

Chapter 1

Introduction

1.1 This is the first of five reports the committee will present to the Senate on an ongoing basis over the life of the current parliament. Throughout this period, it is the intention of the committee to provide the Senate with a comprehensive examination of issues concerning regional and remote Indigenous communities with the view to informing future policies and responses.

1.2 Another important role of the committee is to provide an avenue for issues of public interest to be raised and pursued in relation to Commonwealth, state and territory government policy and its implementation in regional and remote Indigenous communities. During the life of the inquiry the committee will also monitor and benchmark outcomes in the areas covered in its terms of reference.

1.3 The committee has made no recommendations in its first report due to the complexity of the issues and the fact that the committee has not yet held public hearings.

Terms of Reference

1.4 On the 19 March 2008 the Senate resolved to appoint a Select Committee on Regional and Remote Indigenous Communities to inquire into and report on:

- a. the effectiveness of Australian Government policies following the Northern Territory Emergency Response, specifically on the state of health, welfare, education and law and order in regional and remote Indigenous communities;
- b. the impact of state and territory government policies on the wellbeing of regional and remote Indigenous communities;
- c. the health, welfare, education and security of children in regional and remote Indigenous communities; and
- d. the employment and enterprise opportunities in regional and remote Indigenous communities.

1.5 The committee is required to report to the Senate on 30 September 2008, 30 March 2009, 30 September 2009, 30 March 2010 and 30 September 2010.

Inquiry process

1.6 As the terms of reference are very broad and cover a range of subjects, the committee has initially invited submissions that detail the most pressing and urgent needs of regional and remote Indigenous communities. The committee advertised the

inquiry nationally in *The Australian* as well as in various regional newspapers including the *Alice Springs News*, *Centralian Advocate*, *Katherine Times*, *Tennant & District Times*, *Northern Territory News*, *Dubbo Daily Liberal*, *North West Star*, *Torres News*, *Pilbara News*, *Broome Advertiser*, *Kimberley Echo*, *Arafura Times*, *Jabiru Rag* and the *National Indigenous Times*.

1.7 As at 11 September 2008, the committee had received 37 submissions, which are listed at Appendix One. The submissions are also available on the committee's website at http://www.aph.gov.au/Senate/committee/indig_ctte/index.htm.

1.8 In the lead up to the committee's first report, visits were made to several regional and remote Indigenous communities in the Kimberley region of Western Australia. These included:

- Fitzroy Crossing;
- Balgo; and
- Derby.

1.9 A list of organisations the committee visited appears at Appendix Two.

1.10 The committee is grateful to the many individuals and organisations in each location who worked hard to make these visits possible and very informative.

1.11 No public hearings were held although the committee plans to hold public hearings before its next reporting date of 30 March 2009.

1.12 Future visits by the committee will be partly driven by written submissions but will also be organised to cover a range of regional and remote communities across all states and territories with different demographics and issues.

1.13 The committee is considering its schedule of site visits and hearings for 2008-09 and it is likely this schedule will include Central Australia, Darwin and Arnhem Land in the Northern Territory, Western New South Wales, Kalgoorlie and the Ngaanyatjarra lands of Western Australia, the far west coast and Anangu Pitjantjatjara Yankunytjatjara lands of South Australia, the Cape York region of Queensland and the Torres Strait.

Northern Territory Emergency Response

1.14 Although this report addresses term of reference (a)—the effectiveness of the Northern Territory Emergency Response (NTER)—the committee has decided to postpone detailed consideration of the effectiveness of the NTER until the completion of the review by an independent review board, convened by the Commonwealth government and headed by Mr Peter Yu. The committee awaits the release of this report and the Commonwealth government's response.

Structure of the report

1.15 This first report will reflect the wide ranging concerns of Indigenous communities and other interested parties outlined in the submissions and also observed during site visits in Western Australia. The report has been structured into seven chapters, with the first two chapters outlining the inquiry process, terms of reference, general background and context for the inquiry.

1.16 The next four chapters focus separately on each of the four terms of reference of the inquiry. All four chapters discuss the major issues raised in submissions under each respective term of reference as well as relevant issues and concerns observed by the committee during its site visits to the Kimberley region in Western Australia.

1.17 The final chapter summarises the committee's view and proposes issues and areas of concern for further investigation. The chapters also provide observations and commentary on issues which the committee believes require immediate attention and which have arisen during the initial phase of the committee's inquiry.

Scope and terminology

1.18 The committee's terms of reference asked it to inquire into Indigenous communities in both regional and remote areas. The committee acknowledges that the original motion in the Senate proposed to inquire into remote communities only. The committee welcomes the amendment which expanded the scope of the inquiry to include the consideration of the substantial number of Indigenous communities in regional areas.

1.19 In considering regional and remote communities the committee has referred to the most widely accepted geographical definition of remoteness which is the Accessibility/Remoteness Index of Australia (ARIA+). ARIA+ measures the remoteness of a locality based on the physical road distance to the nearest urban centre and classifies localities according to the following definitions:

- major city;
- inner regional;
- outer regional;
- remote; or
- very remote.

1.20 ARIA+ is the standard Australian Bureau of Statistics (ABS) endorsed measure of remoteness and these classifications will be used by the committee throughout its inquiry. Figure 1 on page 10 of this report illustrates these remoteness areas and the distribution of Indigenous communities.

1.21 The committee acknowledges that the term 'Indigenous' is used to refer to both Aboriginal and Torres Strait Islander peoples of Australia and that this term is not universally accepted by all Aboriginal and Torres Strait Islander peoples. The

committee aims to be respectful of all Aboriginal and Torres Strait Islander peoples and acknowledges the diversity of their languages, cultures and identities.

1.22 It should also be noted that the term 'wellbeing,' used in term of reference (b)—the impact of state and territory government policies on the wellbeing of regional and remote Indigenous communities—is perceived and understood differently by governments, Indigenous people and communities as well as the wider Australian population. Therefore the committee is mindful of the need and requirement to canvass a variety of different opinions and perspectives, especially those of the communities themselves, in order to draw appropriate conclusions about the wellbeing of communities.

1.23 The committee also acknowledges that out of the 37 submissions received so far, almost half exclusively address issues in the Northern Territory regarding the NTER. This can be explained by the high degree of interest and community concern caused by the NTER.

Background to the inquiry

1.24 The decision to create this select committee arose in response to the need for continuing parliamentary scrutiny and monitoring of government policies, especially the NTER, as well as the general wellbeing of regional and remote Indigenous communities. As there is currently no dedicated senate committee for Indigenous affairs this committee will play an important role in enabling continuing public scrutiny in this area.

1.25 The committee notes the previous recommendation in 2005 by the Senate Select Committee on the Administration of Indigenous Affairs for the establishment of a standing committee on Indigenous affairs tasked with examination of:

- the implementation of the mainstreaming policy;
- the coordination of Commonwealth, state and territory agencies;
- the formation of representative arrangements; and
- the equity of Shared Responsibility Agreements.¹

1.26 Although this committee's terms of reference differ somewhat from those recommended for a standing committee, this highlights the important role the select committee will play over the next two to three years in the parliamentary scrutiny of policies affecting regional and remote Indigenous communities.

Previous and current inquiries of relevance

1.27 The committee notes that some areas of inquiry for this committee, as outlined in the terms of reference, have been the subject of a number of previous state

1 Senate Select Committee on the Administration of Indigenous Affairs, *After ATSIC - Life in the mainstream?* 8 March 2005, p. 112.

and Commonwealth government or parliamentary inquiries. A brief summary of the main inquiry reports are discussed below.

Senate Committee reports

1.28 Recent senate committee inquiries of relevance include the 2003 Legal and Constitutional Affairs References Committee report, *Reconciliation: Off track*, the 2005 report of the Senate Select Committee on the Administration of Indigenous Affairs, *After ATSIC - Life in the mainstream?*, the Senate Community Affairs Committee 2006 report on petrol sniffing in remote Aboriginal communities, *Beyond petrol sniffing: renewing hope for Indigenous communities*, and the Senate Environment, Communications, Information Technology and the Arts Committee 2007 report on Australia's Indigenous visual arts and craft sector, *Indigenous Art – Securing the Future*. Various inquiries and reports on relevant legislation have also been considered by the Senate; of particular note is the Senate Legal and Constitutional Affairs Committee's report of August 2007 on the NTER bills.²

House of Representatives Committee reports

1.29 The House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs has conducted several relevant inquiries, including the 2007 report, *Indigenous Australians at Work: Successful initiatives in Indigenous employment* and the 2004 report into capacity building and service delivery in Indigenous communities. There is also an ongoing inquiry into developing Indigenous enterprises, the outcomes of which will be of great interest to the committee in their consideration of term of reference (d)—the employment and enterprise opportunities in regional and remote Indigenous communities.

State and territory government reports

1.30 As the committee must consider of the impact of state and territory government policies on regional and remote Indigenous communities, there are also an extensive number of state and territory inquiries of relevance.

1.31 Of particular note for the committee are the various inquiries into child sexual abuse and the security of children in Indigenous communities, including:

- *Ampe Akelyernemane Meke Mekarle "Little Children are Sacred"*, the Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse;³

2 The Senate, Standing Committee on Legal and Constitutional Affairs, *Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 and four related bills concerning the Northern Territory Emergency Response*, August 2007.

3 Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, *Ampe Akelyernemane Meke Mekarle "Little Children are Sacred"*, 2007. http://www.nt.gov.au/dcm/inquirysaac/pdf/bipacsa_final_report.pdf (accessed 8 September 2008).

- *Children on Anangu Pitjatjantjara Yunkunyjatjara (APY) Lands Commission of Inquiry – A report into sexual abuse* by Commissioner Ted Mullighan to the South Australian Government in April 2008;⁴
- the 2006 inquiry by the New South Wales Aboriginal Child Health Taskforce and the report *Breaking the Silence: Creating the Future. Addressing Child Sexual Assault in Aboriginal Communities*;⁵ and
- the 2002 inquiry into family violence and child abuse in Aboriginal communities in Western Australia, widely referred to as the 'Gordon Inquiry' and which made 197 recommendations on how to deal with sexual abuse and violence in Aboriginal communities.⁶

1.32 In Western Australia the committee's attention has been drawn to the numerous inquiries undertaken by the state Education and Health Standing Committee, which in 2007 examined Indigenous employment in the state, reviewed the Cape York family income management scheme and inquired into successful initiatives in remote Aboriginal communities. In 2008, the state committee tabled the report *Ways forward beyond the blame game: some successful initiatives in remote Indigenous communities in WA*.⁷

1.33 The Legislative Council Standing Committee in New South Wales is currently conducting an inquiry through its Social Issues Committee into overcoming Indigenous disadvantage in NSW, due to report in November 2008.⁸ This will provide valuable information to the committee for consideration of issues in regional and remote Indigenous communities in NSW.

4 Hon EP Mullighan QC, *Children on Anangu Pitjatjantjara Yunkunyjatjara (APY) Lands Commission of Inquiry – A report into sexual abuse*, April 2008. Report available at: http://www.service.sa.gov.au/ContentPages/sagovt/mullighaninquiry_apy.aspx (accessed 4 September 2008).

5 NSW Attorney-General's Department, *Breaking the Silence: Creating the Future. Addressing Child Sexual Assault in Aboriginal Communities*, 2006. Report available at: <http://www.lawlink.nsw.gov.au/acsat> (accessed 4 September 2008).

6 Gordon, S, Hallahan, K, Henry, D (2002) *Putting the picture together, Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities*, Department of Premier and Cabinet, Western Australia. Report available at: <http://www.premier.wa.gov.au/Internal/Documents/GordonInquiryReport.pdf> (accessed 17 September 2008).

7 Western Australia Legislative Assembly, *Ways forward beyond the blame game: some successful initiatives in remote Indigenous communities in WA*, Report no. 13, 2008. Report available at: [http://www.parliament.wa.gov.au/Parliament%5CNews.nsf/\(Report+Lookup+by+Com+ID\)/482569F400245ECBC825744A000E6F73/\\$file/Final.pdf](http://www.parliament.wa.gov.au/Parliament%5CNews.nsf/(Report+Lookup+by+Com+ID)/482569F400245ECBC825744A000E6F73/$file/Final.pdf) (accessed 17 September 2008).

8 More information is available from the NSW Parliament website at: <http://www.parliament.nsw.gov.au/prod/Parliament/Committee.nsf/0/EF37567247133576CA257347007F405A> (accessed 20 September 2008).

Coronial inquiries

1.34 The committee also notes the evidence and recommendations from several recent coronial inquests into Indigenous deaths as the result of alcohol or substance abuse in Western Australia, South Australia and the Northern Territory.

1.35 Of particular note in Western Australia are the two reports handed down this year by the Western Australian Coroner, Mr Alastair Hope, into deaths in the Kimberley region and Oombulgarri community, as well as the 2004 report on the deaths of two young people at Balgo Aboriginal community from petrol sniffing.

Further submissions

1.36 The committee welcomes further submissions both in writing and orally. Submissions do not have to be long or detailed and may set out a community's or an individual's concerns in dot points. Additional details of how to make a submission are available at: http://www.aph.gov.au/Senate/committee/wit_sub/index.htm

1.37 The committee is also keen to encourage submissions from a broad range of people, especially people residing in regional and remote Indigenous communities. For people who are not able to or do not want to make a written submission the committee secretariat can arrange for a submission or evidence to be transcribed over the telephone via the committee's toll free number 1800 728 963. Interpreters are also available.

Acknowledgement

1.38 The committee appreciates the time and work of those individuals and organisations that provided written and oral submissions to the inquiry. Their work has assisted the committee considerably in its inquiry so far.

1.39 The committee particularly acknowledges the work of the Wirrimanu Aboriginal Corporation and the community in Balgo for their hard work in arranging the committee's visit.