

- The government is letting organisations 'die' e.g. Garungu.

5. More people are being locked up

- There is no change in behaviour just more arrests.
- More rehabilitation services are required in Tennant Creek.
- There needs to be stricter controls on alcohol licensees and outlets.

- Alcohol Courts; Community Courts; Circle Sentencing - were viewed as positive approaches to alcohol issues. When people go to community controlled courts, they get appropriate sentences and also 'treatment'. At present, you have to be a criminal before you can get help.

6. Indigenous Involvement

- There was a strong view that Indigenous people should be involved in the redesign of the NTER measures, not just be consulted.
- Regional strategies are needed to support local service delivery.
- There is too much talking and not enough action - we have been to three meetings in the past two weeks – what happens to our information?
- There is no regional strategy for Wumpurrani (local people) to gain employment in government - how can we get the desired outcomes for Wumpurrani people if there are not people with this knowledge working within the system?
- There has been no acknowledgement of information collected from Indigenous people in meetings such as these. The participants at this meeting are from different communities and language groups. People need to have their contribution to meetings with government officials properly acknowledged.

7. The need for positive messages:

- Under the NTER, there should be signs identifying different country e.g. 'Welcome to Warramangu country', not those dirty blue signs. We would like signs at the entrance to each community to have traditional symbols and strong positive messages (in language) about family and land.
- Police and Government Business Managers (Gyms) are only working to their own mandate; they are not involving themselves in communities ("no respect").
- GBMs are setting a precedent on how work can be done in communities e.g. 'different strokes for different folks'.

8. Target problem areas

- There was never a case of child abuse at Murray Downs so the 'Little Children are Sacred Report' doesn't mean a thing to us. The NTER measures should only be applied to those communities who were investigated and mentioned in the report.

9. Understanding the Government's position

- At the completion of the workshop, participants advised that they had a clear understanding of the engagement/consultation process. They also made a commitment to continue to be involved in the re-design process.

Racial Discrimination Act 1975 (RDA)

The Government's commitment to restore the RDA to the operations of the NTER was discussed at length. Participants advised that the manner in which the NTER was introduced and the suspension of the RDA has caused significant distress to Aboriginal people right across the Northern Territory (NT) e.g. men have been portrayed as paedophiles and abusers, women as poor mothers.

While the government's commitment to restore the RDA was welcomed, concerns were raised about what constitutes a Special Measure; and the fact the Federal Parliament, not the Government, ultimately decides whether the RDA is restored.

Income Management (IM)

Summary

Participants acknowledged there have been some positive benefits from IM. However, did not support either of the compulsory options outlined in the Discussion Paper.

The majority of participants supported a voluntary model where IM would either be triggered by a persons (unacceptable) behaviour or available to a person who wanted it e.g. those that found it beneficial.

Several participants advised that Indigenous leaders should be involved in assessing individual cases for IM as they know the people in their communities; who is struggling; and those causing disruption. Many participants claimed public servants were not qualified to make these decisions as they did not know the history or background of the individuals being assessed.

The workshop considered IM should have been applied nationally, as it was not just Aboriginal people in the NT that had problems. Furthermore, participants advised applying the measure just to Aborigines in the NT has caused divisions (both between Aborigines and non-Aborigines; and also between Aborigines that are income-managed and those that are not). Participants noted there were many people outside prescribed areas that needed IM; and there were many in prescribed areas that did not.

Benefits

- The left over money from the BasicsCard means more money for the following week.
- Direct deductions are allowed.
- More money is spent on food and clothing; more fruit and vegies are available; and there is more food on the table.
- Income Management (IM) has provided funds that can be shared amongst the family for food/clothing.
- It is good for those who cannot budget.
- The BasicsCard helps elders with their shopping.
- It can be used for school lunches – people can also use Centrepay.

- It makes it easier to pay rent and things such as ‘meals on wheels’.
- More kids are going to school.
- Even people with alcohol problems are now going shopping.
- It is making people buy essentials and pay bills.
- Income Management (IM) is positive as it is making people think (about their responsibilities).
- Less humbugging – from both drinkers and non-drinkers.
- There is a reduction in the number of mothers gambling.
- There was some support for Option 1 in the Discussion Paper.
- There are benefits from continuation of IM.

Problems

- BasicsCards cannot be used for such things as the Show; sporting carnivals; funeral expenses; school excursions; and bus fares - so kids are missing out.
- Food deliveries to communities are inconsistent.
- When the food is of poor quality there is no place to be reimbursed for bad goods; orders are delivered and left on doorsteps.
- The money is going into the BasicsCard and not into the kiddies account as access to the kiddies’ card is restricted.
- The issue of getting BasicsCard balances needs to be sorted out as it causes embarrassment and frustration.
- Individuals should be able to determine what amount should go into the BasicsCard.
- Income Management (IM) is causing depression amongst our people e.g. financial concerns; embarrassment/shame; lack of flexibility and control over money.
- Young people are still taking money off old people and accessing their BasicsCards.
- People are having difficulties in (and being barred from) certain shops – Aboriginal people are encountering abusive attitudes from shop owners and staff; some stores are abusing the BasicsCard system e.g. charging to use it or to get balances; and allowing grog to be purchased.
- People are embarrassed by not knowing the balance on the card, particularly when it is declined at shops.
- There is a lack of choice in shops/outlets where the card can be used.
- There is no name on the card, just a signature – which opens up the potential for misuse of cards by others.
- Balance enquiries are not 24/7; cardholders can only get balances through Centrelink; Need ATM access to check balances; also BasicsCard statements; people with limited numeracy skills are having difficulty using the telephone prompts.
- Patients cannot use BasicsCards in hospital or when interstate for hospital or other reasons.
- There needs to be greater choices on what people can get income-managed - no flexibility in use of cards; need more variety and BasicsCard facilities.
- Income Management (IM) is a discrimination of people’s rights.
- People are bartering cards for cash.

- It should target the ‘problematic’ and not the families that can budget their dollars.
- It makes it difficult to support kids away from home for school.
- Income Management (IM) cannot be a stand-alone strategy; it needs to be linked to other support programs (life skills, money management etc).
- Income Management (IM) should target the irresponsible families.
- The Government needs to create trust with Aboriginal people – not target everyone.
- Abuse of welfare payments occurs across the whole country.
- BasicsCards cannot be used by old people for cigarettes/tobacco.
- The IM system is very confusing.
- There is wide support for a voluntary IM model.
- Unhealthy and/or neglected kids go from family to family.
- Domestic violence is fuelled by peoples’ inability to control their money – IM can fuel violence in families.

Improvements

- Income Management (IM) should be applied based on an assessment of an individual’s circumstances; it should only be for those that cannot look after family e.g. drug and alcohol abusers. These people need to be under constant monitoring from authorities e.g. police, health, FACs etc.
- The system needs to allow easier access to money on the BasicsCard, perhaps through ATM’s.
- Centrelink should have a toll free number.
- Improvements need to be made to the supply of fresh, better quality, cheaper food and stock – is there any possibility of partnerships between the major companies like Coles, ‘Woolies’ and IGA to improve quality and price of stock and supplies?
- There was a call for better and more varied food in stores to cater for different diets e.g. diabetics, vegetarians. There needs to be community input to what is stocked in stores.
- There is confusion about the government’s approach to community stores. People are getting different messages about stores.
- A recent Women’s camp of 130 women reported they were happy with IM; however the older people and the ones that can manage their money don’t want it. Participants considered IM should only be applied to drinkers etc.
- Before the Intervention came into play, some people in Tennant Creek had spoken about people that couldn’t budget their money. There was a suggestion that something should be put in place, like IM.

PUBLICLY FUNDED COMPUTERS

The meeting noted the Government’s proposed changes, but due to the fact that the number of community residents that had access to publicly funded computers was very limited, participants did not express much interest in this topic. Only one group provided feedback during the plenary session and advised:

- computers were not generally available on communities; and
- there were only three computers available for general use by local people in Elliott.

ALCOHOL RESTRICTIONS

Summary

This measure generated a great deal of discussion. There were many stories about the progress of this measure; about ongoing concerns; and the community's preparedness to tackle this issue. The workshop generally supported the proposed changes to this measure, but wanted more action taken to manage alcohol usage and combat alcohol misuse, rather than just restrictions and policing. Comments included:

- People are being killed by grog - it particularly affects young people who go hard (binge drink).
- Things need to change for the safety of the children.
- There are still rivers of grog travelling through this town (Tennant Creek) - how do we steady up these rivers of grog?
- There needs to be stronger legislation to control alcohol.
- In WA (Halls Creek and Fitzroy Crossing) Aboriginal leaders are asking the government to slow down the tap on the rivers of grog.
- We want the government to come and talk to people on ways to make things better.
- There are a lot of kids walking around town drunk and nobody's doing anything about it.
- Most of the people from past generations are in the cemetery (loss of leadership).
- Family violence is still happening (but going unnoticed by the authorities). Our mob are observing it - there hasn't been any reduction in family violence.
- The figures show that the Barkly region has the worst amount of violence and sexual assault per capita than elsewhere in the NT.

Benefits

- The restrictions mean grog is not available all day.
- Police are now confiscating grog.
- It is leading to safer communities; reinforced dry communities.
- Alcohol issues are now on the political agenda.
- Less violence and less noise in communities and town.
- Fewer children hanging around pubs and town.
- Fewer children going to other peoples houses to sleep over (to escape problems at home).
- Alcohol related violence is being monitored, in a cultural sense, by members of the community.

Problems

- Prescribed (restricted) areas are too big – making alcohol restrictions difficult to enforce/manage.
- Police often act in an arrogant manner towards Aboriginal people.
- Licensees are showing their racism to Aboriginal clients. Their approach to responsible service often goes to extreme (an excuse to treat people badly).

- There are people affected by the restrictions who drink responsibly and don't abuse the system.
- The restrictions encourage drinkers to drink more; change their drinking patterns; take more risks.
- There are still mothers drinking and neglecting their children/babies.
- There is no involvement or inclusion of Aboriginal people in managing this issue and reporting back to Government.
- Some participants considered that the restrictions haven't made a big difference because people are drinking on the community boundaries. The Night Patrols and police are assisting those people. However:
 - Night Patrol service is only funded for a few hours a day; and
 - Police support is often not there when the Night Patrol and/or community needed it. If the Night Patrol rings, the police do not attend until the next morning.
- Some participants considered that the alcohol restrictions have had little impact on people's lives because nothing proactive has been put in place to address the causes of alcohol misuse and binge drinking e.g. no sustainable programs in place.
- Police are not capable of dealing with alcohol issues (Other than locking people up or fining them). It was also noted that many communities did not have permanent police, only Aboriginal Community Police Officer (ACPOs).
- Old people are changing their drinking patterns and are now buying wine from the 'Elliott 'take-away' - which is bad for their health. We would prefer that people to be allowed to purchase six -packs of beer for takeaways. If they want to do any other grog arrangements they need to go somewhere outside of town (say 2 km). If they bring grog into the community, the violence starts.
- There are no prevention or rehabilitation programs to help the people in community.
- Non Indigenous people are allowed to take kids into pubs; in some pubs, Aborigines aren't.
- There is more alcohol coming into town due to increased alcohol trafficking.
- Licensees use alcohol addiction as a weapon to control freedom of speech (trespass notices).
- People are finding ways to abuse the BasicsCard to access alcohol.
- There was a report that Aborigines are being charged as much as \$150.00 for a 30 pack of beer; non Aborigines pay only \$30.00.
- 'Whites' can go into the bar to drink; 'blacks' have to go to a window and stand in line ('blackfella has to sit in the shade with the bullock').
- There is an increase in under age drinking:
 - penalties for providers not strong enough;
 - police are not supportive;
 - a 14 year old girl can get served in a particular bar and is not required to show identification – spoke to the Liquor Commission, they advised that an under aged persons with a guardian can go into premises that sells liquor;

- parents (mothers) taking kids, including babies into premises; some are there all day - even when the place is overcrowded;
- school drop out rates have increased due to increase in under-age drinking; and
- allegations of young girls being supplied grog by older people.
- Outstations need to be retained outside Elliott to be used for a rehabilitation programs for people that have police problems. Elders will look after the young people and help them work through their problems.
- A black market in alcohol has been created using homebrew.
- People are frustrated at not being 'heard' regarding solutions to the problems – 'Aboriginals are ignored even though we live and breathe it'.
- The restrictions haven't changed drinking patterns - there is still violence and grog in communities.
- Alcohol is only seen as a black issue.
- Aboriginal people have been fighting against grog for years; JCAC history needs to be acknowledged as this is an Aboriginal cultural approach to alcohol management. The non Indigenous system is too soft.
- Businesses live off the disadvantages of Aboriginal people.
- If people want to see positive case studies, they should refer to the 'Grog War' book.

Improvements

- Education and other support programs are needed.
- Outstations should be used for correctional programs e.g. for people to dry out; rehab programs need to be controlled by community elders and Traditional Owners.
- We need community controlled social clubs.
- Need to start a community owned response group to deal with alcohol issues (with Aboriginal committee members).
- Alcohol restrictions should stay, as they are aimed at stopping children from hanging around pubs.
- Aboriginal cultural disciplinary measures should be imbedded with 'white-fella's' measures.
- Have local alcohol courts in place and strengthened to impose penalties and rehabilitation orders.
- Council of Elders and Respected Persons (CERP) should be the authorised body to advise the NT Liquor Commission on all matters related to alcohol restrictions and management of licences, content and opening times.
- There was some support for wet areas.

FIVE YEAR LEASES

Summary

The Governments proposal was noted, however, the discussions revealed that either, very few people knew much about this measure or they weren't prepared to comment for cultural reasons. The majority of participants took the view that discussion on land issues was the domain of the Land Councils and Traditional Owners. The comments included:

- An example (case study) demonstrating the importance of effective negotiations when it comes to leases, was provided. It involved an Indigenous organisation on a 40-year lease negotiating with NT Housing over the management of community housing. A bid was made for sites for ceremony camps - the organisation asked to lease areas in town to cover the sacred sites. There was a need to negotiate this so that the government could not come in and take over. The organisation led the discussion because they had the knowledge of what was required
- Participants expressed a strong opinion that Traditional Owners needed to be aware; take control over the long-term future of their country and be prepared to negotiate with the government - taking pride and control over the way they do it. 'We have been talking about what we can do. However, we need to be smart on how to do it'.

Benefits

- Landowners negotiate 'just terms' after the lease is over.
- Traditional Owners need to negotiate with the Land Councils and the NT and Federal Governments.
- The need to consult with Traditional Owners will be more of a priority.

Problems

- Five-year leases create more government red tape which hinders infrastructure development on communities.
- Leases tie up our land.

COMMUNITY STORES

Summary

This measure also generated a great deal of discussion. The Government's proposed changes were noted and no major concerns raised about the proposed direction. There was; however, significant discussion about the cost of food in remote communities; the attitudes and business practices of mainstream store owners; and the role of Outback Stores.

Participants were informed that the original measure was aimed at improving the management and financial performance of community stores as well as the quality of goods available. They were also advised that while the Government was concerned about the price of goods, there was a lot more action being taken outside of the scope of the NTER to improve this situation – including a Federal Parliamentary Inquiry.

Participants advised that a report had been produced about store prices at Elliott, where a price survey comparison showed that essential items such as milk and bread were twice as high in Elliott, than they were in Darwin.

Benefits

- The supply and price of fresh food, vegies and meat, as well as frozen foods has improved.
- Store committees are made up of community people.
- The measure requires the Store Manager to know about store business.
- There is a lot more education around nutrition (good and bad food).
- Shelves are stocked with tin foods.
- White goods are available.
- The BasicsCard and store cards are now available.
- Some communities that previously didn't have stores now have them.
- People now have some choice.
- There is reduced travel as people no longer have to drive long distances to shop.
- There are stronger messages around healthy tucker.

Problems

- Stores should stock more bush tucker (kangaroo steaks, not just tails).
- Need more training in governance and how to run a business (retail training).
- Murray Downs station store and the store at Epenarra are owned privately, but licensed. Prices are up to four times higher than Darwin prices. No other options for shopping – Ali Curing is 30 km away.
- Car tubes and Toyota tyres are double the price.
- Sunshine milk and fuel prices are too high.
- CDEP workers do not get paid much money.
- We want our own store in the community.
- The attitude of store owners and/or their staff is often very poor.
- Some stores are abusing the IM system – holding BasicsCards and key cards.
- The quality and range of goods is still a major problem in many areas.
- People don't understand how Outback Stores works.
- People don't want to lose control over their store.
- Some store operators create division in communities through corrupt business practices.
- Using the BasicsCard system in community and privately owned stores is still a major problem for Aboriginal people (see comments under IM).

Improvements

- Greater use of the Foodbarn in Tennant Creek as a training facility for other communities that have stores – perhaps in conjunction with Julalikari and Outback Stores.
- Support local industry in communities e.g. fruit and vegie growers; bush tucker producers; and local bakeries.
- Set up and support regional stores strategies and community capacity building.
- Have alternate arrangements for bush orders e.g. Tennant Creek Foodbarn may be able to undertake some remote deliveries.
- Improve community access to books on food, cooking, nutrition and diabetes. Also develop promotional material.

- Allow community people to nominate the stores that can participate in the BasicsCards system - not the government.
- Put a mechanism in place to monitor all the businesses that have access to BasicsCards and Store Licences.
- Need to have photo id on BasicsCard.
- Operate a mobile stores service to remote communities include cooking/nutritional/promotional material.
- Explore potential for consolidating store business to maximise economy of scale e.g. working with other communities to buy from the same supplier; use the same freight service etc.

LAW ENFORCEMENT

Summary

The government's proposed action on this measure was noted. There was a mixed level of awareness of the measure, but participants saw law enforcement as a major issue for Aboriginal people in the NT. Most of the comments during this session were directed at the NT Police. This included:

- People need to know how they can access the National Indigenous Violence and Child Abuse Intelligence Taskforce (NIITF).
- People don't know that they have to go through this avenue when a child makes a disclosure in a community.
- It would be good for this mob (NIITF) to come out to community and explain their role and responsibilities. This also relates to discussing their role in tackling family violence.
- There is very little information out on communities about the NIITF - their job is being able to investigate allegations of sexual abuse.
- Their job is over and above what the normal police are able to do.
- If someone knows that there is something happening the NIITF will protect your identity and will investigate.

Improvements

- Criminal checks should be required for outsiders looking at employment in the community (including contractors).

Problems

- Community members ring the police and the police do not prioritise the matter; don't start working until the afternoon.
- Community policing has gone back to the police using 'big sticks'.
- Many considered that the police have inappropriate attitudes towards the Aboriginal community – there were reports about police taunting people and being abusive and aggressive.
- Participants considered that police have no respect for people's homes and privacy.
- It is alleged that the Police have ignored families doing the right thing and have created a wedge between families. Overall it is a poor and inadequate service in the bush/remote regions.
- Night Patrols should work together with the police.
- Things might work better if the Night Patrols had power and could check police cells for clients after hours.

- Funding is required for outstations so that offenders could do 'time' there and be rehabilitated.
- Aboriginal Community Police Officers (ACPOs) need support from employers and community.
- There should be Aboriginal cultural awareness programs for outsiders employed in communities. This training should be provided by local people.
- People were concerned about feedback to community on information provided to authorities.

BUSINESS MANAGEMENT POWERS

Summary

Under this measure, the government has the power to stop funding to an organisation if they believe it is not doing its job. The government proposes to remove this power. However, the workshop considered that this power should stay in place for the duration of the NTER (that is until 2012).

There was some concern expressed about the quality of corporate governance training provided by the Office of the Registrar of Indigenous Corporations (ORIC) - it doesn't relate to what is happening on the ground. People need more support to build their capacity to run their organisations.

CLOSE

Geoff Richardson thanked all participants for their contribution and advised that:

- the consultations will continue in communities until the end of August;
- the government will then make a decision on how it will redesign the measures;
- the legislation will be drafted and tabled in Parliament in October 2009; and
- a report on the consultations will be prepared and released to the public in October 2009.

The workshop ended with separate men's and women's meetings. Reports of these meetings have been lodged with the Government.

**Tennant Creek Regional Workshop
30 June -2 July 2009
DAY ONE**

TIME	NO.	ITEM	FACILITATOR
8.30 – 09.00	1.	Registrations	Lee-Anne Barnes
9.00 – 10.30	2.	Opening <ul style="list-style-type: none"> • Welcome to Country • Introductions/Housekeeping • Purpose • The Consultation Process • Background to the NTER • The Government's Position Discussion Group <ul style="list-style-type: none"> • Initial feedback Questions and Answers	Geoff Richardson
10.30 – 11.00		MORNING TEA	
11.00 – 12.30	3.	NTER Review <ul style="list-style-type: none"> • Key Recommendations • Government response The National Picture <ul style="list-style-type: none"> • Key points about the NTER The Major Benefits <ul style="list-style-type: none"> • Overview of the major achievements The <i>Racial Discrimination Act 1975</i> (RDA) <ul style="list-style-type: none"> • The NTER and the RDA The Government's commitment	Jim Ramsay
12.30 – 1.30		LUNCH	
1.30 – 2.00	4.	Workshop Feedback	
2.00 – 3.30	5.	The Measures – Income Management <ul style="list-style-type: none"> • Purpose • Progress to-date • The Government's position Discussion Group <ul style="list-style-type: none"> • Feedback • Questions and Answers Workshop Session	Geoff Richardson
3.30 – 4.00		AFTERNOON TEA	
4.00 – 4.30	6.	Workshop Feedback	Geoff Richardson
4.30 – 5.00		RECAP/CLOSE	

Tennant Creek Regional 1 JULY 2009 DAY TWO

TIME	NO.	ITEM	FACILITATOR
9.00 – 9.15	7.	Recap of Day One <ul style="list-style-type: none"> • Comments/Feedback 	Geoff Richardson
9.15 – 10.30	8.	The Measures – Alcohol <ul style="list-style-type: none"> • Purpose • Progress to-date • The Government's position • Workshop • Feedback 	Jim Ramsay
10.30 – 11.00		MORNING TEA	
11.00 – 12.30	9.	The Measures – Leases <ul style="list-style-type: none"> • Purpose • Progress to-date • The Government's position • Workshop • Feedback 	Geoff Richardson
12.30 – 1.30		LUNCH	
1.30 – 3.00	10.	The Measures – Community Stores <ul style="list-style-type: none"> • Purpose • Progress to-date • The Government's position • Workshop • Feedback 	Jacqui Bethel
3.00 – 3.30		AFTERNOON TEA	
3.30 – 4.45	11.	The Measures – Other <ul style="list-style-type: none"> • Purpose • Progress to-date • The Government's position • Workshop • Feedback 	Geoff Richardson
4:45 – 5:00	12.	RECAP/CLOSE	

Tennant Creek Regional 2 July 2009 DAY THREE

TIME	NO.	ITEM	FACILITATOR
9.00 – 9.15	13.	Recap of Day Two <ul style="list-style-type: none"> • Comments/Feedback 	Geoff Richardson
9.15 – 10.30	14.	Men/Women Meetings: <ul style="list-style-type: none"> • Hot Issues 	Jim Ramsay/Jacqui Bethel
10.30 – 11.00		MORNING TEA	
11.00 – 12.30	15.	Plenary Session: <ul style="list-style-type: none"> • Major Messages for Government • The Way Ahead – Future Developments • Acknowledgements and close 	Geoff Richardson
12.30 – 1.30		LUNCH	
1.30		PARTICIPANTS TRAVEL HOME	

NTER REDESIGN TIER 3 REGIONAL WORKSHOP ALICE SPRINGS

Date	14 – 16 July 2009
Venue	Crowne Plaza Ballroom
Staff	Geoff Richardson; Jim Ramsay; Jacqueline Bethel; Gail Ah kit; Lee-Anne Barnes

Participants

Participation at the workshop was open to all community members in the Alice Springs region. People wishing to participate were required to register their interest with the local Government Business Managers or Indigenous Engagement Officers. people attended.

Format of the Meeting

The workshop was conducted over 2 ½ days. It was structured to provide participants with detailed information on the Government's position on the NTER as detailed in the Future Directions Discussion Paper, including:

- its intention to table legislation in the Spring Sitting of Federal Parliament to restore the Racial Discrimination Act
- proposed changes to individual measures to improve the workability of the NTER

All measures were explained; the level of awareness of the Discussion Paper was low to medium.

A copy of the agenda is at **Attachment A**. Each information session was followed by a workshop using the specific questions from the Discussion Paper and a plenary session which engaged the whole group into the discussion about the future directions of the NTER. Participants chose to respond to questions regarding Publicly Funded Computers and Restrictions on Pornography in separate gender group discussions.

Participants were advised that the government has engaged a consultancy firm to ensure that the consultations are conducted in a transparent and professional manner.

A summary of the workshop responses to each of the measures is at **Attachment B**.

A summary of the general comments made about the Northern Territory Emergency Response is at **Attachment C**.

Close

Geoff Richardson thanked all participants for their contribution and advised that:

- the consultations will continue in communities until the end of August
- the government will then make a decision on how it will redesign the measures
- the legislation will be drafted and tabled in Parliament in October 2009
- a report on the consultations will be prepared and released to the public in October

The workshop ended with separate men's and women's meetings. Reports of these meetings have been lodged with the Government.

THE MEASURES

Racial Discrimination Act

Summary

Participants noted the Government's commitment to restore the *Racial Discrimination Act 1975* (RDA) and gave overwhelming support for the reinstatement. Some comments from participants on how the Government could ensure the NTER complies with the RDA included:

- Income Management should be implemented across Australia for all income support recipients
- Aboriginal people should be acknowledged in the Australian Constitution
- Do not ask Aboriginal people to give up their land in exchange for basic services
- Take a bottom up community development approach to addressing Aboriginal issues
- Give Aboriginal people equal access and the same standards of education, health, housing and social services as those people who do not live in prescribed areas

Income Management (IM)

Summary

Participants noted the Government's position on Income Management (IM). Many recognised there had been some benefits to communities as a result of IM, but overall, they did not support either of the options in the Discussion Paper.

Participants supported a voluntary model with triggers for those people who fail to send children to school or neglect or abuse their children. Participants considered that compulsory IM was discriminatory, degrading and disempowering to Indigenous people. The majority considered that the IM measure should be applied to all income support recipients across Australia - not just to people living in prescribed communities in the Northern Territory.

The lack of infrastructure, planning and responsiveness to issues arising from the introduction of the BasicsCard was seen as exacerbating people's concerns about the IM measure.

Benefits

- People have money for food, clothing and essential items.
- IM participants are now more aware about how they should spend their kid money

- More people (men in particular) are contributing to food costs and other household expenditure
- People are more healthy because they are eating better and not drinking away all their money
- Kids are being fed through the School Nutrition Program.
- IM is useful for old people as they have their card to go shopping and don't need to use cash

Problems

- IM has done little to address the underlying causes of the problems in communities
- Kids money is still being misused
- People are sharing PIN numbers and calling Centrelink using other people's cards
- Humbug of old people by grandchildren and other family members has not decreased
- People are still gambling and drinking and Baby Bonus payments are now being used to buy vehicles, which in-turn are being used for grog running
- The BasicsCard has caused people to feel degraded and disempowered
- The lack of planning and infrastructure around the BasicsCard has left card holders unable to access balances or seek assistance when experiencing card difficulties outside of normal business hours. When the system is down or people are unsure whether they have money available of their Basicscard, they often go without food
- The BasicsCard cannot be used for essentials items such as:
 - travel interstate for medical or family reasons e.g. patients travelling to Adelaide Hospital for scans etc
 - tickets for buses, planes and trains
 - food when interstate for medical reasons
 - children's school trips, fees or uniforms
 - pocket money for the kids
 - car registration
 - hotel accommodation
- The numeracy and literacy levels in some communities are low, so old people in particular, do not understand what is going on or how IM works
- IM is very hard to operate for people living on homelands and outstations, as there is no transport to get to town to use the Basicscard
- Some people have had to go without food or money for weeks until Centrelink agents to go out to communities to process their Centrelink forms
- It is difficult having to deal with Centrelink operators interstate when they have little understanding of IM and/or the way the BasicsCard works. In addition they do not have cultural understanding or the ability to communicate with Aboriginal people
- IM is limiting people's ability to travel for cultural or family reasons e.g. funerals, ceremonies, lore business
- Many people do not have transport to get to Woolworths or Coles to use the BasicsCard

- English is limited for many old people in communities, making it difficult for them to communicate with Centrelink operators about IM issues
- IM is not appropriate for people on disabilities who may have special needs
- There are only a small number of outlets that accept the BasicsCard. The government is just making Coles and Woolworths richer
- It is embarrassing and a shame job for people who do not know their BasicsCard balance - they are stared at and made to feel embarrassed particularly when there are card difficulties or there is not enough money on their card
- Stores are treating people more disrespectfully since the BasicsCard was introduced
- This measure takes away Aboriginal people's self determination
- The government has failed Aboriginal people again and are continuing to punish Aboriginal children for the government's failures
- Where are our basic human rights?
- This measure is just causing more dependency

Improvements

- Everyone on Centrelink income support, that do the wrong thing, should be on IM, not just people living in prescribed areas
- Everyone's kids money (Australia wide) should be 100 per cent income-managed
- Set up a bank account for the kids like an endowment cheque system so the money goes directly to the child
- Centrelink needs to make note of kids money being spent on vehicles and take appropriate action where the vehicles are being used for grog running
- The BasicsCard should be able to be used across Australia, not just in the NT. It should be able to be used for medical travel interstate. There needs to be more BasicsCard outlets and access to funds and outlets when travelling interstate
- There needs to be photo IDs on BasicsCards to stop fraudulent activity
- People need to be taught money management and budgeting skills and not have someone else do it for us (manage our money). The current approach to IM just creates further dependency
- There needs to be machines in each community and nearby towns to allow people to check the balances on their BasicsCard
- There needs to be weekend/out-of-hours service to assist IM participants with card difficulties
- Centrelink needs to have Aboriginal people in their Call Centres who can communicate in language; not interstate operators who do not understand
- Centrelink needs to visit communities more regularly
- If a compulsory, exemption model is introduced there needs to be a culturally appropriate appeals process and more Aboriginal people working in Centrelink
- Talk to individual communities about it (IM) and see what each community thinks and wants - we are not all the same

- Irresponsible people don't have values, so regardless of what the government says or does, they are not going to change their ways
- Communities need to determine what is appropriate behaviour and agree on a set of values that makes it clear to all people who live in a community, what is expected of them (social norms)

Should Income Management be continued?

- Compulsory Income Management should not continue
- A voluntary IM model with triggers for people not sending kids to school; not spending money on kids; and abusing or neglecting kids should be introduced
- The current measure is just breeding dependency

Alcohol Restriction

Summary

Participants noted the proposed changes and generally supported the plan to have alcohol restrictions looked at on a community by community basis. Some stated there had been benefits to their communities as a result of increased policing and alcohol restrictions, while others viewed it as another example of the government negating Aboriginal people's basic human rights.

Benefits

- There is less fighting in communities
- People are becoming healthier
- People in communities feel safer
- In Harts Range a good relationship has been established between the NT Police and Night Patrol workers
- More children are now get up early for school, as there are no drunks to keep them awake at night
- One group considered that there has been no change in Hermannsburg community - we haven't seen any benefits. Conversely, another group reported a significant reduction in violence and anti-social behaviour

Problems

- The measure is forcing people to drink outside of communities (on the fringes)
- People can no longer drink socially in communities at barbeques and get together
- People are not learning responsible drinking habits
- There are too many take away alcohol outlets in towns for people to purchase grog
- The boundaries (wet areas) which were available for people to drink away from communities no longer exist
- Pastoral leases being treated differently to prescribed communities even though they are right next door to one another?

- Grog is still going into communities; people are still drinking in the communities where there are no police; people are just travelling away from policed areas to drink
- The NT Police are not doing enough to stop grog coming into communities
- People are just going into town to drink, so more people are now driving without a license and/or driving unroadworthy cars. There is also more alcohol related violence in townships and more lives lost as a result of alcohol related car accidents
- Drinkers are now getting stuck in town and can't get home

Improvements

- There needs to be drug and alcohol counselling services made available in communities, including in the Anangu Pitjantjatjara Lands
- The government needs to bring back the *Living with Alcohol* programs; Living with Alcohol courses should be compulsory for all drinkers
- There needs to be back up services for people released from the Central Australian Alcohol Program Unit (CAAPU)
- Communities need to establish a set of community values around drinking and abide by them
- We need to establish cultural protocols and ask people to respect these values when they go to town – communities need to set rules of behaviour for their people when they go to someone's else's country – they need to respect other peoples land. Communities should have a council of elders to deal with this sort of thing
- There needs to be wet areas in communities for controlled drinking
- The recommendations made by the NTER Review Board should be followed
- Offenders should be given bigger fines; at the moment people just laugh and do it again. It will make it better for our children and old people if there are stronger penalties for alcohol related offences
- There should be alcohol permits to allow people to drink at home if they live in a prescribed community
- Social clubs should be trialled on communities
- More police stations and Aboriginal Community Police Officers should be placed on communities
- Each community should have a safe house for women and children
- It is not only grog that needs to be controlled, marijuana use is also a problem
- The government needs to reduce the number of licensed take away outlets in the NT
- Licencees should also be penalised and lose their licenses if they are not doing the right thing
- Community people should be banned from going to town if they are caught grog running

Should alcohol restrictions be continued?

- People should have the right to drink in their communities if they choose
- Some people in Kintore want alcohol restrictions to continue

Will individuals or communities benefit from a continuation of alcohol restrictions?

- This needs to be dealt with on a community by community basis
- The issue goes back to basic human rights

Restrictions on Pornography

Summary

Participants noted the proposed changes and generally stated that pornography was not a big issue in Aboriginal communities before the NTER was introduced. There was a prevailing view that an unintended consequence of erecting signs in each community was that it had raised children's awareness and curiosity on the issue. Community members advised that while they did not want pornography in their communities, the signage should be removed as it was offensive and sent the wrong message to people visiting communities.

Benefits

- Community members advised they had not seen any benefits to their communities as a result of this measure

Problems

- The government has not told us the numbers of people in communities with pornography or how big an issue this is supposed to be in Aboriginal communities
- The pornography signs are affecting tourism and sending the wrong message to visitors about Aboriginal people
- Some outstations have signs while others don't - the measure not been applied consistently
- Pornography was not a big issue in communities until the Government made it one
- Why are these restrictions only being applied to prescribed communities and not to the pastoral leases next door?
- There is no support or money being poured into counselling or support programs for offenders. The intervention is all about land; grog and quarantining. GBMs are the only ones getting big money. What about our kids?
- The Trucking Yards town camp in Smith Street, Alice Springs is at one end of the street and at the other is a sex shop. The week the intervention commenced the sex shop had a grand opening. What message is that sending?

Improvements

- Get rid of the signs

Five-Year Leases

Summary

Participants advised they were unable to provide advice on five-year leases as the appropriate traditional owners were not present at the meeting. They stated that all discussions on five-year leases should be directed through the relevant land council and associated traditional owner associations.

Community Stores

Summary

Participants noted the proposed changes and generally agreed that this measure had been beneficial e.g. range of goods in stores had improved since the NTER. However, they raised concerns about the high price of goods and the transfer of community stores ownership to the Shire under the local government reforms.

Benefits

- There is more choice for people now in many community stores
- Stores are stocking more goods
- There is an opportunity through community stores for Indigenous people to gain employment and future training and development opportunities

Problems

- The Stores Licensing Scheme also needs to be applied to station stores
- The price of nutritious foods in stores is too high. People cannot afford to buy fresh fruit and vegetables or nutritious foods
- The profits from some stores are not going back to community
- Prior to the intervention, the communities had ownership of their stores. Now many of the stores have been transferred to the Shire and operate without consultation or input from the local Aboriginal people
- There needs to be a partnership between the community and the Shire regarding the operation of the community's store
- The Shire doesn't always know what is best for Aboriginal people, people independent of the Shire need to have input.
- Stores are not stocking everyday items such as newspapers
- There has not been enough Government consultation with community members on community stores.
- There are no tobacco products being sold in Outback Stores at Yuendumu. People should have a choice.
- The problems with the Shires are impacting on community stores
- What happens to community stores when the Intervention ceases?
- There was no consultation or communication with the community on the take over of community stores by the Shires, even where the community owned the store
- The Shires are not listening to us and are just making a mess of everything

Improvements

- There needs to be more work put into creating economies of scale for community stores in the same region. This could include having joint transportation arrangements with neighbouring community stores to assist in reducing freight costs; communities working together to secure bulk purchasing deals etc
- Licensing more than one store in the community may also help create competition and reduce prices
- Community residents should have joint management over their store, with their Shire Council
- There needs to be more employment and training of Aboriginal people to run community stores
- Stores should stock furniture to encourage people to purchase more white goods and other household items.
- There needs to be purchasing and distribution networks established to reduce operational overheads and the high price of goods in community stores.

Should community stores licensing be continued?

- Generally it was considered that the stores licensing program should continue

Publicly Funded Computers

Summary

Participants stated that most of the organisations already had filters in place on computers. They noted the government's position on the measure and generally agreed with the proposed changes.

Law Enforcement Provisions

Summary

This topic was workshopped in gender sessions. Generally participants advised that they did not have enough knowledge of the ACC activities to make an informed decision and would have to seek legal advice before they could comment on whether the measure should be continued.

Business Management Powers

Summary

Workshop participants advised that the Government already had enough power and agreed with the Government's proposal to remove the Business Management Powers under the NTER.

ATTACHMENT C

GENERAL COMMENTS ABOUT THE NTER

The overwhelming majority of participants viewed the NTER as discriminatory and supported the government's proposal to reinstate the Racial Discrimination Act. Many participants reported they had only seen limited benefits to their communities as a result of the NTER measures and that many of the measures had simply created a new layer of disadvantage for Aboriginal people. Other comments include:

- Aboriginal people living in communities are suffering
- This is our land and we are getting kicked around like a football
- This has got to stop; you mob from Canberra forget that this is our land; this is wrong and you need to get it right
- Was the Commonwealth having a go at the NT Government when it created the Intervention? Who is responsible for delivering on the ground?
- The accusations of child abuse in the Little Children Are Sacred Report (LCASR) started in one community - not all communities. The story started at Uluru; this is all about one community
- Why hasn't the Government come out and told us about the numbers of people using pornography - where are these people?
- We all know that the Intervention came about from the LCASR, but there is no money allocated to support programs to help people/communities with kids that have been abused or people with alcohol problems
- With all the money the government has committed to the NTER, what has it fixed? More police are out there and the health checks have been done, but where is the housing and education?
- Doesn't anyone think that we are worried (about where all of this is going)? Where are our rights as the first peoples of this country? Do we not have rights to our land?
- We have asked the intervention mob to give us something for the kids in the Titjikala community such as a bus or swimming pool, but nothing's been done
- When the army came in, people were scared that they were coming to take the kids away
- Is the government saying 'you give me a little bit of land and we will give you a house? The government wants our land so they can do what ever they like with it
- The Howard Government said that under the Intervention, they would fix the houses. Since the change of government, nothing has happened
- Many of our people are educated in the white man's way - don't think that we are disadvantaged, we are not; we have our culture; we can go bush and eat our traditional tucker
- We want our rights back and the RDA restored
- Everyone in community is paying rent on houses - when will we be able to own our homes



Australian Government

**Department of Families, Housing,
Community Services and Indigenous Affairs**

9 September 2009

Summary of Tier 3 NTER Workshop: Darwin

Dear Participant

Thank you for participating in the Northern Territory Emergency Response (NTER) Future Directions regional consultation workshop in Darwin 4-5 August 2009.

Attached is a summary of the workshop. This information will be used to inform the NTER Future Directions report, which is expected to be released to coincide with the legislation going to Parliament in the 2009 Spring sittings.

The Australian Government is committed to consulting with Aboriginal people in the Northern Territory to improve the NTER measures and would like to thank you for putting forth your ideas on possible ways forward.

Should you wish to add any comments to the summary please forward them either by email to Lee-Anne.Barnes@fahcsia.gov.au or by post to PO Box 7576, Canberra Business Centre, ACT 2610 or give them to your GBM. In order to be considered in the NTER Future Directions report these additional comments need to be with us by cob 16 September 2009.

Jim Ramsay

Director
National Indigenous Rep Body Branch
Indigenous Leadership and Engagement Group

NTER Future Directions Tier 3 Regional Workshop

Darwin

Date	4-5 August 2009
Venue	Holiday Inn Esplanade
Staff	Geoff Richardson; Jim Ramsay; Jacqueline Bethel; Gail Ah Kit; Lee-Anne Barnes, Dianne Collins and Sarah Fowler.

Participants

Participation at the workshop was open to all community members in Darwin, town camps and the surrounding regions. People wishing to participate were required to register their interest with the local Government Business Managers (GBMs) or Indigenous Engagement Officers. Approximately 45 people attended. Participants were from: Daly River; Nguiu (Bathurst Island); Acacia Larrakia; Warrawui (Goulburn Island); Darwin town camps – Bagot and Knuckey’s Lagoon; Wadeye (Port Keats); Minjilang (Croker Island); Garden Point; Maningrida; Peppimenarti; Pirlangimpi; Nguiu, Belyuen; and Palumpa.

Format of the Meeting

The workshop was conducted over two days. It was structured to provide participants with detailed information on the Government’s position on the Northern Territory Emergency Response (NTER) as detailed in the Future Directions Discussion Paper, including:

- its intention to table legislation in the Spring Sitting of Federal Parliament to restore the *Racial Discrimination Act 1975* (RDA); and
- changes proposed to individual measures to improve the workability of the NTER.

The government’s position on each measure was fully explained to participants. The level of awareness of the Discussion Paper was low to medium.

A copy of the agenda is at **Attachment A**. Each information session was followed by a workshop using the specific questions from the Discussion Paper and a plenary session which engaged the whole group into discussion about the future directions of the NTER. Participants chose to respond to questions regarding Publicly Funded Computers and Restrictions on Pornography in separate gender group discussions.

Participants were advised that the government has engaged a consultancy firm to ensure that the consultations are conducted in a transparent and professional manner.

A summary of the workshop responses to each of the measures is at **Attachment B**.

A summary of the general comments about the NTER is at **Attachment C**.

Feedback

Geoff Richardson advised all participants that:

- the consultations will continue in communities until the end of August 2009;
- the government will then make a decision on how it will redesign the NTER measures;
- the legislation will be drafted and tabled in Parliament in October 2009; and
- the report on the consultations will be prepared and released to the public in October 2009.

The workshop ended with separate men's and women's meetings. Reports of these meetings have been lodged with the Government.

DARWIN 4–5 AUGUST 2009

DAY ONE

TIME	NO.	ITEM	FACILITATOR
08.30 – 09.00	1.	Registrations	
09.00 – 10.30	2.	Opening <ul style="list-style-type: none"> • Welcome to Country • Introductions/Housekeeping • Purpose - The Consultation Process <ul style="list-style-type: none"> - Background to the NTER - The Government's Position Questions and Answers	Geoff Richardson
10.30 – 11.00		MORNING TEA	
11.00 – 12.30	3.	NTER Review <ul style="list-style-type: none"> • Key Recommendations • Government response The National Picture <ul style="list-style-type: none"> • Key points about the NTER The Major Benefits <ul style="list-style-type: none"> • Overview of the major achievements Racial Discrimination Act 1975 (RDA) <ul style="list-style-type: none"> • The NTER and the RDA • The Government's commitment Question and Answers	Jim Ramsay
12.30 – 1.30		LUNCH	
1.30 – 3.00	4.	The Measures – Income Management <ul style="list-style-type: none"> • Purpose • Progress to-date • The Government's position • Workshop session 	Geoff Richardson

3.00 – 3.30		AFTERNOON TEA	
3.30 – 4.00	5.	Income Management <ul style="list-style-type: none"> • Feedback session 	Geoff Richardson
4.00 – 5.00	6.	The Measures – Law Enforcement/ Business Management Powers <ul style="list-style-type: none"> • Purpose • Progress to-date • The Government's position • Workshop session • Feedback session 	Geoff Richardson
5.00		CLOSE	

DARWIN 4-5 AUGUST 2009

DAY TWO

TIME	NO.	ITEM	FACILITATOR
09.00 – 09.15	7.	Recap of Day One	Jim Ramsay
09.15 – 10.30	8.	The Measures – Alcohol <ul style="list-style-type: none"> • Purpose • Progress to-date • The Government's position • Workshop session • Feedback session 	Jim Ramsay
10.30 – 11.00		MORNING TEA	
11.00 – 12.30	9.	The Measures – Five-year Leases <ul style="list-style-type: none"> • Purpose • Progress to-date • The Government's position • Workshop session • Feedback session 	Geoff Richardson
12.30 – 1.30		LUNCH	
1.30 – 3.00	10.	The Measures – Community Stores <ul style="list-style-type: none"> • Purpose • Progress to-date • The Government's position • Workshop session • Feedback session 	Jacqui Bethel
3.00 – 3.30		AFTERNOON TEA	
3.30 – 4.30	11.	Men/Women Meetings <ul style="list-style-type: none"> • Restrictions on Pornography • Publicly Funded Computers • Other issues 	Jim Ramsay Jacqui Bethel

4.30 – 5.00	12.	Plenary Session: <ul style="list-style-type: none">• Major Messages for Government• The Way Ahead – Future Developments• Evaluation• Acknowledgements and close	Geoff Richardson
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THE MEASURES

Racial Discrimination Act 1975 (RDA)

Summary

There was strong support for the government's decision to reinstate the RDA. Participants considered the NTER discriminatory as it only applied to Aboriginal people in prescribed communities in the Northern Territory (NT) and should have been applied Australia wide. There was also concern as to what would happen to Aboriginal people in prescribed communities if the legislation did not pass through the Parliament.

Comments

- We want the RDA reinstated.
- The NTER is just targeting Aboriginal communities in the NT.
- People in other States have not been targeted, yet they have the similar issues.
- Some of the government's proposed changes are contradictory, as some of the measures have brought benefits to communities.

Income Management

Summary

Participants noted, but did not support the either of the compulsory IM models proposed in the NTER Future Directions Discussion Paper. Many recognised there had been benefits to people in prescribed communities as a result of IM. However, there was strong opposition to the measure continuing in its current form on the grounds that it discriminated against Aboriginal people in the NT.

A voluntary IM model with triggers for people who fail to send children to school; neglect or abuse children; and misuse or abuse alcohol or other drugs was the preferred option.

Benefits

- More people are buying food, clothing for kids and spending money on personal items.
- Single women are learning how to budget and buying more household goods.
- There is less alcohol consumption and violence in communities.
- Elderly people get to leave their money on their store card so they are not being humbugged as much.
- There is less theft of old people's money. Carers used to cash people's pension cheques and use the cash for their own purposes. Under IM this doesn't happen (as often).

Problems

- Income Management (IM) should not just be targeted toward prescribed Aboriginal communities in the NT - it should be Australia-wide.
- There are only a limited number of outlets that accept the BasicsCard.

- People cannot take advantage of groceries or clothing specials in stores that do not accept the BasicsCard.
- People do not have cash to attend funerals; cultural; or family business.
- The Centrelink BasicsCard system is unreliable and does not operate on weekends so people often cannot purchase food - sometimes for days at a time.
- The BasicsCard and the ALPA card in the Arnhem Land region and Melville Island is causing confusion, especially for old people who are required to have two PINs.
- Centrelink does not provide services to smaller communities or outstations. They also do not know how to communicate with old people who do not speak 'good' English.
- Parents do not have cash to send kids on school excursions or to the circus or the 'show', because of the IM and the BasicsCard system
- There are inconsistencies around what you can and can't do with the BasicsCard e.g. People travelling on the ferry to Darwin cannot use their BasicsCard to pay for tickets, but those travelling to the Tiwi Islands can.
- Centrelink services are not available 24 hours a days and there are no machines in communities for people to get balances or transfer funds after hours.
- People are having their BasicsCards rejected at shop counter as their balances are showing up as zero, even after Centrelink advise they have funds available. This is embarrassing and the government needs to fix it.
- Replacement of lost or stolen BasicsCards often takes several weeks. In the interim people are reliant on relatives to support them which puts further pressure on families.
- Courts do not accept the BasicsCard for fines so people are being sent to gaol as they do not have the cash to pay.
- This measure is creating divisions between Aboriginal people who are on IM and those that are not. It is also contributing to racist behaviour targeted toward Aboriginal people e.g. shop keepers, other customers
- This measure is just causing dependency. What happens when the NTER stops, we will just have to learn to budget again?
- BasicsCards cannot be used to help kids at boarding school purchase food and other personnel items.
- Income Management (IM) is discouraging people from taking on CDEP positions. Prior to 1 July 2009 CDEP workers got their full salary. Now people who join the program have their money income-managed so people in communities are saying, 'I'm not working if I'm going to be income-managed'.

Improvements

- Make IM voluntary. People should have the right to choose.
- Parenting payments should be paid out over a year in weekly payments not lump sums.
- Half of the Baby Bonus money should be paid in cash and the other half placed in the BasicsCard for essential items.
- Compulsory Income Management (IM) should be applied Australia-wide. Otherwise it should be made voluntary. and not be targeted at Aboriginal people in the NT.
- Income Management (IM) should only apply to parents who neglect children or those who do not know how to budget. It shouldn't apply to everyone.
- Old people on income support payments shouldn't be income-managed as their children have all grown up and left home.
- People living in the long grass should be on IM. Why is it only applied to people in prescribed communities?
- People should receive their income support payments weekly.
- People who move interstate should not have to continue on IM.
- Families with children at boarding school should be able to allocate a portion of IM funds in cash to kids for personal items, uniforms and/or sporting events.
- Adults that are studying should be able to get travel and other funds in cash as they can not use their BasicsCard interstate.

Comments

- When the intervention started, the government should have talked to community leaders and elders and targeted the people in communities that needed IM. This is why there is uproar. The government should have consulted and only targeted the measure toward those that needed it.
- Why were only aboriginal communities targeted? This measure is racist and humiliating.
- Not all women want IM - the government needs to stop saying we do. This is not a gender issue. Men and women agree that IM should only apply to those people doing the wrong thing with their income support payments.
- Young mothers are leaving their kids with the grandparents. Centrelink should be doing more to ensure the mother's income support payments are directed to the grandparents or those who have children in their care.
- FaHCSIA have not been effective or efficient. I won't speak on behalf of all communities but in Daly River this has certainly been our experience. Who is monitoring what is going on with the NTER and coordinating activities?
- How are people to understand about the exemptions proposed under Options 1 and 2 in the Discussion Paper when they don't even know how to use the BasicsCard.
- What happens after the intervention ceases? People just have to learn about how to manage their money all over again.
- If the terms of IM are not going to be reviewed, why are we being consulted? The decision has already been made and now the government decides to consult?
- Who is going to do the IM assessments under Option 1 in the Discussion Paper? Centrelink does not have the level of knowledge of communities or the people that live in them to do assessments for IM.

- We do not know the assessment criteria for what is being proposed for the new IM compulsory model, so how can we decide?
- There are no Aboriginal interpreters in Centrelink Call Centres.
- BasicsCards should be able to be used in the same manner as other debit and credit card.
- Centrelink services are not effective and need to be improved.

Continuation

No, not in its current form. It should be a voluntary trigger model.

Law Enforcement

Summary

Participants had very little knowledge of the Australian Crime Commission and the National Indigenous Violence and Child Abuse Taskforce and therefore were unable to identify any benefits arising from the measure. Generally participants advised they wanted child abuse dealt with; however, the information in the NTER Future Directions Paper on the Law Enforcement measure would need to be translated before they could provide input as it was not comprehensible to the majority of participants.

Comments

- All of the law enforcement agencies should come together and act as one.
- Aboriginal people get confused when they have to go from one organisation to another.
- Some of our old people don't understand the language in the Discussion Paper. This needs to be interpreted before we can comment further.

Business Management Powers

Summary

Participants noted the proposed changes, but advised that the Business Management Powers allowing Government to stop funding to an organisation which was not performing, should remain in the NTER legislation.

Alcohol Restrictions

Summary

Participants noted the government's position and generally agreed that Alcohol Management Plans should be individually negotiated with communities. It was generally considered there was less violence in communities as a result of alcohol restrictions. However, the majority of participants considered blanket restrictions were not working and that the problem had simply be forced into outlying areas and nearby townships without any of the causal issues being addressed.

Benefits

- There is less violence in some communities.
- Parents have more money for kids as they are not spending it on alcohol.
- Communities are safer.
- It is helping to keep the culture strong.
- Community members are working.
- We get a good nights' sleep.
- There is reduced consumption of grog which has the potential to reduce the number of suicides.

Problems

- The restrictions are just pushing people into other areas to drink.
- We feel sad that some of our people have to go somewhere else to drink as they just end up in the long grass and can't get home.
- There has been no change in the amount of alcohol being consumed in town camps.
- There are more people from remote communities travelling to Darwin to drink as a result of the 'intervention'.
- There are problems with outsiders coming into communities and not abiding by the rules e.g. people coming into the Bagot community.
- The alcohol signs do not work – not stopping people from drinking or coming into communities to drink.
- There is one law for blackfellas and one for whitefellas.
- Permits are only given to non-Indigenous people.
- Non indigenous people are bringing grog into communities.
- People are drinking on the highways which is causing more accidents on the roads.
- More visitors from communities are coming into town camps with grog.
- There are no (additional) rehabilitation services available for people that have a drinking problem.
- Night Patrol services and police are not working collaboratively. They need to coordinate their activities more effectively.

Improvements

- There needs to be more alcohol rehabilitation and support services available for drinkers.
- We need both individual and urban community Alcohol Management Plans.
- There needs to be more recreation activities in communities so that people have other activities to participate in apart from drinking.
- The police should support communities in setting up sporting activities in communities.
- Resource the Night Patrol so they can 'police' who comes in and out of their communities.
- Each community should set its own rules for alcohol restrictions; Alcohol committees should be established to set the rules and work with police to ensure they jointly enforce plans.
- The police and Night Patrol services should be working together to solve these issues.
- Use outstations for alcohol rehabilitation and support services.
- If communities don't want grog then it should be banned for all. There should be no permits.
- There should be more police patrols in communities.
- Communities would benefit if there were controlled drinking areas.
- Allow alcohol take-away services within communities so people can drink at home.
- Traditional Owners should be making the decision on who can or cannot have a permit to drink in communities.

Comments

- In Daly River if we have a problem with alcohol we call in the publican to sort it out.
- If there is humbugging the community deal with it.
- How can we control the police? Who is monitoring them?
- There is a committee in Daly River that decides if a person is allowed to have takeaway from the pub and drink at their houses. The current police officer wants to close the pub over an incident that happened some time ago – which was not a regular occurrence. The pub brings \$1m dollars into the community each year.
- Police officers for communities need to be carefully selected and have cultural awareness training in the community they are assigned. The previous policeman we had in Daly River would sit outside the pub in his car and people would quiet down. The one we have now comes in 'blazing'.
- Aboriginal people are still being unfairly targeted.
- The government needs to change the Federal Constitution to include Aboriginal people. We should have the same rights as white Australians.
- Why are the tourists allowed to take alcohol on their boat but Aboriginal people are not? It is our community and the law should apply to everyone. White people should not be allowed to drink in communities either.
- People are sick of restrictions.
- Because of the restrictions on communities people don't know where they can drink.
- There is no alternative but to monitor people and their drinking. Drinking is still going to continue, it is a disease, so why not make a law that works.

- People drinking by the roadside are going to get killed unless the government puts something into place to stop this. There needs to be a place for people to drink on communities.
- Other people bring alcohol into the community but the police come to our house and target us. This is embarrassing as we don't drink.
- People are concerned about the alcohol permit system, as the Tiwi people cannot get a permit but the white people can.
- In the Tiwi Islands only Aboriginal people's bags are checked for alcohol, white people's bags do not get checked.
- People from Wadeye are travelling to Daly River and Peppimenarti to drink some have been killed (in traffic accidents). Why don't we allow permits for our local people to drink in their own communities?
- The government took away the night patrol service in Bagot community when it was working well. Now there is nobody to police the gates to ensure that grog isn't coming in.

Continuation

- Restrictions should not be continued.
- This is just forcing drinkers to other areas and not solving the problem.
- There needs to be more consultation with individual communities – one size does not fit all.

Five-Year Leases

Summary

Participants generally stated they had not seen any benefit to communities as a result of five-year leases and that despite being two years into the 'intervention', there had been no new houses built. They considered that discussions on leases should be with traditional owners.

Benefits

- There are no benefits to Aboriginal people in five-year leases.
- People do understand the five-year leases as the government has failed to consult with communities and traditional owners.

Problems

- Government took out five-year leases but has not delivered on housing in communities.
- Minjilang has been hit three times by cyclones and still nothing was done to improve their housing.
- There needs to be proper roads, infrastructure and housing in communities.
- Local Aboriginal people should be involved in building and maintaining houses and given job opportunities and contracts.
- The government should be giving more control to local people.
- Aboriginal people wanting to start businesses are being prevented from doing so by the five-year leases.
- Nobody understands the terminology behind these leases. We need to be educated.
- There have been no consultations with the Traditional Owners of communities.
- This whole process has been too slow; it has now been two years and we still have no houses built.
- All of the money is being spent on consultants, not houses.

Improvements

- There needs to be proper consultation on leases and education on the legal terminology surrounding leases and agreements.

Comments

- We want the 'white man' from Canberra who is making these laws to come and talk to us about these issues.
- We have no country left to go walkabout because of these leases.
- Why are other people making decisions about our country?
- We are two years into the intervention and nobody from the government has come to talk to us about leases.
- Back in 1971 the government promised that Aboriginal families would live in every third house in Ludmilla. This promise was never kept either.
- Bagot community never got any compensation from the government. Where is the money the government has promised?
- We can't even go to the Shires for help because they work for the NT Government.
- Not one house has been built in the NT. Where are our houses?
- Aboriginal people should be building these houses. The government should be training our young people and allowing them to get certificates/qualified.
- Before we sign any long term leases, we need to understand the five-year leases.
- How are we supposed to know what we are signing when we don't know what a lease is?

Continuation

- No. We want our land back.
- We don't want the government to control our land with five-year leases.

Community Stores Licensing

Summary

Participants generally agreed there had been benefits to communities as a result of the licensing of Community Stores. The high price of goods, particularly fresh fruit, vegetables and fuel was considered a major issue in all communities. People stated that while they would have liked to have purchased more healthy foods, fruit and vegetables were generally not affordable. It was also considered that store opening hours and Aboriginal employment and training initiatives should be included as conditions of license.

Benefits

- There has been a better range of stock in stores.
- The cleanliness and general operation of the stores has improved.
- Stores can provide employment opportunities for community members.
- Some stores have had new infrastructure, fridges and freezers for frozen foods.

Problems

- Store opening hours are not long enough. It should be a condition of license that stores open for a set number of hours each day.
- Selected items such as toys, are only made available at Christmas - they should be available all year round.
- There is not always fresh food available in stores.
- BasicsCards should not be able to be used to purchase greasy take-away food. If there is no good food available in a store, it should not be licensed.
- Some stores are not providing nutritious foods for the kids.
- There is no community input to how stores are managed.
- The people running the store in Wadeye will not let kids inside the store. This needs to be addressed through the license.
- We need more Aboriginal people to work in the store. Employment of Aboriginal staff should be a condition of license.
- There is no funding for community stores e.g. Bagot Store is under resourced.
- There are no home deliveries for old people.
- The 'fresh' food is not actually fresh but full of chemicals that keep it 'fresh' for transportation.
- The prices in community stores are expensive and are getting higher.
- In Nguiu, fresh fruit and veggies are only delivered one day a week so by the time people's pay day comes around, the fresh food has gone off. We need fresh food to arrive on pay days and be delivered more frequently.
- There is a need for people in FaHCSIA to have the knowledge (store experience) to run the Community Stores program.
- If children go to the take-away or store in Nguiu during school hours the store operator closes the store. This is unfair and needs to be addressed through the licensing as it is not supported by the community and inconveniences people.

Continuation

Yes.

Pornography

Summary

Participants advised they did not want pornographic material in their communities; however, considered the signage offensive and wanted it removed. Many people advised the policy was flawed as it did not block the purchase or supply of porn in nearby townships and failed to exclude broadcasting of sexually explicit material into prescribed areas via television and the internet.

There was concern the measure was also sending the wrong message to tourists and contributing to Aboriginal men being unfairly labelled as sex offenders.

Comments

- We want pornography and child abuse dealt with.
- The pornography signs need to be removed. These signs just appeared from nowhere and have given people the wrong impression of Aboriginal communities and Aboriginal men. This has just been one big propaganda campaign.
- All Aboriginal people have been branded as sex offenders because of the intervention.
- Men in our communities have been labelled as child abusers but don't even know what it is they are supposed to have done. No-one has explained what was in the Little Children Are Sacred Report.
- There has been no education in communities on sexual abuse or pornography so people don't even understand the meaning of these words.
- Nguuu is not on Aboriginal Land they are on Church land, but FaHCSIA still came in and put pornography signs up in the community without consulting.

Publicly Funded Computers

Summary

Participants stated most organisations already had filters installed on computers and generally agreed this should continue.

NTER GENERAL COMMENTS

1. Community Development Employment Program (CDEP)

- The problem in Aboriginal communities is employment. We were doing well when we had CDEP. Now that CDEP has been taken out of urban areas 400 people have lost their jobs and none of them have been re-employed.
- People were put through a six week intensive building course under CDEP and none of them got a job at the end of it.
- There needs to be more jobs created in communities.

2. Housing and Accommodation

- The government needs to provide more details on where houses are going to be built in communities. If this level of information was provided, people would have something to look forward to.
- There is accommodation in communities for GBMs but none for community members. GBM were asked to leave the containers as they were poisoned. Now the government has asked communities if they want them. Why would the government not allow GBMs to live in the containers, but allow Aboriginal people to?
- These containers are at the entrance to communities and are an eyesore for tourists. They need to be removed.

3. Permit System

- People are disrespecting and damaging sacred burial sites since the permit system was discarded.
- We want the permit system back. It is the only thing we have to protect us.
- The government has opened the gate to Aboriginal communities for drug runners and paedophiles by removing the permit system.
- People just do whatever they want in communities now because there is no permit system in place.

4. Drug and Alcohol Issues

- A lot of young people have already taken their own lives. This all relates to grog and drugs. What does a young person have to look forward to in communities?
- There needs to be prevention programs put in place for youths with drug and alcohol issues.
- Mental health workers are supposed to be employed by the NT Government yet people are still trying to kill themselves. Some young people have made five or six attempts.
- In my mind the intervention is not working.

5. Stolen Generation

- When you have a white father and an Indigenous mother, you are not accepted in communities. 'Half-caste' people were taken away from communities. The government said they were going to look after the Stolen Generation. Why have we not heard anything? What is happening? We need reconciliation.
- The government still hasn't recognised what happened in World War II and how the children were taken away to Crocker Island.

6. NT Police

- The government needs to make sure that police placed in communities know how to work with Aboriginal people. Police need to be educated in cultural awareness in the region they are located and work with communities to build trust. The police shouldn't be doing whatever they like (which is what they are doing now).

7. Shires

- Nobody knows what the Shires are about or what they are doing. There was no consultation on local government reforms.
- The Shires are using people on CDEP, when they should be creating real jobs for community people.
- The Daly River Shire took over CDEP assets as part of the local government reforms but now that an Aboriginal corporation has won the contract for CDEP the Shire is trying to charge the corporation rent to use what were CDEP assets.
- When training is organised in communities there are no jobs for people at the end of it. Some people were put through security training for crowd control so they could work at festivals, nightclubs and bars but were not told they needed to have a police clearance before they could get a job. Even though these people successfully completed the course and received a certificate they weren't able to be employed because they had minor infringements.
- Police checks are holding people back from training and employment. These should be done before people attend training so they know if they will qualify for the job.
- The only way that you are going to get Indigenous people to do training is if the training is conducted in communities.
- Since the Shires have been introduced there is a void in communities. People still don't realise that the Shire is separate to the 'intervention'.
- We are doing our best to get a governing body set up in communities as the Shire is not supporting community members.

8. Safe Houses

- There should be both men's and women's safe houses in each community.
- We need more investment from the NT Government and the Commonwealth into safe houses.
- If someone does something wrong in our community it is dealt with through our skin groups. The women talk to the women and the men to the men according to the right skin groups and sort out what should happen.



Australian Government

**Department of Families, Housing,
Community Services and Indigenous Affairs**

4 September 2009

Summary of Tier 3 NTER Workshop: Katherine

Dear Participant

Thank you for participating in the Northern Territory Emergency Response (NTER) Future Directions regional consultation workshop in Katherine on 11-12 August 2009.

Attached is a summary of the workshop. This information will be used to inform the NTER Future Directions report, which is expected to be released to coincide with the legislation going to Parliament in the 2009 Spring sittings.

The Australian Government is committed to consulting with Aboriginal people in the Northern Territory to improve the NTER measures and would like to thank you for putting forth your ideas on possible ways forward.

Should you wish to add any comments to the summary please forward them either by email to Lee-Anne.Barnes@fahcsia.gov.au or by post to PO Box 7576, Canberra Business Centre, ACT 2610 or give them to your GBM. In order to be considered in the NTER Future Directions report these additional comments need to be with us by cob 16 September 2009.

Jim Ramsay

Director
National Indigenous Rep Body Branch
Indigenous Leadership and Engagement Group

NTER FUTURE DIRECTIONS TIER 3 REGIONAL WORKSHOP KATHERINE

Date	11-12 August 2009
Venue	Knotts Crossing Resort
Staff	Geoff Richardson; Jim Ramsay; Jacqueline Bethel; Gail Ah kit; Dianne Collins; Sarah Fowler.

Participants

Participation at the workshop was open to all community members in Katherine, town camps and the surrounding regions. People wishing to participate were required to register their interest with the local Government Business Managers or Indigenous Engagement Officers. Approximately 45 people attended the meeting. Participants were from: Binjari, Kalano, Roper Valley, Manyallaluck, Beswick, Barunga, Kalkarindgi and Kybrook Farm.

Format of the Meeting

The workshop was conducted over two days. It was structured to provide participants with detailed information on the Government's position on the Northern Territory Emergency Response (NTER) as detailed in the Future Directions Discussion Paper, including:

- its intention to table legislation in the Spring Sitting of Federal Parliament to restore the *Racial Discrimination Act 1975* (RDA); and
- changes proposed to individual measures to improve the workability of the NTER.

The government's position on each measure was explained to participants. The level of awareness of the Discussion Paper was low to medium.

A copy of the agenda is at **Attachment A**. Each information session was followed by a workshop using the specific questions from the Discussion Paper and a plenary session which engaged the whole group into discussion about the future directions of the NTER. Participants chose to respond to questions regarding Publicly Funded Computers and Restrictions on Pornography in separate gender group discussions.

Participants were advised that the government had engaged a consultancy firm to ensure that the consultations were conducted in a transparent and professional manner and that Anne Redmond, a representative of the firm (CIRCA), would be participating in the workshop.

A summary of the workshop responses to each of the measures is at **Attachment B**.

A summary of the general comments about the NTER is at **Attachment C**.

Feedback

Geoff Richardson advised all participants that:

- the consultations will continue in communities until the end of August 2009;
- the government will then make a decision on how it will redesign the NTER measures;
- the legislation will be drafted and tabled in Parliament in October 2009; and
- the report on the consultations will be prepared and released to the public in October 2009.

The workshop ended with separate men's and women's meetings. Reports of these meetings have been lodged with the Government.

KATHERINE 11–12 AUGUST 2009

DAY ONE

TIME	NO.	ITEM	FACILITATOR
08.30 – 09.00	1.	Registrations	
09.00 – 10.30	2.	Opening <ul style="list-style-type: none"> • Welcome to Country • Introductions/Housekeeping • Purpose - The Consultation Process <ul style="list-style-type: none"> - Background to the NTER - The Government's Position Questions and Answers	Geoff Richardson
10.30 – 11.00		MORNING TEA	
11.00 – 12.30	3.	NTER Review <ul style="list-style-type: none"> • Key Recommendations • Government response The National Picture <ul style="list-style-type: none"> • Key points about the NTER The Major Benefits <ul style="list-style-type: none"> • Overview of the major achievements Racial Discrimination Act 1975 (RDA) <ul style="list-style-type: none"> • The NTER and the RDA • The Government's commitment Question and Answers	Jim Ramsay
12.30 – 1.30		LUNCH	
1.30 – 3.00	4.	The Measures – Income Management <ul style="list-style-type: none"> • Purpose • Progress to-date • The Government's position 	Geoff Richardson

		<ul style="list-style-type: none"> • Workshop session 	
3.00 – 3.30		AFTERNOON TEA	
3.30 – 4.00	5.	Income Management <ul style="list-style-type: none"> • Feedback session 	Geoff Richardson
4.00 – 5.00	6.	The Measures – Law Enforcement/ Business Management Powers <ul style="list-style-type: none"> • Purpose • Progress to-date • The Government's position • Workshop session • Feedback session 	Geoff Richardson
5.00		CLOSE	

KATHERINE 11-12 AUGUST 2009

DAY TWO

TIME	NO.	ITEM	FACILITATOR
09.00 – 09.15	7.	Recap of Day One	Jim Ramsay
09.15 – 10.30	8.	The Measures – Alcohol <ul style="list-style-type: none"> • Purpose • Progress to-date • The Government's position • Workshop session • Feedback session 	Jim Ramsay
10.30 – 11.00		MORNING TEA	
11.00 – 12.30	9.	The Measures – Five-year Leases <ul style="list-style-type: none"> • Purpose • Progress to-date • The Government's position • Workshop session • Feedback session 	Geoff Richardson
12.30 – 1.30		LUNCH	
1.30 – 3.00	10.	The Measures – Community Stores <ul style="list-style-type: none"> • Purpose • Progress to-date • The Government's position • Workshop session • Feedback session 	Jacqui Bethel
3.00 – 3.30		AFTERNOON TEA	
3.30 – 4.30	11.	Men/Women Meetings <ul style="list-style-type: none"> • Restrictions on Pornography • Publicly Funded Computers • Other issues 	Jim Ramsay Jacqui Bethel

4.30 – 5.00	12.	Plenary Session: <ul style="list-style-type: none">• Major Messages for Government• The Way Ahead – Future Developments• Evaluation• Acknowledgements and close	Geoff Richardson
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THE MEASURES

Racial Discrimination Act 1975 (RDA)

Summary

There was overwhelming support for the government's decision to reinstate the RDA. Participants considered the NTER to be discriminatory and that the measures violated their basic human rights and encouraged racist sentiments and mistreatment of Aboriginal people both in their communities, and in the townships.

General Comments

- Why is the intervention in place? They put it in place and blamed us Aboriginal men (and our women) for a lot of this stuff.
- The government cannot racially discriminate against anyone in this country. This legislation was passed through the Senate against Aboriginal people. We've been accused of a lot of things but no-one has been taken to court.
- We need to get this RDA back; Katherine has changed - one of our mob got picked on by a policeman and now our entire mob don't get along with white people; I want to cry because of the way we are treated in this town; the government is treating our people the wrong way - we need to speak up; we don't want our children and future generations to be in the same boat that we were in as children - we must all speak with one voice
- If the government continues the NTER we will have to seek assistance from the United Nations (UN) and sue the government. They are destroying our customary lore; traditional ways; culture. That is the last thing open to us - if the government does not listen to us we will have to go to the UN.
- The government is discriminating against our people; the intervention has taken us back to when I was a little boy.
- The intervention hasn't been done properly; the government is racist. I don't know why they took the RDA out. It is very sad for Aboriginal people.
- I want my children to learn literacy and numeracy but our culture is also important to us - we have language and culture, without it we are nothing. We have to fight for our land and our culture; we are human beings.
- At Kalano community the government just came in and overruled us.
- The government says they are going to roll back the intervention, but it is too late, the damage has been done.
- Our people don't understand all of this; all they know is the hurt the intervention is causing them.
- We need the RDA restored by the next sitting of parliament.

Income Management (IM)

Summary

Participants noted, but did not support the two IM options in the Discussion Paper. There was strong opposition to the measure continuing in its current form. A voluntary IM model with triggers for people who do not manage their money or create problems in communities, was the preferred model.

Benefits

- People are buying more food, clothes, white goods, household goods; also are able to buy cars, pay for bus fares, fuel; people are paying their bills
- Some people are saving money.
- Not as much humbug from family members.
- IM can be used for the School Nutrition Program.
- Families are buying more healthy food.
- Less money is spent on grog and gambling.
- Pensioners can control their money.

Problems

- Why has the government excluded possibilities like voluntary income management from the NTER Discussion Paper? There are only two options presented. What about a voluntary system?
- Income management can be either voluntary or triggered by behaviour. Having a voluntary system or behavioural triggered system are very important alternatives for people. Government should have outlined this in the NTER Discussion Paper.
- Centrelink ask too many questions when customers requires money from the BasicsCard; everyone needs to provide identification and a birth certificate; Centrelink is controlling bonus and loan payments.
- Centrelink are not communicating effectively with people. Particularly those who have difficulty with English.
- People have to travel long distances to go to Centrelink.
- My concern is the BasicsCard. It is very hard for people to learn how to use it. It is hard for old people to go and do their shopping themselves with the BasicsCard. They need help. We are all suffering because of the BasicsCard. The government has put us on the BasicsCard to rule us.
- Centrelink isn't acting fast enough to solve problems. We get a lot of people complaining about Centrelink, particularly about the time it takes to get their money transferred from their banks to their BasicsCard.
- People cannot use the BasicsCard to pay for transport to take white-goods back to their community.
- People can't use the BasicsCard to attend the 'show'.
- The BasicsCard cannot be used interstate - this is a big problem when we need to travel.
- Many of our kids go to boarding school but we can't send them money, so they end up coming home.
- Old people are unable to go to the shops to use their BasicsCard; old people need assistance to find out about their money.
- The BasicsCard cannot be used for taxi fares.

- We are confused. Under IM, we have gone from a voucher card to BasicsCard
- There are only a limited number of shops/outlets that accept the BasicsCard.
- Sometimes the card doesn't work due to technical problems.
- People have difficulties tracking expenditure on the BasicsCard
- People don't remember their PIN numbers for their BasicsCard - it is very hard for old people in particular to remember all the numbers.
- The BasicsCard makes it hard for people to manage their own cash.
- Income Management (IM) takes away our rights and responsibility.
- People are trading their BasicsCard for cash.
- We come from remote areas and we have old people that know nothing about the BasicsCard. It should be made clearer.
- There is not enough cash available for people on dialysis and or health issues to travel to and from communities for medical treatment. They have to move to town, but don't get support from Dept of Health. They are living away from families and suffering. Once they spend their fortnightly money from the BasicsCard, they go hungry.
- People need access to our cash so they can pay for funerals.
- We need training and education (about money management).
- You cannot pay court fines with the BasicsCard.
- The BasicsCard can't be used for kids to go to the pool, cinema or to get food from roadhouses.
- It is discriminatory and embarrassing if there are no funds in your BasicsCard.
- The card can't be used to lay-by goods.
- We are concerned about money for next year; our bonuses will come through at the same time or after the Katherine 'show', meaning the kids will not be able to attend the show. The government should allocate some funds (from these payments) to enable parents to send their kids to the 'show'.
- We want the BasicsCard and compulsory IM to stop.

Improvements

- Half or a third of the funds should go to the kids.
- We support a voluntary, trigger model for IM; the other two options aren't any benefit to us.
- Increase Centrelink benefits/payments.
- There needs to be more consultations. The lack of consultation is horrid.

Other Comments

- How is a compulsory system of money management supposed to give people the skills to manage their money? Will there be any training programs to help people to become financially literate?
- How are they going to know which people need or want IM and which don't? How will they ever know? Communities are not all the same; one size does not fit all.
- We know who the people in our community are that need to be income-managed. The government has just branded us all a problem.
- If you are an Aboriginal living in a community you are income-managed, but if you are an Aboriginal person living in a town you don't get income managed. Why? This is unfair.
- The 'rivers of grog' the government goes on about is an exaggeration. There is no such thing as rivers of grog in remote communities.

- I couldn't buy any tucker with my BasicsCard when I was in Canberra and Sydney - because the card can only be used in the NT.
- You've got to look at this pornography, income management, and permit system. Don't tar everyone with the same brush; the blanket approach to IM which blames everybody is not right.
- If I went and moved into Darwin IM would still follow me - it is discriminating against us.
- You can't use BasicsCards interstate even though Centrelink is telling people they can. While I was in Melbourne I got my Baby Bonus money which was 100 per cent income managed. I had to ring Centrelink to find out how much was in my bank account. They told me to go down to the shop and ring them back and then ask the manager if he could speak to Centrelink. I told him about the BasicsCard and he looked at me stupid. I explained the BasicsCard to him, but the owner of the shop said, 'no we can't do it'. Then the Centrelink lady told me to spend it somewhere else. She said go into Target because you can use it in Target Australia wide. I told the man at Target the same story and he looked at me like I was stupid as well - it didn't work; Target wouldn't let me use my BasicsCard either even though Centrelink told me it would work.
- At first some people were happy with IM because it stopped them getting humbugged when they went shopping. People also do a lot of shopping for food with their kids. But a lot of people aren't happy that the government is telling them how to manage their money.
- We have always looked after our own families. It is part of us; part of our culture that we always take care of our families.
- We've come along way from being controlled by the government; we want to break free from this control from the government. They have given us back our communities to run and take control, but now they have come back and taken control in another way.
- I was very angry with the BasicsCard system because I wasn't able to get stationery for one of my girls who goes to high school. If they want our children to attend schools we must have the freedom to go out and buy the stuff our children need. It's not only us, our children are also suffering.
- What about teenagers' interstate for college or on school excursions? It makes it very hard for families to support them because they don't accept the BasicsCard interstate.
- Government is pushing people hard to go to work, but there are no jobs.
- CDEP is similar to the BasicsCard, because what we earn and what you get through Centrelink is still the same. You can work through CDEP and you still only get \$400.
- We share and help each other; we don't live like white people. That's our traditional way of living.
- Will the government help and support our people on IM that have to move to town because they need to be on dialysis or other medical treatment. Will the government help them to increase their pension so that they can survive? That is an appeal for help for people who are sick. The doctors say that they can't help them, they need to pay for their living and medical expenses out of their own pockets. However, if they leave Darwin and go back to the community where they can be looked after by family, they could die - it is a risk to our people.
- The current process for IM exemptions is too complicated and difficult. To get an exemption under the current IM system you've got to have a letter from the school regarding your child's attendance; a letter from your doctor; a letter from a senior

person within the community; a statement from the bank, good financial literacy skills etc

- People have to contact Centrelink to find out the balance on their BasicsCards. They have to enter a 16 digit PIN number to get their balance. Many of our old people don't understand this.
- We are the most vulnerable race of people in this country and on the least money, yet the government puts us on IM.

Continuation

- No. We want it to gone completely; we don't want the BasicsCard or compulsory IM and want it to stop; get rid of IM.
- If it is going to continue we support a voluntary trigger model; it should also be applied Australia wide, not just in the NT.
- It should only be compulsory for those who cannot manage their own money; it shouldn't be compulsory for everyone.

Business Management Powers

Summary

Participants noted the government's regarding the Business Management Powers and generally agreed that the powers should be removed from the NTER legislation.

Comments

- This measure allowed the government to stop funding an organisation even when the only organisation in some communities was the Community Council.
- By giving themselves this power, the government is saying we are incapable of running our own programs, policies and corporations.
- If they remove this power, does it mean we get control of our communities back? Does it mean we get rid of the Shires?

Law Enforcement Measures

Summary

There were mixed views about this measure, but participants generally supported the government's decision to continue funding the Australian Crime Commission. Many expressed a willingness to work with the ACC to address issues in their community. Many advised they were not aware of the measure before the workshop commenced and requested the ACC follow-up with further education in communities on the measure.

Those that did have prior knowledge of the measure, expressed concern at the lack of after-care support for victims of abuse and for people reporting crimes. There was also concern that confidentiality provisions did not provide people reporting crimes with adequate protection as they were still required to testify at trial.

Problems

- The indemnity is not real; once you say something against your own people you get threatened or your house gets smashed.
- People need to understand that you've got to tell the truth because according to the law, if you tell a lie you can go to gaol. All of the people getting hurt are your own family members - this is really serious. The ACC will question people, so I would encourage people not to lie.
- The ACC doesn't protect you once you get back home in your community. The entire problem is yours when you get back home.
- I don't believe in any of this anymore, because I didn't see any law body come and help me when I was helping a little girl that was raped in our community. Even though I reported it and gave evidence, the perpetrator is still in the community where the little girl is living.
- When you report a crime, the ACC take you away from the community for you to give evidence then they bring you back to the community and leave you there - you are vulnerable to 'payback'; there is no after care support for the person who reports the crime or the victim (in this case, the child).
- It is really hard when you report crimes; most of your community and your own family goes against you. It is hard when you are trying to do the right thing. When I went through this I had to leave the community for 11 months. It wasn't my child but I wanted to help her; I did the right thing for her. It nearly drove me insane - when you are on your own and everyone is going against you.
- You can report crime but it is difficult because when you report someone and you go home, you don't have the police there to protect you. There needs to be more protection for people giving evidence. The police can't protect you. We have only two police in our community and there are 1000 people. If there is a riot they can't do anything.
- In the two years since the ACC has been operating in the NT there has been no increase in charges or prosecutions for child abuse.
- All of these laws bring a lot of confusion and fear. The government should give funding to people in the community to education their people about all of these new laws.
- The police just leave offenders in the community and create more problems - it is terrible.
- We weren't informed about this ACC in our community and we didn't know it was running. All this time we had no idea. But now that we do know we will go back now and let our mob know.
- What people need is education about what the ACC powers and what powers they have to force you to testify in court.
- When you protect Aboriginal people who abuse children you are part of the problem. You have to do what is right for yourselves and your family.
- The government is giving only one solution to child sexual abuse - that is wrong (inadequate).
- We would like our Aboriginal Community Police Officers (ACPO) to work with the ACC because they can talk to both the offender and the victim to help them understand; we need to get behind this ACC mob.

Comments

- We have kids with partners that are underage; we need funding for community people to speak to our young people and tell them that it is wrong for them to go with an older people. We need to educate them so that they don't get themselves into serious trouble.
- We need to support our ACPOs. They are there to support our families. They know our traditions far better than the Federal Police we have in our communities. Without our ACPOs it's not going to work between the NT and Federal Police.
- Both Australian and customary law must be recognised.
- None of these problems happened years ago - grog and drugs are what's killing us.
- Every person who comes into our communities should do cultural awareness.
- Police have guns, ACPOs don't - what happens when the ACPOs face people that are dangerous? We need to take this issue up with the Police Commissioner.
- In my community most people don't report child abuse but they have no choice now, you have to report these things. That is when the ACC comes in. We need the ACC to have better communication with the police and the community.
- There is a possibility that the ACC could get the 'welfare' people involved. If we report these things, the authorities might take the child away. We need to know where our children are so that we can support them. All of the blame goes back to the parents. We don't want 'welfare' to take them away – that could start another stolen generation.
- Some of us didn't really know about the ACC until this workshop. It is helpful for us to discuss these things, so we can go forward with a better vision and help our people (particularly those with problems).

Continuation

Participants generally supported the continuation of the ACC measure and wanted awareness programs to help communities understand its role.

Alcohol Restrictions

Summary

Participants noted the government's proposal; some reported that their communities had become safer as a result of alcohol restrictions, but many considered that the current restrictions were not working. Many advised that the restrictions had just pushed drinking into other locations - one of the consequences being people were drinking in unsafe areas such as highways and trucking bays and putting themselves at high risk of accidents, injury and death. Most participants considered that a place based approach to alcohol management would be a more workable approach.

In addition, participants considered there was a need for more rehabilitation services in communities and education programs to treat the 'problem'.

Benefits

- The community is quieter and safer for children.
- There is less violence, humbug and drinking in some communities.

Problems

- Publicans and governments are the only ones benefitting from alcohol sales - the people don't.
- People are injured, hospitalised and don't live a full life due to 'drinking'.
- More people are moving out of communities and in to town in order to drink. Anti social behaviour is being pushed into towns.
- People are drinking outside the lease boundary and hiding grog in homes.
- People are drinking in unsafe places e.g. beside highways, trucking bays
- Communities without permanent police have not been given any assistance to manage alcohol issues in communities.
- Our mob doesn't understand why tour operators can get a permit for alcohol but they can't.
- Youths are starting to drink because their parents drink.
- There are more break and enters; more violence and noise.
- People are still running around 'all night' drunk and playing loud music.
- Alcohol is still being brought into restricted areas.
- People are going from one liquor outlet to another to purchase grog.
- Alcohol misuse causes domestic violence.
- People are travelling longer distances to get alcohol
- Kids from the camp are sitting with their parents in unsafe areas while they drink.
- Kids go to sleep all day during the class because they can't sleep at night due to the noise - they tell us it is our fault for not taking them to school.
- We see these huge signs saying no alcohol and no pornography but we don't see any positive signs saying, 'welcome you are now entering/exiting xxxx Country, it is a prescribed area'.

Improvements

- Provide education materials for schools; funding for elders/families to conduct community safety/cultural/education programs to let drinkers know where to get help and the risks to their health from drinking.
- Provide more detox programs; rehabilitation services; family counselling services and resources for communities to address these problems.
- Restrict takeaway sales and reduce operating hours of liquor outlets
- Look at the causal issues of alcohol misuse, not just the effects.
- Provide wet areas and facilities where people are safe, can learn to drink responsibly and can be managed e.g. signed and fenced off wet areas/shelters with facilities e.g. water tanks so people don't dehydrate; toilets and lighting.
- Introduce social clubs.
- Tackle drink-driving - especially amongst the young people.
- Give the Night Patrol more powers to patrol drinking areas - at the moment they aren't allowed to enter into the drinking areas (towns).
- Safe houses shouldn't just be for domestic violence, they should also be linked to alcohol education e.g. alcohol and drug workshops.
- Take a holistic approach to the problems; provide support to make people understand what alcohol and drugs are doing to them.
- The government needs to put a larger levy on alcohol to raise funds for alcohol rehabilitation and detox centres.

Other ways

- Provide safe houses for men, women, youth and the elderly. Not just one safe house in each community.
- Provide more funding for rehabilitation programs.
- Use outstations for debriefing/sobering up facilities and to help get people back in touch with culture.
- Give the Night Patrol the authority to tackle the issues rather than relying on police.

Comments

- We watch people bringing alcohol into Roper Valley and report them. Sometimes the police go out the highway where the sign is and check around for people bringing grog in.
- We have had the death of a young fellow in our community because the drinking area was near the highway - we knew this was going to happen - it was only a matter of time.
- Alcohol and drugs are not a part of our culture. It is that very thing that destroyed my son. My heart goes out to the young people. I tell them the story about my son. It destroys our culture.
- We need women to understand about drinking too, so when they are drinking far away they can be safe. We need responsible women to be amongst the drinkers, so they can care for them.
- We have a lot of accidents near the highway; my granddaughter got hit by a car. Kids are now using this as a threat e.g. 'yeah I can die, I'll die today'. It's happening because there is too much grog in the place.
- We need to have somewhere safe to drink (closer to our communities). In wet season people often have to swim across rivers to get home after they have been drinking. When they are drunk it is dangerous. We need more support for our Night Patrol to look after the drinking areas. We need them to help people to get home
- We need the government to support us and give us money so that we can organise the solutions for ourselves in our own communities.
- The drinking area is too far away from communities. We are losing family members and people are having big fights there. People end up dying in these drinking areas. We need proper wet area facilities.
- We need to put in place a solid foundation for our young people. We need to start planning on how to deal with these issues while they are current.
- A lot of hotel, motels and other alcohol outlets are breaking the law by not asking people to show identification and not limiting the amount of alcohol people purchase. Some roadhouses come under the restrictions but they don't abide by them.

Continuity

- Lets work together to solve this problem and develop community based solutions.
- Yes to alcohol restrictions.
- Wet areas are required.

Five-Year Leases

Summary

Participants were confused over the government's lease arrangements and stated that they did not trust the government to give them advice on this matter. Some communities reported benefits as a result of five-year leases, while others stated there had been no benefit at all.

Many people considered that they needed more information on leasing (as they did not understand them). Others stated they were being forced into signing leases and 'bribed' with the promise of new houses.

Benefits

- The land is our mother it provides, food, accommodation and safety. It should not be bought or sold.
- One community reported the following benefits as a result of five year leases - a communal playground; four kilometres of bitumen road; a new bridge; and a multi purpose recreation hall.
- Another said it enabled the installation of safe houses.
- An Outback Store has been put in place (and we own it).
- Creation of GBMs and Indigenous Engagement Officers (IEOs) positions.
- Minor house repairs in some communities.

Problems

- Many participants reported that there were no benefits.
- What are fair rent payments and whose values are they determined on?
- Having to enter into a lease in order to get housing; the government is forcing people to take out longer leases. Can't we get new houses without them bribing us?
- To-date, not one house has been built - where has the money gone?
- No renovations have been done to existing homes.
- No partnerships as yet.
- When will the leases be reviewed?
- In one community, the men's' safe house looks like a prison so no-one uses it.
- Land with no buildings should not be assumed to be vacant land – often it is our hunting or sacred area.
- The government can't just go and put houses where they want - they must recognise our sacred/ceremony places.
- What happens when the leases end? Are they going to take the buildings away? Is it legally ours or will they rent them to us?
- People are still confused about leases.
- Too many promises aren't being kept.
- Promises for training and apprenticeships for Aboriginal people haven't been kept.
- We don't know who to trust.

Improvements

- Respect Aboriginal culture.
- We want a safe house in our community.
- We need health programs and access to services.
- We need help to improve our quality of life.
- Government needs to explain why it needs leases.

Comments

- Participants considered that communities should have the option of moving to voluntary lease arrangements.
- One participant said that he would like Kevin Rudd to pay rent to my people, the Traditional Owners of this country, for the last 220 years. The government haven't paid us any rent yet they are asking Aboriginal people to pay rent. I want that taken to Kevin Rudd. I want compensation for my people. I don't care if it billions and billions of dollars, the resources of this country have made this country wealthy. Your land is your home and your heritage and it belongs to us. I want that put in the records.
- Where is the money coming from to pay for this? If the government takes the compensation payments for the five-year leases from the Aboriginal Benefits Account (ABA) I will sue the Australian Government. This is monies that are supposed to go to Aboriginal people. It is not for the government to use then say to the media, 'this is new money'.
- The government doesn't respect Aboriginal culture, it is removing it.
- Five-year leases to me are a land grab
- How serious does the government take us? I look at some of these questions and they are not serious at all. They are imposing their values on us.
- To me the value of my land is priceless.
- We have 18 houses, we own them. The NT government was going to give us money to do the upgrades and renovations to the existing houses. Some of them are 15-20 years old but that money wasn't enough for all of our houses, so the NT Government came back the second time and forced us to sign the paper. I had no choice, they came three times and they made me sign the paper. From the day I signed up, its not actually a five-year lease, there are only 2 years left. They are going to come into our community, where our houses are and leased the area. That area will belong to the NT Government and they will make the rules for those houses.
- What about the 40-year leases that are in Wadeye, Maningrida and the 90-year lease on Tiwi Island? We are confused. Even our Land Councils have been telling us different story - everyone has different stories.
- We do not trust anybody, especially the government. We don't trust the NT Housing Department.

Continuation

- No. Leases should be voluntary.

Community Stores

Summary

Participants noted the government's proposed changes and generally agreed there had been an improved range of goods in stores since the introduction of the Community Stores measure. However, there were concerns that the high price of goods made healthy foods less affordable; and that stores were not stocking food for diabetics.

Participants advised that store committees should decide if a manager should be removed and considered that this requirement should be removed from the proposed new licensing arrangements.

Benefits

- Improved range of food in stores.
- White goods are being sold.
- There is training for Aboriginal people through some stores.
- Government is assisting people with governance and money management training to help them learn how to manage stores better.

Problems

- There is no book up since the NTER.
- Prices in stores are very high.
- There is no an access point in stores to get account balances on the BasicsCard.
- Stores still need to improve the quality and quantity of food in stores.
- The items you can get on the BasicsCard are too restricted.
- Some shopping centre stores don't take the BasicsCard.
- Stores committees should decide if a manager should be moved out or not, not the government.
- We are not able to buy healthy things with the money we have because of the high prices.
- We live in remote communities; much of our food has to be trucked to our community from down south - freight costs are high.
- The government want us to have healthy food and a healthy lifestyle. Our regional health organisations have always provided us with access to nutritionists. Now the government want to come and take-over.
- Sometimes we don't have fresh fruit and vegetables in our stores.
- Roadhouses and shops on highways should have the same legislation as we do in our communities?
- The cost of goods has gone up but our income hasn't.
- Most of the quarantining money for food amounts to \$200, so we have to buy the cheapest brands, which is not always good for us.
- Store managers are coming in but don't let the community know what is going on with the store. There needs to be more communication.
- Outback Stores said they aren't allowed to sell tobacco, alcohol or lollies.
- When I went to the shop with one of my grand kids to get an ice cream I couldn't use my BasicsCard. Centrelink has to say this is what you can and can not buy. For Christs sake? It an ice cream! All kids need rewards.
- Binjari and Roper Valley have to travel into Katherine for their shopping; why don't they have stores?
- A store at Pinjari has been leased out by someone else? Can the government get in there and help these mob that are leasing the shop and help them get income management and BasicsCard put in?
- We've had people come out and talk to us about putting a store in our community, but nothing has happened. We have been waiting and waiting and nothing is happening.

Improvements

- Government should subsidise the cost of healthy foods in remote areas.

- We have a lot of diabetes; people with heart illnesses; they need diet foods. Sick people cannot afford to buy the things they need e.g. sugar replacement foods.
- I'd like to see all shops closed during school times in our region. Instruct the store keeper not to serve the children – it is important for them to attend school.
- The store card was better because you could check your balance. We should use the store card not the BasicsCard.

General Comments

- Stores need committees to run them.
- Where can the Kalano community go to get help to establish a community store?

Continuation

Yes.

Restrictions on Pornography

Summary

Participants supported the government's proposal to change the pornography restrictions in prescribed communities, but considered the signage offensive and wanted it removed because it misrepresented Aboriginal people and sent the wrong message to tourists visiting communities.

Participants also stated the current policy should be extended to block the supply of pornography from neighbouring townships and the broadcast of sexually explicit material into prescribed areas via television, phones and the internet.

Publicly Funded Computers

Summary

Participants stated most organisations already had filters installed on public computers but supported the government's proposal to retain current controls.

GENERAL COMMENTS ON THE NTER

Income Management

- We are quarantined and told what to buy in shops. The government didn't consult with us on any of this. They didn't go to the clinics where people are treated for abuse and check.
- The intervention should have been targeted to people who cannot control their money.
- Tell the 'deaf tribe' in Canberra that I live in a remote community and I am offended by all of these accusations against me and my people.
- I've never seen pornography in my community at all and I'm a community leader.
- Why do we have to talk? The government doesn't listen to us. Its big talk, no action. Is the government going to listen to us this time?
- All of the NT communities have the same problems with overcrowding and housing. The government said they would give us housing, but we are still waiting. We need proper housing, so we can live properly; have our kids go to school; eat properly.
- I've been in the territory for 48 years and I've worked in communities for a fair bit of that time. Over the 35 years that I've worked in Katherine I have noticed the change towards Indigenous people. I am shocked and horrified to know that Aboriginal people from Katherine who own this place get treated like dirt. I think there are many people from down south moving to Katherine who are mistreating Aboriginal people.
- When I heard about this intervention in my community I was really scared. I've been speaking up for my community and asking for training and housing to help our people and our children, but the government only gives funding to organisations. We (individuals/families) don't get any help. A lot of our people don't understand about this intervention.
- The government should be opening up jobs in FaHCSIA so we can work alongside them to develop solutions to these issues.
- The way to solve these problems is for government to work with Indigenous people that live in the community. It is the only way.
- This has just torn our community apart. No-one wants to work anymore. Everyone just wants to drink and do nothing. Before the intervention our community was working hard and it is still the cleanest place in the NT, but on the work side, the intervention just made it fall apart.
- The FaHCSIA mob came to our community and made a big mess there. They should have come and seen it before the intervention started. Instead of putting in place positive changes to help children, they just changed everything. There were things that didn't need to be changed. FaHCSIA should have changed the stuff affecting the kids e.g. most of our kids don't go to school and no-one is doing anything to make them.

- I don't like the intervention mob; they didn't give us any assistance. People know the little ones are missing out because of all this.
- Recently I was invited to a seminar in King Valley to talk about all the NTER. Men were actually crying as they were sharing their stories about the NTER. The government branded Aboriginal men as paedophiles and are saying they are all getting pornography and stuff, but that isn't true. Pornography is not part of our culture.
- Many of our older people are suffering because they can't work out how to use the BasicsCard. All their lives they have never had to use a PIN number, so now they are totally confused and don't know what is going on.
- This intervention takes us right back to the time when rations were given to our people and we received flour, tea and sugar.
- Ever since CDEP was stopped; all our young people are just laying around. CDEP did really good things, including building and repairing housing in our community. Young people in the community and people that want to work are no longer working because of the changes to CDEP. The NTER has cut everything off.
- The government took five-year leases over our land. Is the land ours or the governments? We want this land for ourselves and for our kids' future.
- The NTER is very bad for us mob, it is breaking our culture down and they still want to take the land over from us.
- The government just writes reports and everybody forgets them. If they don't believe us, tell them to come up here and have a look at what is happening in the NT. We are struggling. Come into my community and sit down and see what is happening? You will get a big shock.
- There are no new jobs in our communities. Our people are on CDEP for four hours a day and earn \$400. That is not enough to live on. Can't the government increase the wage limit?
- We need change. We are suffering.
- In Rock Hole, a young fellow was bashed up by two policemen. They barged into my house and all the community members went up to see what happened but the two policemen told them to get away and wouldn't let them in. My cousin called the police station and told them what was happening but those two policemen sent the other police away.
- We had alcohol restrictions in place before the intervention. The government is just taking rights away from our people which is very sad and wrong.
- We are sick of the intervention. We want to have control over our own lives. We want to manage our own affairs and access all services in our communities; some of our communities are really big.
- The government is making us terrified. The women can't even manage the problems at home. They have given us Night Patrol and Safe Houses but no funding to run the programs we want. Even with the health checks for kids. They gave us buildings, but no money to maintain the building. Employment wise there is still no funding for our workers.
- The government doesn't practise what it preaches. Why aren't they giving us a proper education? I see my people dropping out of high school. The government doesn't want to give us education because it is the key to all of this.
- We want funding for training so we can teach our own people to run our own community. We have to teach our own people to manage their monies and to have the opportunity to become nurses and doctors (if they want too).

- During the holidays there was a youth camp for our young people but they didn't include young people from our community. There is nothing being done about children, no holiday programs and no youth camps. Children get really bored. Many do break-and-enters; sniff petrol; drink grog; take drugs. There are no programs for them. I am really worried about the young kids. The government should provide training for youth workers or programs in our community so that they can teach the young people - because when they get old they are the ones that are going to be taking our place, working in offices and hospitals etc. We need to teach our kids about law and justice and all of these things.
- The Shire changes have had a negative affect on communities; CDEP; outstations; homelands; and education. Our Community Councils were given very little money.
- The word intervention means, 'tell someone else what is good for you'. The first intervention in this country was 1788, when Cook landed and claimed the country belonged to England - it doesn't. It belongs to Aboriginal people. In any international law this country belongs to us. The minerals belong to us. But what do we get out of it? Peanuts! You got the Murdoch's who are multi millionaires, but what do I have on me - \$5.
- I come into Katherine to do shopping and the balance on my BasicsCard says zero balance - shame job. It is embarrassing.
- People from overseas get treated better than Indigenous people who own this country. People from overseas are sponsored by Woolworths and get \$10,000 in the hand to start a new life. The money we put into Woolworths is going to foreigners.
- There is a lot of overcrowding at Rock Hole but the government doesn't give a damn. They just created more mess. How can our kids get up and go to school every morning when they don't have a good nights sleep because they live in overcrowded houses.
- There are big blue signs at Rock Hole saying no alcohol and no pornography. Nothing has come out of the intervention to benefit our community.
- All of our kids go to mainstream schools in town. We have parents that go to pay for school uniforms but can't use their BasicsCard to do this. It's just making it hard to do simple things. We are just sick of it.
- What do GBMs actually do? I've been fighting for houses in my community for the last six years. The government says no to housing for us, but then goes and builds GBM houses? We want to be consulted on these issues.
- We have health clinics and health workers who check our children out at school. Then the intervention came in and our kids are screened. What are you looking for?
- The government is claiming it created 2000 new jobs. Well most of those jobs went to non-indigenous people from interstate. All we have done is created new problems. There are no new jobs in communities; this is a fallacy. There are only CDEP positions in communities.
- When farmers or motor companies go bust, the government helps them, but when it comes to Aboriginal people they just call us dysfunctional.
- We need legislation to give Night Patrol services powers to arrest people. The police in Kalkarindgi have to work 24hours a day. They are tired.
- The 2000 new jobs the government created are contract positions. We don't have proper information of how contracts work. People do not understand what a contract means. We need proper jobs and proper pay, not contract positions.

- We've been sitting on CDEP since 1999 and people are still working four hours a day. Four hours doesn't give us anything, it doesn't lift our peoples' wage. That's where we are suffering right now; we want that to be changed.
- Our community (Farrer) is only small, but because we only have three run down houses the government doesn't recognise us. We need funding to support our community. The government doesn't give us anything.
- My name is Jess Brown and my community is really bad for drugs. We made an appointment to meet with the superintendent at Katherine Police station and had a good talk to him about how the drugs are coming into our community because we wanted to do something about it.
- Where are all of these new stations and new police? Police are not there to assist us when we need them. When we call for the police they do not respond. Because our community is closer to town the police tell us we will get one out there as soon as we can, but sometimes they don't come until the next day or not at all.
- Before the intervention, drunken people used to sleep all around town, then the town Council made a complaint. The intervention has just made it harder for drinkers. Night Patrol workers get frightened because of family problems. It is not their job to arrest people - it is the policeman's job. It is not true when people say that the Night Patrol is not working.
- Why didn't the government put the intervention in all communities?
- In Mataranka we have Night Patrol and we work eight hours a night from 6pm-2am and we don't get much support from police. We don't have any shelter there – we have to bring the people back to Katherine and there is only two or three people working in Night Patrol. We need more police. The night patrol has to work all night and we are copping it from the community.
- We don't have a registered nurse in our community - we have a mobile team come in. I don't know why the government won't give us a registered nurse. Every other community has a registered nurse but not us. We have a visiting doctor from town. When we have had emergencies we have had to wait until the next day. One fellow nearly passed away, but he had to wait! We need a registered nurse in the community to help us.
- We've got policemen but we want those policemen to have respect for us and our community. They just walk in and do what they like. They get family members to come out of the house, if they want to arrest someone. They are still overruling us. A couple of weeks ago my brother was ill and I asked the police to try and help us to get him to the clinic but they went in there and told the family members to walk out of the house and then they started using pepper spray on them. Even our next door neighbours saw it. They aren't treating us right. If they work for the law they must show some respect to us.
- We have Night Patrols but they haven't got the power to do anything. We have a drinking area about 30kms out of the community but the Shire won't allow the Night Patrol to go out there to help. They tell us it is not a taxi. The Shire is too protective of their cars. We need some scope for the Night Patrol to manage in our community.
- I'm not very happy about the police. Just because they come in uniform doesn't mean that they can overrule us. They have to treat us like humans not like dogs. We understand we need to show respect as well.
- In our community when we want the police to come and help with drunks, they don't come. We all have the alcohol problem in our communities. We had a meeting with the Liquor Commission because we have a lot of policeman in communities doing

the wrong thing. The GBM was supposed to write a letter to give to the Police Commissioner, but I don't know if he did that.

- The police in our community work from 7am-4pm and then they spend the whole rest of the day (drinking) in Pine Creek. We try to get the Katherine police to come and help us when the other police are drunk.
- Centrelink payments haven't gone up at all. Parliamentarians have their wages go up. Us mob are on \$11,000, but food has gone up and everything else is going up in price e.g. clothes are costing more but our payments haven't gone up.
- Before the NTER came the government wanted people to pay for the School Nutrition Program when it hadn't even started. Other people were saying that it wasn't compulsory therefore no one should be paying for it. I went to Centrelink and I spoke to my coordinator and they didn't even know the answer. So what's the go? Is that a rip off or what?
- The government talks about trying to help us but it has been 2 years now. There are nearly 1000 people in Kalkarindji and only four policemen. If there is a riot out there the police won't be able to handle it. By the time the taskforce from Katherine get to the community there would be dead bodies there. They made promises for extra police but we've never seen any. Nothing has been done; no houses have been built. The government has violated the law by taking our human rights away. We have had enough – we want our human rights back. The government has to take this intervention away.
- Kevin Rudd apologised to people like me who were taken away from my family but he never gave compensation. My mothers thought I was dead before I came back to my community. I got institutionalised because of the colour of my skin. Us kids were taken away for one thing; being born brown. Kevin Rudd has a responsibility to the NT because we are not a State - all the other States promised compensation and said sorry.
- There are two statutory bodies created under the law to control the majority of Aboriginal land in the NT. A lot of white people in the Land Councils' fear Aboriginal people speaking up about our land. Without land we are nobody. I fear the government might try and chuck out the Statutory Land Councils like they did ATSIC.
- Our Night Patrol doesn't have any powers. That has to change under law because I know that my people back home know when the police go to bed. That's when the grog comes in. They need helicopters to chase these vehicles. How many times have we heard that there's been drugs and alcohol coming onto our land?
- We need to teach Aboriginal history and culture in our schools.
- We need to let the government know that these whitefellas need to do cultural awareness courses and show respect when they are in our communities. No matter whom, if they are stepping on Aboriginal land there are rules.
- We need funding for sport and recreation. The intervention is meant to be about our children, but why isn't the government putting money into programs for them. There is nothing set up for them.
- The GBM for Kalano community was a manager in Night Patrol. When he was working we got together and had a meeting and he actually rubbished the people at the back of Kalano. Now he wants to come and work for Kalano as their GBM. We don't want the GBM allocated to Kalano. We had a good GBM, a healthy one, who wanted to make us stand on our own two feet.



Australian Government

**Department of Families, Housing,
Community Services and Indigenous Affairs**

8 September 2009

Summary of Tier 3 NTER Workshop: Nhulunbuy

Dear Participant

Thank you for participating in the Northern Territory Emergency Response (NTER) Future Directions regional consultation workshop in Nhulunbuy on 18-19 August 2009.

Attached is a summary of the workshop. This information will be used to inform the NTER Future Directions report, which is expected to be released to coincide with the legislation going to Parliament in the 2009 Spring sittings.

The Australian Government is committed to consulting with Aboriginal people in the Northern Territory to improve the NTER measures and would like to thank you for putting forth your ideas on possible ways forward.

Should you wish to add any comments to the summary please forward them either by email to Lee-Anne.Barnes@fahcsia.gov.au or by post to PO Box 7576, Canberra Business Centre, ACT 2610 or give them to your GBM. In order to be considered in the NTER Future Directions report these additional comments need to be with us by cob 16 September 2009.

Jim Ramsay

Director
National Indigenous Rep Body Branch
Indigenous Leadership and Engagement Group

NTER FUTURE DIRECTIONS TIER 3 REGIONAL WORKSHOP NHULUNBUY

Date	18-19 August 2009
Venue	Walkabout Lodge
Staff	Jim Ramsay; Jacqueline Bethel; Gail Ah Kit; Lee-Anne Barnes, Dianne Collins.

Participants

Participation at the workshop was open to all community members in Nhulunbuy and the surrounding region. People wishing to participate were required to register their interest with the local Government Business Managers (GBMs) or Indigenous Engagement Officers. There were 24 people who attended the workshop. Participant numbers were lower than expected as there had been four deaths in the region. Participants attending the workshop were from: Gapawiyak, Elcho Island, Ramingining, Waruwi, Yirrkala, Ski Beach, Groote Eyland and Umbakumba.

Format of the Meeting

The workshop was conducted over two days. It was structured to provide participants with detailed information on the Government's position on the Northern Territory Emergency Response (NTER) as detailed in the Future Directions Discussion Paper, including:

- its intention to table legislation in the Spring Sitting of Federal Parliament to restore the *Racial Discrimination Act 1975* (RDA); and
- changes proposed to individual measures to improve the workability of the NTER.

The government's position on each measure was fully explained to participants. The level of awareness of the Discussion Paper was low to medium.

A copy of the agenda is at **Attachment A**. Each information session was followed by a workshop using the specific questions from the Discussion Paper and a plenary session which engaged the whole group into discussion about the future directions of the NTER. Participants chose to respond to questions regarding Publicly Funded Computers and Restrictions on Pornography in separate gender group discussions.

Participants were advised that the government has engaged a consultancy firm to ensure that the consultations are conducted in a transparent and professional manner.

A summary of the workshop responses to each of the measures is at **Attachment B**.

A summary of the general comments about the NTER is at **Attachment C**.

Feedback

Jim Ramsay advised all participants that:

- the consultations will continue in communities until the end of August 2009;
- the government will then make a decision on how it will redesign the NTER measures;
- the legislation will be drafted and tabled in Parliament in October 2009; and
- the report on the consultations will be prepared and released to the public in October 2009.

The workshop ended with separate men's and women's meetings. Reports of these meetings have been lodged with the Government.

NHULUNBUY 18–19 AUGUST 2009

DAY ONE

TIME	NO.	ITEM	FACILITATOR
08.30 – 09.00	1.	Registrations	
09.00 – 10.30	2.	Opening <ul style="list-style-type: none"> • Welcome to Country • Introductions/Housekeeping • Purpose - The Consultation Process <ul style="list-style-type: none"> - Background to the NTER - The Government's Position Questions and Answers	Jim Ramsay Gail Ah Kit
10.30 – 11.00		MORNING TEA	
11.00 – 12.30	3.	NTER Review <ul style="list-style-type: none"> • Key Recommendations • Government response The National Picture <ul style="list-style-type: none"> • Key points about the NTER The Major Benefits <ul style="list-style-type: none"> • Overview of the major achievements Racial Discrimination Act 1975 (RDA) <ul style="list-style-type: none"> • The NTER and the RDA • The Government's commitment Question and Answers	Jim Ramsay
12.30 – 1.30		LUNCH	
1.30 – 3.00	4.	The Measures – Income Management <ul style="list-style-type: none"> • Purpose • Progress to-date • The Government's position 	Jacqui Bethel

		<ul style="list-style-type: none"> • Workshop session 	
3.00 – 3.30		AFTERNOON TEA	
3.30 – 4.00	5.	Income Management <ul style="list-style-type: none"> • Feedback session 	Jacqui Bethel
4.00 – 5.00	6.	The Measures – Law Enforcement/ Business Management Powers <ul style="list-style-type: none"> • Purpose • Progress to-date • The Government's position • Workshop session • Feedback session 	Gail Ah Kit
5.00		CLOSE	

NHULUNBUY 18-19 AUGUST 2009

DAY TWO

TIME	NO.	ITEM	FACILITATOR
09.00 – 09.15	7.	Recap of Day One	Jim Ramsay
09.15 – 10.30	8.	The Measures – Alcohol <ul style="list-style-type: none"> • Purpose • Progress to-date • The Government’s position • Workshop session • Feedback session 	Jim Ramsay
10.30 – 11.00		MORNING TEA	
11.00 – 12.30	9.	The Measures – Five-year Leases <ul style="list-style-type: none"> • Purpose • Progress to-date • The Government’s position • Workshop session • Feedback session 	Jim Ramsay
12.30 – 1.30		LUNCH	
1.30 – 3.00	10.	The Measures – Community Stores <ul style="list-style-type: none"> • Purpose • Progress to-date • The Government’s position • Workshop session • Feedback session 	Jacqui Bethel
3.00 – 3.30		AFTERNOON TEA	
3.30 – 4.30	11.	Men/Women Meetings <ul style="list-style-type: none"> • Restrictions on Pornography • Publicly Funded Computers • Other issues 	Jim Ramsay Gail Ah Kit

4.30 – 5.00	12.	Plenary Session: <ul style="list-style-type: none">• Major Messages for Government• The Way Ahead – Future Developments• Evaluation• Acknowledgements and close	Jim Ramsay
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THE MEASURES

Racial Discrimination Act 1975 (RDA)

Summary

There was overwhelming support for the government's decision to reinstate the RDA. Participants advised the NTER was discriminatory and should have been applied Australia-wide. Yolgnu advised that they viewed the NTER as discriminatory and that the government was taking responsibility away from individuals' and families' and making people reliant on handouts.

Comments

- We want the RDA reinstated.
- The NTER is just targeting Yolgnu people.

Income Management

Summary

Participants noted but did not support either of the compulsory IM models proposed in the NTER Future Directions Discussion Paper. They recognised that there had been benefits from having IM in their communities, however, they viewed the measure as discriminatory and condescending.

They advised that IM should only be applied to young people with school aged children and that people over the age of 45 years who did not have dependents, should be exempt.

Benefits

- More people are buying food, paying rent, buying household items, paying bills and using their BasicsCard for airfares.
- People are saving and buying vehicles.
- There are more white goods being purchased - fridges, deep freezers, washing machines – some people have never bought these items before
- The BasicsCard can be used for travel and to purchase power cards.
- There is not as much humbug in communities.
- It has given old people security. They are able to save money and have it sitting in the bank so people cannot steal it.
- The school nutrition program is working in some communities and kids are looking healthier.

Problems

- This is just creating dependence. The government has taken responsibility away from families and in particular, men. Let us look after ourselves.

- Income Management (IM) is just forcing people to rely on handouts. Why should we work and take responsibility for ourselves and our families if the government is going to do it for us?
- Why wasn't IM applied to everyone across Australia. Why is it just targeted to Aboriginal people in the Northern Territory (NT)?
- Centrelink should be servicing communities better and letting people know how much they earn and how it is divided up. We aren't even being told how much money we get a fortnight.
- Old people should not be income-managed. They have different needs and are capable of looking after themselves, their children and their grandchildren.
- When the 'shop' cards were introduced it was hard to understand how they worked. Many people still have trouble with them.
- People want to be able to choose where they shop. We are not able to use the BasicsCard anywhere other than our own store. When we travel to other centres we cannot use it
- The BasicsCard cannot be used for range of essential services e.g. the NT Bus service, commercial transport and taxis. The card should be able to be used nationally.
- People in Arnhem Land have two cards – the BasicsCard and the ALPA card. This is causing confusion, especially for old people.
- People are still sharing pin numbers and key cards.
- Centrelink have been taking photos of people in community without permission.
- There is not enough cash left over for cultural business, funerals or for people to visit families in other communities.
- Centrelink is not communicating with people in communities. People need to be informed.
- Young people are also struggling to understand IM.
- There are no machines to check balances and at Umbakumba we cannot use the BasicsCard for fuel.
- Centrelink should have a 24 hour service for BasicsCard issues. There is no assistance available after business hours or on weekends.
- This has not stopped people taking money out of old people's cards.
- The School Nutrition Program is not up to standard in many communities, but we are still expected to pay for it through IM.
- Income Management (IM) is disadvantaging older people who do not understand how to use the BasicsCard. Nobody should have the right to take the money away from old people (45-60 years).
- A lot of older people in communities are required to travel frequently for ceremonial, cultural or family reasons and should be able to do so (they need access to their money to do so).

Improvements

- People aged 18-25 years of age should be on IM. They have kids going to school that need a better education.
- People over 45 years of age should not be on IM.
- IM should be voluntary.
- Government agencies need to talk to people living in outstations as these people do not have transport to get to towns to shop with their BasicsCard.

- There needs to be money management training in communities.
- Access to Centrelink should be through a free call number and be available 24 hours a day.
- There should be machines in communities to allow people to check their BasicsCard balances.
- Centrelink staff should be given cultural awareness training as they don't know how to communicate with Yolgnu people. We need interpreters working in communities.
- The School Nutrition Program should not be funded out of IM. We look after our children.

Continuation

- Not in its current form. It should be voluntary. Yolgnu don't want their income to be managed.
- We want our rights back. Enough is enough. Let us be who we are.
- Stop playing us like puppets on a string.

Law Enforcement

Summary

Participants had only a limited knowledge of the role of the Australian Crime Commission (ACC) and the National Indigenous Violence and Child Abuse Intelligence Taskforce (NIITF). There was considerable discussion on how the measure related to customary lore. Yolgnu stated their lore was just as powerful as any white man law. They did not understand why the government would introduce a measure like this for a limited period of time. There were no benefits identified from the measure.

Comments

- If we want Commonwealth law enforcement in our community to deal with drugs, violence or child abuse we should call the ACC.
- Yolgnu people, the ACC and NIITF need to work more closely together.
- Stop rejecting our customary lore. Yolgnu law is as powerful as any white man laws.
- Traditional Owners need to be talking with the government about this.
- This is happening because we are caught in the system that white people have forced us into. Australian law is being forced on us.
- Australian law does not acknowledge traditional lore. The Australian Government does not recognise our lore. If traditional lore was put into constitutional law then this wouldn't be happening.
- Black people have nowhere to run and hide. White people can jump on a plane or a boat and disappear.
- There was no consultation about this measure. The government should come to community and talk to us about it.
- Why is it that the police can come into people houses without a warrant? It shouldn't matter whether it's local police or the ACC, they should be required to have a warrant.
- Yirrkala residents said that they don't need the ACC. It is harder for us to deliver our own customary lore when we have people interfering.
- Yolgnu people do not understand a law that is only enforced for one or two years. Our lore does not change.

- There has not been enough consultation or education on the ACC and NIITF. The ACC and NIITF should visit communities and talk to us about this.
- The ACC is just rubbishing our customary lore.
- Red tape exists in both Australian law and traditional lore. That is why we need to talk.

Alcohol Restrictions

Summary

There was general support for the government's proposal to introduce Alcohol Management Plans in consultation with individual communities. Participants stated there had been considerable benefits to their communities as a result of alcohol restrictions including, reductions in violence and anti-social behaviour. Families generally feeling safer. Some were concerned that the black market trade on alcohol and gunja had increased since restrictions were introduced. They also supported the reinstatement of regulated kava usage.

Benefits

- The level of violence, break in and theft has dropped in some communities.
- Families are feeling safer.
- There is reduced noise, swearing, less crime and less drink driving.
- There is more money being spent on families.
- Kids are going to school more often than they did two or three years ago.
- The health of people in communities has improved.
- There are more men in jobs.
- There aren't as many beer cans lying around in communities.
- There are more activities happening more frequently in the community e.g. camping trips, cultural activities, hunting, sports and family get togethers.
- We now have a safe house that we use for the drunks and mentally ill people.

Problems

- The alcohol permit system has been a problem since it was introduced. White people can get take-away beer but black people have to have permit.
- People in the long grass are not being managed.
- There are too many drunken people on the streets after midnight when the Walkabout or Arnhem Club close.
- Pub and club licenses need to be restricted so people have fewer hours to drink. They should be forced to close earlier.
- There are drug issues in communities that are not being addressed.
- People have a piece of paper that says they can drink on our country, yet we can't.
- Black market sales of alcohol and drugs have increased e.g. people are now paying \$800 for a 750ml bottle of alcohol.
- There has been an increase in the amount of home brew being sold to Yolngu people.
- There has been an increase in the amount and price of gunja being sold in communities e.g. a bag of dope is now being sold for \$150.
- There is still a lot of family breakdown happening.

- What happened to the money the government made from kava sales? Where did that money go? It used to go toward nutrition programs and funeral funds but now we have to pay for these things out of our own money.
- Communities have a big problem with the growing black market in drugs and alcohol.

Improvements

- There should be more rehabilitation centres and support services for people with alcohol and drug issues.
- Police and Night Patrol should be advised that drunks should not be taken back to families' houses.
- There needs to be more education about where alcohol can and can't be consumed.
- We want kava back to replace grog and gunja in communities. This was managed and limited to two kava per day, per person; Kava calms people down and reduces violence.

Continuation

Yes. We do not want grog in our communities.

Five-year Leases

Summary

There was strong opposition to the government's proposal on five-year leases. Participants advised they did not support the current or previous government's position on leasing and wanted their land back. Some communities stated they had seen minor improvements in housing as a result of the NTER Community Clean Up program. However, most stated the government had failed to deliver on its promise of improving housing and were upset that more had not been done to address overcrowding in communities.

Benefits

- There were some improvements in housing conditions as a result of the NTER Community Clean Up program: doors, locks, fans, kitchen sinks, fences, shower heads were replaced.

Problems

- No new houses have been delivered as promised.
- Communities have not been consulted or educated on leases.
- The NTER Community Clean Up program repairs in some communities were not completed.
- There has been a lack of information from GBMs on leases and housing..
- Traditional owners are not being consulted or advised of lease arrangements.
- We should not have to give up our land in order to get houses.
- There appears to be alot more involved in a lease agreement than just providing land for a house.

Improvements

- Traditional owners should be able to decide who can build houses on their land and where they can be located.

Continuation

No way. We don't want leases in our community. Give our land back.

Community Stores

Summary

It was recognised there had been some benefits to community stores as a result of licensing. Generally participants agreed with the government's proposal to continue the measure. The high price of fresh fruit, vegetables in stores was a major issue in all communities. Participants advised government should be doing more to subsidise the cost of food and make it more affordable. People also stated store opening hours should be standardised across the region and employment of Yolgnu people in community stores should be included as a condition of license.

Benefits

- There is more fresh fruit and vegetables in stores.
- The expiry dates of products in some stores are now being shown.
- There have been improvements to the store at Dhanbul since IGA took over.
- There is an increased range of goods being stocked.
- Children are being taught about nutrition and there is a growing awareness amongst them about good eating habits
- There are no school; no shop policies in most communities.
- Galiwinku store opening times from 9am to 9:30pm are good and include the take-away.

Problems

- Store Committees are not being transparent in how store profits are being spent, if at all, in communities.
- There is uncertainty around how stores are managed and who owns each store since the Shire reforms.
- People were not consulted about community owned stores being transferred to the Shire.
- People who have BasicsCards cannot afford to buy nutritious foods, as it is too expensive.
- The cost of goods in stores is too high.
- There are not enough Yolngu people being employed in stores.
- Expiry dates are not being displayed on foods in some stores. Expired food is not being removed.
- The FaHCSIA store team should not tell everyone when they are visiting licensed stores.
- Take away outlets selling greasy foods should not be licensed.
- Shops in some communities only open for a short time.

Improvements

- Licensing more stores may create competition and help reduce prices.
- Take-away shops should only be licensed, but only if they are selling healthy food.
- Healthy foods should be subsidised by government.
- Expiry dates should be displayed in a way that is understood by the customer.
- Store operating hours should be standardised across regions as a condition of license.
- There needs to be more employment and training opportunities created for Yolgnu to gain employment in community stores, including in managerial roles.

Other Ways

- Stores should be encouraged to have discount days for certain items. e.g. meat and other specials.
- Stores should establish a proper lay-by system for people to make big purchases e.g. fridges.
- Stores should offer discounts to people who spend a lot of money in the store each week. This could be like an incentive program where people get a voucher if they regularly buy healthy food.

Continuation

Yes.

Business Management Powers

Summary

Participants advised the Business Management Powers allowing Government to stop funding to an organisation not performing should remain in the NTER legislation.

Publicly Funded Computers

Summary

Participants stated most organisations already had filters installed on computers and generally agreed this should continue.

ENTER GENERAL COMMENTS

1. Why is the government making the decisions for our people when we should be?
2. I don't want to pay for the School Nutrition Program. I provide my own children's lunches.
3. The GBM at Gapawiyak should not have made the decision for four people from the community to come to the workshop. We should decide.
4. We have to be the most consulted people in the country - if not the world.
5. Government is making decisions for us. We always have to struggle for our basic human rights.
6. Government makes visit after to visit and questions Yolgnu people. What about Balanda people. Why doesn't the government just give us back our rights?
7. Police in communities are only looking after police.
8. The only people that don't like the police in our community are the people that break the law. The people in our community are happy with the police.
9. Lawyers and government staff involved in the negotiation of leases need to have interpreters work with them to ensure Yolngu have a true understanding.