

The Senate

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Select Committee on  
Regional and Remote  
Indigenous Communities

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## Abbreviations

<b>ABS</b>	Australian Bureau of Statistics
<b>APY</b>	Anangu Pitjatjantjara Yunkunyjatjara
<b>ARDS</b>	Aboriginal Resource and Development Services Incorporated
<b>ARIA+</b>	Accessibility/Remoteness Index of Australia
<b>CAEPR</b>	Centre for Aboriginal Economic Policy Research
<b>CDEP</b>	Community Development Employment Projects
<b>CHINS</b>	Community Housing and Infrastructure National Survey
<b>COAG</b>	Council of Australian Governments
<b>DEWR</b>	Department of Employment and Workplace Relations
<b>DVD</b>	Digital Video Disc
<b>FaHCSIA</b>	Department of Families, Housing, Community Services and Indigenous Affairs
<b>FAS</b>	Foetal Alcohol Syndrome
<b>FASD</b>	Foetal Alcohol Spectrum Disorder
<b>HACC</b>	Home and Community Care program
<b>IBA</b>	Indigenous Business Australia
<b>KALACC</b>	Kimberley Aboriginal Law and Culture Centre
<b>MCA</b>	Minerals Council of Australia
<b>NATSIS</b>	National Aboriginal and Torres Strait Islander Social survey
<b>NTER</b>	Northern Territory Emergency Response
<b>RDA</b>	<i>Racial Discrimination Act 1975</i>
<b>RISS</b>	Remote Indigenous Service Support
<b>SIHIP</b>	Strategic Indigenous Housing and Infrastructure Program



# 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](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.

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## 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.<sup>1</sup>

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

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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.<sup>2</sup>

### *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;<sup>3</sup>

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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](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;<sup>4</sup>
- 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*;<sup>5</sup> 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.<sup>6</sup>

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*.<sup>7</sup>

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.<sup>8</sup> This will provide valuable information to the committee for consideration of issues in regional and remote Indigenous communities in NSW.

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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](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).



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### *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](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.



# Chapter 2

## Setting the scene

### Scope

2.1 Given the wide scope of its terms of reference the committee has aimed, in its first report, to provide a survey of the breadth of issues that have been raised with it so far and to provide some direction for the focus of future reports over the course of its inquiry to 2010.

### Distribution and composition of the Indigenous population

#### *Australia's Indigenous population*

2.2 As noted in Chapter 1 this report uses the most widely accepted definition of remoteness—the Accessibility/Remoteness Index of Australia (ARIA+). After the 2006 census, the Australian Bureau of Statistics (ABS) estimates the Indigenous population of Australia as at 30 June 2006 to be 517 000 people, or 2.5 per cent of the total Australian population. In terms of absolute numbers, New South Wales and Queensland have the highest number of Indigenous residents, with 148 200 and 146 400 respectively. Western Australia has an Indigenous population of 77 900 and the Northern Territory 66 600.<sup>1</sup>

2.3 The committee notes that although major cities are home to the largest single proportion of Indigenous people, a comparatively higher proportion of Indigenous people live in regional and remote areas of Australia. In 2006, an estimated 43 per cent of the Indigenous population were living in regional areas and an additional 25 per cent in remote areas,<sup>2</sup> thus the scope of the committee's inquiry covers almost 70 per cent of the Indigenous population.

#### *Location of Indigenous communities*

2.4 According to ABS data, in 2006 almost one-fifth, or 93 000 of Australia's estimated 517 000 Aboriginal people and Torres Strait Islanders lived in a discrete Indigenous community. The term 'discrete Indigenous community' refers to a geographic location that is bounded by physical or legal boundaries, is inhabited or

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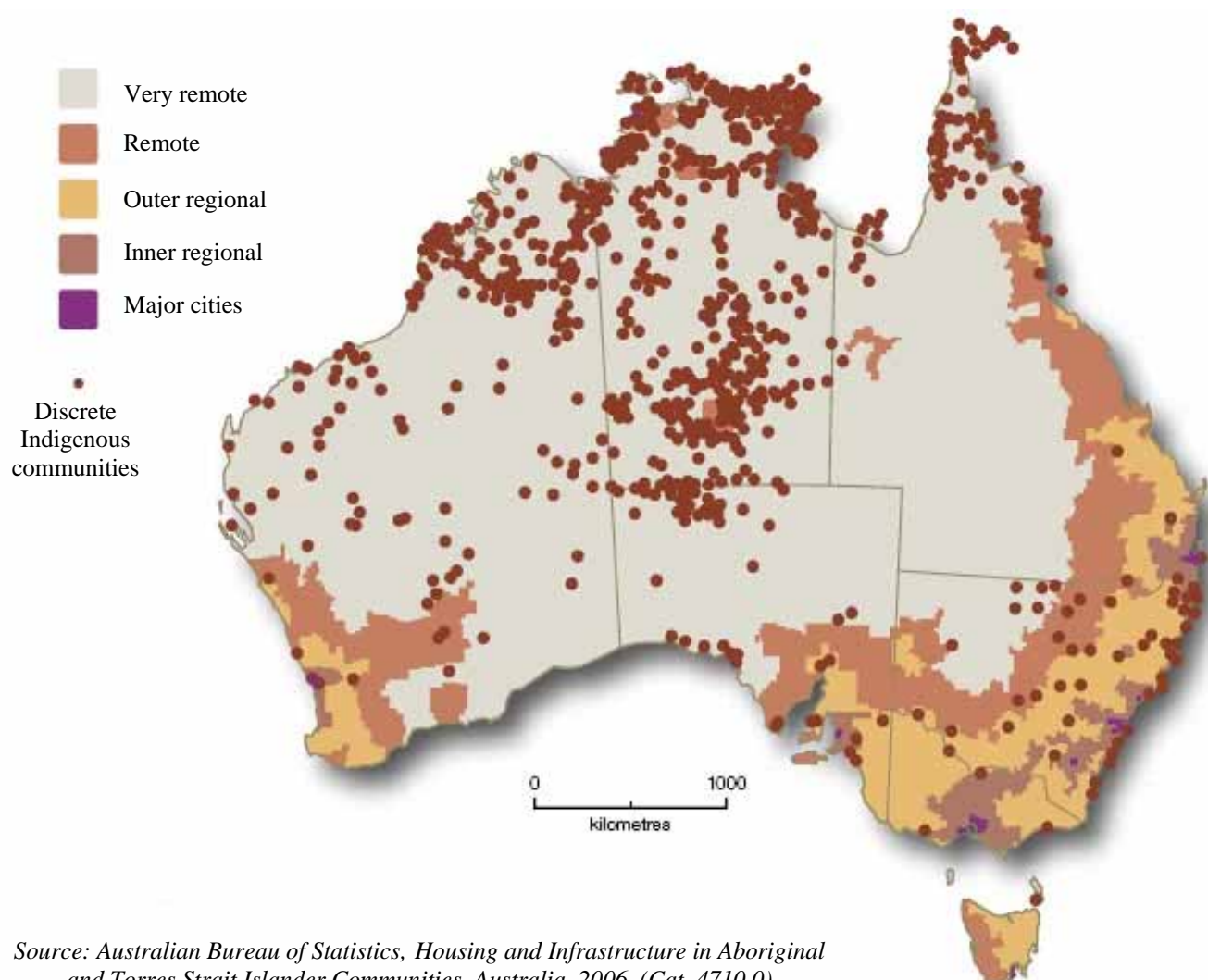
1 Australian Bureau of Statistics, *Population and distribution: Aboriginal and Torres Strait Islander Australians*, 2006 (cat. 4705.0), p. 4.

2 Australian Bureau of Statistics, *The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples*, 2008 (cat. 4704.0), p. 14.

intended to be inhabited predominantly by Indigenous people, and with housing or infrastructure managed on a community basis.<sup>3</sup>

2.5 As can be seen from Figure 1 below, showing discrete Indigenous communities by remoteness, the majority of discrete Indigenous communities, approximately 85 per cent, are located in remote or very remote locations. The remaining 15 per cent of discrete Indigenous communities are located in either major cities or the inner/outer regional areas, in communities such as Redfern in Sydney and Framlingham in western Victoria.<sup>4</sup>

**Fig. 1 – Discrete Indigenous communities and remoteness locations**



Source: Australian Bureau of Statistics, *Housing and Infrastructure in Aboriginal and Torres Strait Islander Communities, Australia, 2006 (Cat. 4710.0)*  
(ABS data used with permission from the Australian Bureau of Statistics )

3 Australian Bureau of Statistics, *Housing and Infrastructure in Aboriginal and Torres Strait Islander Communities, Australia, 2006 (cat. 4710.0)*, p. 109.

4 Australian Bureau of Statistics, 'Housing and Services in Remote Aboriginal and Torres Strait Islander Communities', *Australian Social Trends*, 2008, (cat. 4102.0), p. 1.

2.6 There is also a great diversity in the distribution of Indigenous communities between the states and territories. The Northern Territory has the highest proportion of Indigenous people living in discrete communities, approximately 45 per cent, with 81 per cent of its Indigenous population living in remote or very remote areas. In Western Australia 15 per cent of Indigenous people live in discrete communities with 41 per cent living in remote or very remote areas. In contrast, in states like South Australia, Victoria and New South Wales almost half of the Indigenous population live in major cities.<sup>5</sup>

2.7 John Taylor states:

Reference to remote Australia draws attention to the vast two-thirds of the continent where economic development and access to goods and services are severely impeded by small numbers and long distances. Fully one-quarter of the Indigenous population lives scattered across this landscape in places that are either close to, or on, lands they have owned via descent or other kin-based succession for millennia. Overall Indigenous people account for almost half of the resident population of very remote Australia; although away from the main service and mining towns dotted across this vast area, they are by far the majority...this means that Indigenous people and their institutions predominate over the bulk of the continental land mass.<sup>6</sup>

2.8 The committee notes that although the ABS data is the most comprehensive statistical analysis of the Indigenous population, according to the Australian National University's Centre for Aboriginal Economic Policy Research (CAEPR), there has been a substantial undercounting of the Indigenous population in the 2006 Census. CAEPR estimates this undercount to be around 11.5 per cent nationally, but of greater interest to the committee is that the extent of the undercount is most significant in Western Australia (with a projected 24 per cent undercount) and the Northern Territory (with a projected undercount of 19 per cent).<sup>7</sup>

### *Size of Indigenous communities*

2.9 ABS data indicates that out of 1 187 discrete Indigenous communities a total of 865 communities, or 73 per cent, reported a usual population of less than 50. Of these 1 187 discrete remote communities 17 had a population of 1 000 or more.<sup>8</sup> This is depicted over the page in Figure 2.

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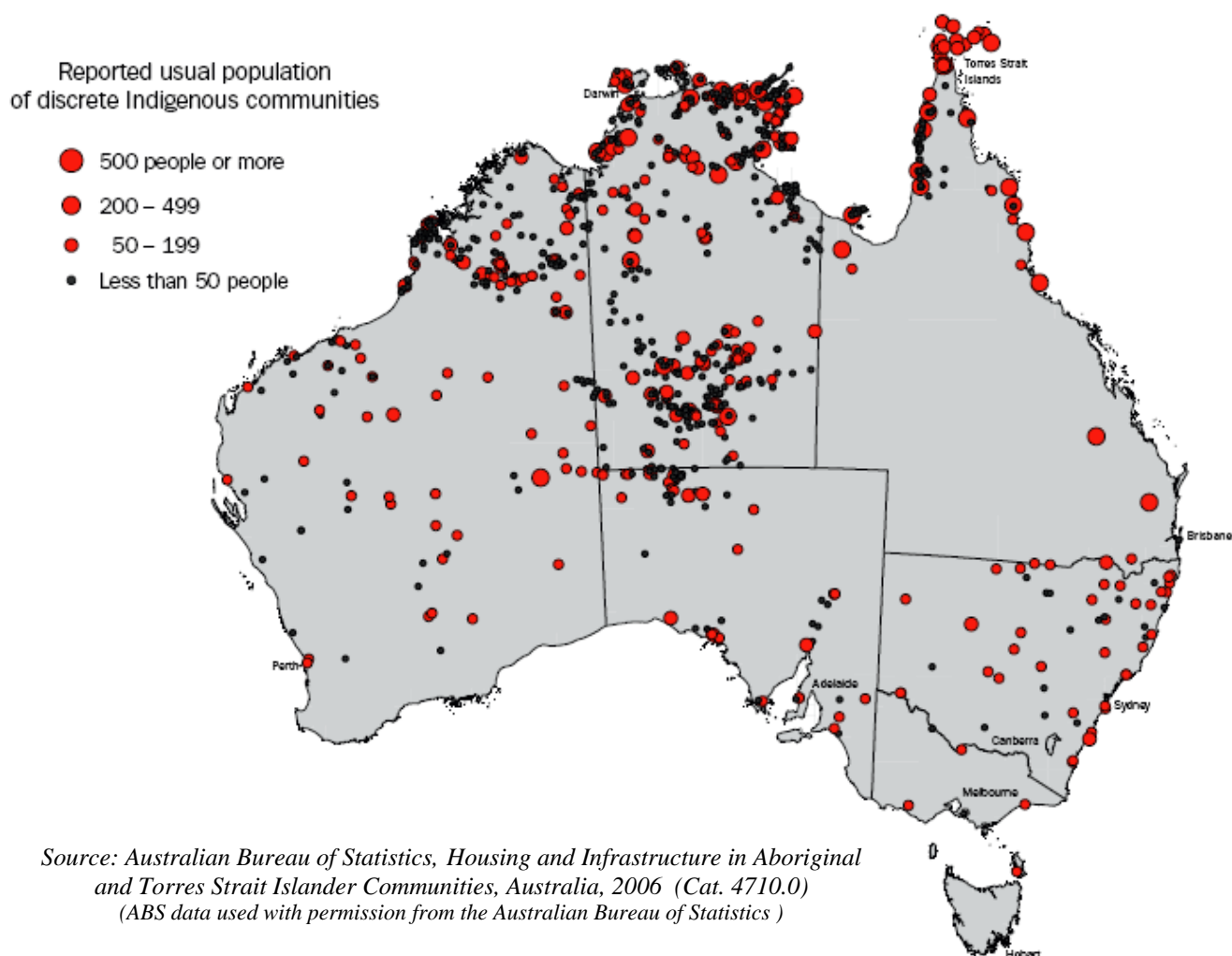
5 Australian Bureau of Statistics, *Housing and Infrastructure in Aboriginal and Torres Strait Islander Communities, Australia*, 2006 (cat. 4710.0), p. 18.

6 John Taylor, *Population and Diversity: Policy Implications of Emerging Indigenous Demographic Trends*, (CAEPR Discussion Paper no. 283/2006) Canberra: Centre for Aboriginal Economic Policy Research, p. 5.

7 J. Taylor and N. Biddle, *Locations of Indigenous Population Change: What Can We Say?*, (CAEPR Working Paper no. 43/2008) Canberra: Centre for Aboriginal Economic Policy Research, p. v.

8 Australian Bureau of Statistics, *Housing and Infrastructure in Aboriginal and Torres Strait Islander Communities, Australia*, 2006 (cat. 4710.0), p. 17.

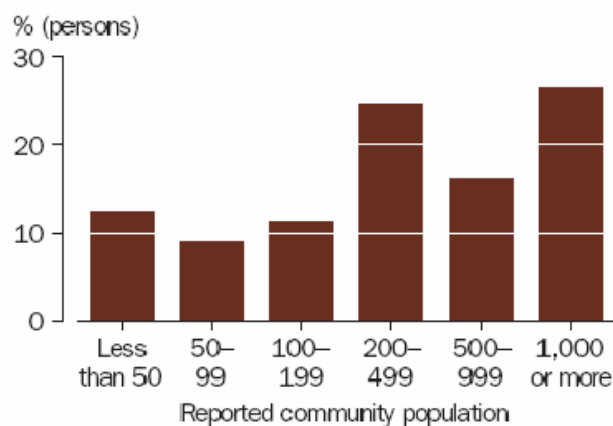
**Figure 2 – Population distribution and location by size of community**



2.10 In 2006, 26 per cent of people in remote Indigenous communities lived in one of the fourteen communities with 1 000 or more people such as Yuendumu in the Northern Territory and Hope Vale in Queensland. A further 41 per cent of people living in discrete Indigenous communities lived in communities with between 200 and 1 000 residents and 20 per cent were in communities with between 50 and 199 residents. Nearly 13 per cent of people lived in communities with a population of less than 50 people.<sup>9</sup> See figure 3 over the page.

9 Australian Bureau of Statistics, 'Housing and Services in Remote Aboriginal and Torres Strait Islander Communities', *Australian Social Trends*, 2008 (cat. 4102.0), p. 2.

**Figure 3 – Population distribution, remote communities, by size of community – 2006.**



Source: 'Housing and Services in Remote Aboriginal and Torres Strait Islander Communities', *Australian Social Trends*, 2008 (cat. 4102.0)  
(ABS data used with permission from the Australian Bureau of Statistic)

2.11 The size and geographic location of Indigenous communities has an obvious relevance for policy makers when contemplating service delivery to Indigenous people in regional and remote communities. However there are other factors that impact on service delivery and Indigenous community wellbeing. It is well known that the Indigenous population is relatively youthful in comparison to the non-Indigenous population. Research indicates that this is due to a combination of higher fertility rates as well as higher mortality rates. While much of the non-Indigenous Australian population contemplates how to fund their retirement, many Indigenous people are unlikely to reach retirement age. The needs and concerns of Indigenous people are therefore focused at the other end of the social policy spectrum—on raising families, child health, education, criminal justice, family housing, and jobs.<sup>10</sup>

2.12 Another factor relevant to regional and remote Indigenous communities is the rate at which Indigenous people move between their home and other communities. While on average Indigenous residential relocation rates are the same as the rates for the non-Indigenous population, Indigenous people relocate far more often in and around major cities but far less often in remote areas. In remote areas Indigenous people are far more likely to move temporarily between communities within a region, with high rates of travel within the region for relatively short periods of time.<sup>11</sup>

10 John Taylor, *Population and Diversity: Policy Implications of Emerging Indigenous Demographic Trends*, (CAEPR Discussion Paper no. 283/2006) Canberra: Centre for Aboriginal Economic Policy Research, pp 7-8; 62.

11 John Taylor, *Population and Diversity: Policy Implications of Emerging Indigenous Demographic Trends*, (CAEPR Discussion Paper no. 283/2006) Canberra: Centre for Aboriginal Economic Policy Research, p. 62; Paul Memmot, Stephen Long and Linda Thomson, *Mobility of Aboriginal people in rural and remote Australia*, AHURI Research and Policy Bulletin, Issue 69, May 2006, p. 1.

## **Range of issues and emerging themes**

2.13 As discussed in Chapter 1, the committee notes the breadth and depth of issues raised with it both in submissions and during its inspection visit in the Kimberley region of Western Australia. These issues are discussed in detail under chapters 2-6 under each term of reference. While many of the issues are complex and will require further consideration during the committee's inquiry to 2010, the following themes have emerged during the inquiry process thus far:

- A perceived need for a greater investment in people, resources and infrastructure to meet the needs and aspirations of regional and remote communities;
- A commitment from state and territory and Commonwealth governments to long term relationships and partnerships with Indigenous people and communities as way of solving entrenched problems;
- Ability of government programs to be tailored to the needs and strengths of communities, not the other way around;
- Increased accountability of bureaucracies to Indigenous people and communities; and
- A perceived lack of awareness of the serious nature of the issues confronting people living in regional and remote Indigenous communities.

2.14 The committee considers that it has an important role in bringing these issues to the attention of not only the Senate but also to increasing awareness amongst the Australian public more generally.



# Chapter 3

## Term of Reference (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

### Northern Territory Emergency Response

3.1 On 21 June 2007 the previous Commonwealth government announced a set of measures known as the Northern Territory Emergency Response (NTER). These measures were stated to be in response to *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.<sup>1</sup> This inquiry was co-chaired by Ms Patricia Anderson and Rex Wild QC and was conducted in order to find better ways of protecting Aboriginal children in the Northern Territory from sexual abuse. The report was publicly released by the Northern Territory government on 15 June 2007.

3.2 The NTER is often referred to as 'the intervention' and at the time of being announced was stated as being 'all about the safety and wellbeing of children'.<sup>2</sup> The legislative package for the NTER comprised of five acts:

- *Appropriation (Northern Territory National Emergency Response) Act (No. 1) 2007-2008;*
- *Appropriation (Northern Territory National Emergency Response) Act (No. 2) 2007-2008;*
- *Northern Territory National Emergency Response Act 2007;*
- *Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007; and*

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1 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](http://www.nt.gov.au/dcm/inquirysaac/pdf/bipacsa_final_report.pdf) (accessed 8 September 2008).

2 Hon. Mal Brough MP, Minister for Families, Community Services and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs, 'second reading speech', Northern Territory National Emergency Response Bill 2007, *House of Representatives Hansard*, 7 August 2007, p. 10.

- *Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Act 2007.*

3.3 A key plank of the NTER legislation is the creation of 'prescribed areas', defined in section 4 of the *Northern Territory National Emergency Response Act 2007*. This definition is also referred to in other accompanying legislation. In summary, the NTER legislation provides the legislative basis for many of the measures in the NTER to operate within these prescribed areas.

3.4 Prescribed areas include all freehold land held by a Land Trust under the *Aboriginal Land Rights (Northern Territory) Act 1976*, other Aboriginal communities described as Northern Territory Community Living Areas,<sup>3</sup> town camps declared by the Minister for Families, Housing, Community Services and Indigenous Affairs under the *Northern Territory National Emergency Response Act 2007* and any other area declared by the Minister to be a prescribed area.<sup>4</sup>

3.5 Pornography and alcohol are restricted in prescribed areas. Pornography is classified under two levels of 'prohibited material' and offences are created for possessing and supplying prohibited material in prescribed areas. Possessing level 1 prohibited material attracts a penalty of 50 penalty units (\$5 500) while possessing level 2 prohibited material attracts a penalty of 100 penalty units (\$11 000). Supplying prohibited material attracts a penalty of 100 penalty units although supplying more than five items of prohibited material can lead to a penalty of 200 penalty units and up to two years imprisonment or both.<sup>5</sup>

3.6 People receiving Centrelink payments who live in prescribed areas are subject to compulsory income management of half their Centrelink payments. A number of the measures, such as school nutrition and community clean up programs, did not require legislation.

3.7 The NTER legislation states that the provisions are to be defined as 'special measures' and excludes the legislation from the operation of Part II of the *Racial Discrimination Act 1975* (RDA) which prohibits racial discrimination.<sup>6</sup> Special measures are those that provide a benefit to a particular group so that the group will enjoy human rights on the same basis as other members of the community. A 'special

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3 Community Living Areas are a form of freehold title issued to Aboriginal corporations by the Northern Territory Government.

4 Department of Families, Housing, Community Services and Indigenous Affairs, available at [http://www.facsia.gov.au/nter/docs/factsheets/overview/factsheet\\_nter\\_communities.htm](http://www.facsia.gov.au/nter/docs/factsheets/overview/factsheet_nter_communities.htm) (accessed 23 September 2008).

5 Sections 101-104, *Families, Community Services and Indigenous Affairs and other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Act 2007*.

6 See section 4, *Families, Community Services and Indigenous Affairs and other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Act 2007*.

measure' is defined under the International Convention on the Elimination of All Forms of Racial Discrimination.<sup>7</sup>

3.8 In the 2008-09 financial year the Commonwealth government committed \$323.8 million for the NTER.<sup>8</sup> This followed on from an allocation of up to \$580 million<sup>9</sup> in the 2007-08 financial year, of which \$467 million was spent.<sup>10</sup>

3.9 The NTER, its associated legislation and the resulting government policy and programs, have generated considerable debate and criticism since their implementation. While these measures were commenced by the previous Commonwealth government, they were supported by the current Commonwealth government while in opposition and continue to form part of the government's policy although the committee notes that some amendments have been made to the NTER and its implementation. These include a moratorium on the dismantling of the Community Development Employment Projects (CDEP) scheme in the Northern Territory<sup>11</sup> and changes to the income management scheme.

3.10 The committee notes that the *Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008* is currently being considered by the Senate. Proposed amendments, which if passed, would require pay television licensees not to provide channels that contain more than 35 per cent of their total broadcast hours to programs rated R 18+, reinstate the permit system that gave public access to certain Aboriginal land and allow roadhouses in areas where a community is dependent on that roadhouse for the provision of groceries and drinks, to be licensed as a community store.<sup>12</sup>

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7 *Convention on the Elimination of All Forms of Racial Discrimination*, opened for signature 21 December 1965, 660 UNTS 195, art 1(4) (entered into force 4 January 1969).

8 The Hon. Jenny Macklin, MP, Minister for Families, Housing, Community Services and Indigenous Affairs, Budget 2008-09, 'Closing the Gap between Indigenous and non-Indigenous Australians', p. 28.

9 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response: One Year On*, 20 June 2008, p. 3.  
[http://www.facs.gov.au/nter/docs/reports/nter\\_review.pdf](http://www.facs.gov.au/nter/docs/reports/nter_review.pdf) (accessed 9 September 2008).

10 Advice provided by the Department of Families, Housing, Community Services and Indigenous Affairs.

11 The Hon Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs, 'Building stronger Indigenous communities', Press release, 10 December 2007.

12 Families, Housing, Community Services and Indigenous Affairs and other Legislation Amendment (Emergency Response Consolidation) Bill 2008, Explanatory Memorandum, outline and p. 3.

## Independent review of the Northern Territory Emergency Response

3.11 On 6 June 2008 the Commonwealth government announced a three member independent review board to review the effectiveness and impact of the measures contained in the NTER. The NTER Review Board consists of Mr Peter Yu as Chair, Ms Marcia Ella Duncan and Mr Bill Gray AM. The Review Board is supported by an independent expert group and secretariat support is provided by the Department of Families, Housing, Community Services and Indigenous Affairs.

3.12 The terms of reference for the independent review are as follows:

- examine evidence and assess the overall progress of the NTER in improving the safety and wellbeing of children and laying the basis for a sustainable and better future for residents of remote communities in the NT, and in particular, in improving the education, health, community safety and employment outcomes for citizens, and particularly women and children, resident in remote communities and town camps in the NT;
- consider what is and isn't working and whether the current suite of NTER measures will deliver the intended results, whether any unintended consequences have emerged and whether other measures should be developed or ways of working applied to better address circumstances facing remote communities in the NT; and
- in relation to each NTER measure, make an assessment of its effects to date, and recommend any required changes to improve each measure and monitor performance.

3.13 The NTER Review Board's website states that in making their assessments and recommendations, the Review Board should have regard to the government's intention that Indigenous interests be engaged to ensure effective policy development and implementation processes, and that policy and program measures to be adopted or endorsed by the Government give primacy to the interests of families and children and have regard to the *Racial Discrimination Act 1975*. The Review Board should also have regard to any relevant evaluation and review processes that may have already been undertaken in relation to the NTER.<sup>13</sup>

3.14 As of 29 September 2008, the NTER Review Board had received 222 submissions.<sup>14</sup> The Review Board was due to report its findings to the Commonwealth government on 30 September 2008, however the committee notes that the report has

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13 For more information see: <http://www.nterreview.gov.au/tor.htm> (accessed 10 September 2008).

14 For more information see: <http://www.nterreview.gov.au/subs.htm> (accessed 29 September 2008)

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been delayed until mid-October. The Commonwealth has committed to the public release of the NTER Review Board's report by the end of 2008.<sup>15</sup>

### **Committee's approach to term of reference (a)—the NTER**

3.15 As the NTER is being independently reviewed, with that report due to be publicly released by the end of 2008, the committee has decided to defer a more detailed consideration of this term of reference until 2009. This will provide the committee with the benefit of the NTER Review Board's findings and will allow the committee to consider these findings more fully as well as seek community and stakeholder views on both the findings and the government's response.

### **Issues raised**

3.16 The NTER, since announced in June 2007 has generated considerable media attention and community concern. This level of concern is reflected in the submissions.

3.17 Out of 37 submissions received as of 10 September 2008, 15 of these are focused exclusively on the NTER. Most submissions about the NTER question why the legislative package of measures needs to exclude the RDA in order to protect children. The Darwin Aboriginal Rights Coalition describes the suspension of the RDA as a '...very significant concern for individuals, leaders and organizations alike'.<sup>16</sup> Some submitters are also concerned that the suspension of the RDA has led to what Marlene Holder describes as 'an upsurge of blatant racism'<sup>17</sup> and are urging the government to reinstate the RDA.<sup>18</sup>

3.18 Several submitters quoted the first recommendation of the Little Children are Sacred report which recommended that governments commit to genuine consultation with Aboriginal people when designing initiatives for Aboriginal communities<sup>19</sup> and noted that the NTER seemed to be in direct contradiction with this recommendation.<sup>20</sup>

3.19 There were no submissions that were expressly in support of the NTER although several welcome the additional resources that the NTER provided to Indigenous people and communities in the Northern Territory, as well as raising the

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15 Department of Families, Housing, Community Services and Indigenous Affairs, *Portfolio Budget Statements 2008-09*, Budget Related paper No 17, p. 57.

16 Darwin Aboriginal Rights Coalition, *Submission 5*, p. 14.

17 Marlene Holder, *Submission 6*, p. 1.

18 Oxfam Australia, *Submission 17*, pp 6-7; Law Council of Australia, *Submission 33*, p. 4.

19 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, p. 84.

20 See for example Oxfam Australia, *Submission 17*, p. 6; Central Australian Legal Aid service and Northern Australian Aboriginal Justice Agency, *Submission 24*, p. 4.

profile of the importance of services and support to families and children. As the National Rural Health Alliance states:

On the positive side, the work in the Northern Territory has stimulated valuable public attention and bipartisan political support for work to improve the health of Aboriginal and Torres Strait Islander people. Provision of adequate services and policies to achieve equal health for Aboriginal and Torres Strait Islander people throughout the nation within a generation will require whole-of-government and national support. It will mean working on the social and economic determinants of poor health, as well as on putting in place a comprehensive primary health care system for Indigenous people. Response measures should be coordinated and aligned with existing services; programs should be complementary not competitive. Governments should be prepared to make the substantial investment that will be required to bring about equity.

Whatever view is taken of the detail of the Northern Territory intervention to date, it can certainly provide useful information for guiding decisions about how a long-term national program should be implemented.<sup>21</sup>

3.20 Much of the criticism in submissions about the NTER focused on the way that the measures had been created and implemented, without consultation with Indigenous people and communities that were going to be affected. A majority of the submissions proposed that dealing with disadvantage faced by Indigenous communities was best done in consultation with people affected and by building on the strengths of the community.<sup>22</sup>

3.21 Many people making submissions about the NTER were keen to bring successful community driven initiatives to the committee's attention, such as community and night patrols operating in remote communities in central Australia<sup>23</sup> and the substance abuse programs run by Indigenous organisations at Mount Theo and Ilpurla in Central Australia.<sup>24</sup>

3.22 One submission referred to the NTER as 'a bureaucracy building exercise'<sup>25</sup> leading to little more than the employment of additional public servants.<sup>26</sup> There was considerable concern that implementation of the NTER would simply lead to more examples of failed government policy. The submission from the Central Australian Youth Link Up Service puts it in the following way:

It is strange how often this issue arises in this region: successive waves of government bureaucrats implementing policies that have already proved to be ineffective. The

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21 National Rural Health Alliance, *Submission 8*, p.4.

22 Desert Knowledge Cooperative Research Centre, *Submission 13*, p.2.

23 Ms Jenny Walker, *Submission 15*, pp 6-9.

24 Central Australian Youth Link Up Service, *Submission 26*, p. 7.

25 Northern Territory Council of Government School Organisations, *Submission 10*, p. 2.

26 See also Ms Jenny Walker, *Submission 15*, p. 2.

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inevitable roadcrash is then blamed on the Indigenous people who the flawed policy was applied to and the bureaucrats move on, to be replaced by another wave of people who follow the same tragic pattern. It seems this is a product of the top down approach, and reflects the fact that in federal bureaucracies the players are constantly changing while the problems on the ground continue.<sup>27</sup>

3.23 Many were concerned that there was no evidence that the measures of the NTER were going to improve the lives of children, with the Northern Territory Council of Government School Organisations suggesting that the NTER was having a negative impact because 'children are being taken out of home communities to areas where parents can drink and often are not returning to school until several months later'.<sup>28</sup>

3.24 Several submissions detail problems with store cards and income quarantining, and advocate voluntary systems of income management. Tangentyere Council has provided the committee with an example of a voluntary food voucher system used by 840 people before the NTER commenced. This system allows people to allocate some of their Centrelink payments to food vouchers.<sup>29</sup> Tangentyere Council also details examples of how the compulsory income management system of the NTER is creating an administrative burden on community organisations and stores.<sup>30</sup>

### **Future direction for the committee's inquiry**

3.25 The committee notes the level of concern expressed in submissions about the measures of the NTER and the way in which they have been implemented. The committee will consider the independent review of the NTER and gather further evidence in relation to the NTER and its impact over the course of its inquiry.

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27 Central Australian Youth Link Up Services, *Submission 26*, p. 4.

28 Northern Territory Council of Government School Organisations, *Submission 10*, p. 3.

29 Tangyentere Council, *Submission 31*, p. 7.

30 Tangyentere Council, *Submission 31*, p. 7.





# Chapter 4

## Term of Reference (b)

### **The impact of state and territory government policies on the wellbeing of regional and remote Indigenous communities**

#### **The role of state and territory government policy**

4.1 This term of reference covers a significant and wide ranging area of policy impacting on the wellbeing of regional and remote Indigenous communities. Of greatest impact and concern for the committee are policies concerning housing, the delivery of essential services, infrastructure, policing, health and education.

4.2 The agreements and frameworks governing the implementation of these policies between the Commonwealth, and state and territory governments are complex, and vary across states and territories. There is also a high level of interdependency between state and territory and Commonwealth policies, however there is no single government agency or department charged with coordinating and implementing policies relating to regional and remote Indigenous communities. The committee notes however that the Council of Australian Governments (COAG) is the peak intergovernmental forum in Australia for coordinating Indigenous affairs.

#### **Issues raised**

##### *Housing*

4.3 During the committee's inspection visit to Western Australia the issue of inadequate housing was continuously raised as the number one issue affecting the community as it impacts on general health, emotional wellbeing, the hiring and retention of essential staff, school attendance and performance, employment capability, alcohol and substance abuse, instances of violence, sexual abuse and child abuse and neglect. Rio Tinto, in their submission, state that:

Perhaps the biggest issue for regional and remote communities is the lack of housing...Regional and remote Indigenous communities are experiencing a housing crisis. Overcrowding is common and is having a severe impact on child safety, general health, living conditions and employment capability.<sup>1</sup>

4.4 As Amnesty International Australia points out in their submission, on a recent visit in 2006 the United Nations Special Rapporteur on adequate housing, Miloon

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1 Rio Tinto, *Submission 20*, p. 33.

Kothari, concluded that 'Australia has failed to implement its international legal obligation to progressively realize the human right to adequate housing to the maximum of its available resources, particularly in view of its possibilities as a rich and prosperous country'.<sup>2</sup>

4.5 The committee notes that the lack of adequate housing has resulted in chronic overcrowding in Indigenous communities. For example, the committee heard that in Balgo there are approximately 30 satisfactory houses for a population of 400, which is an average of just over 13 people per house.<sup>3</sup> Similarly, in Alice Springs the Tangentyere Council manages 198 houses for approximately 1 600 to 2 000 residents, an average of 8-10 people per house.<sup>4</sup> The situation was also comparable in Derby where 'open house' homes are common with a varying occupancy of up to 18 people and groups of up to nine young people sleeping in the one room. As John Oswald concluded:

Only the exceptionally strong of any culture could reasonably overcome living in such dysfunctional circumstances to achieve in life.<sup>5</sup>

4.6 Issues related to housing are not restricted to remote communities. Several submissions are keen to point out the housing crisis in regional areas, especially as it relates to mining activities in regional towns. As Rio Tinto states:

Government needs to be aware of just how crowded these regional towns are, particularly those near mining operations. For existing and resident Indigenous population, this compounds problems they are already facing and locks them out of the housing market, particularly if they are not associated with their region's mining operation.<sup>6</sup>

4.7 Organisations in Fitzroy Crossing expressed particular concern regarding the impact of the lack of housing on their ability to attract and retain quality staff for essential services and community development programs. For example, the committee heard from two organisations in Fitzroy Crossing that although there are funds allocated for essential positions there has been no provision for housing the staff and so many of the positions go unfilled.<sup>7</sup> In addition the committee was advised that many approved and funded health programs are on hold in the region as there are no housing options available for staff.<sup>8</sup>

4.8 Concerns were also raised in regards to the poor maintenance of existing housing. As the National Rural Health Alliance stated:

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2 Amnesty International Australia, *Submission 16*, p. 26.

3 Committee inspection, Balgo, Thursday 21 August 2008.

4 Tangentyere Council, *Submission 31*, p. 15.

5 John Oswald, *Submission 34*, p. 2.

6 Rio Tinto, *Submission 20*, p. 33.

7 Committee inspection, Fitzroy Crossing, Tuesday 19 August 2008

8 Committee inspection, Fitzroy Crossing, Wednesday 20 August 2008

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In remote and very remote areas the housing challenge is even more complex, given the existence of few skilled workers locally for adequate levels of maintenance.<sup>9</sup>

4.9 Dr Lara Wieland and Dr Richard Heazlewood suggest that the cost of providing housing should not be prohibitive and they point to low maintenance practical housing that can be erected locally, similar to that currently used in developing countries. To address the issue of maintenance, new housing should coincide with 'training for local youth to become tradespeople in their own communities'.<sup>10</sup>

4.10 Issues with housing for homelands and outstations was also raised in submissions and is an area currently receiving significant attention. Laynhapuy Homelands Association, on behalf of the traditional Owners of the Laynhapuy, Djalkarripyungu and Miyarkapuyungu regions of North East Arnhem Land, state that between 2003 and 2010 they have been allocated a total of three new houses which 'neither addresses backlog needs or meets emerging needs'.<sup>11</sup> The committee notes that many of the issues and concerns regarding housing on homelands and outstations is affected by arrangements between the Commonwealth and state and territory governments.

4.11 The committee appreciates the level of concern people have about housing and recognises the impact it is having on other determinants of individual and community wellbeing such as health and education. The committee agrees with the National Rural Health Alliance that:

Adequate housing tailored to suit the climate and lifestyles of Indigenous Australians remains an essential element of improved health and wellbeing of Aboriginal and Torres Strait Islander communities in remote areas.<sup>12</sup>

4.12 The committee will consider the issue of both adequate and culturally appropriate housing throughout the course of its inquiry.

### ***Policing***

4.13 Adequate staffing and resourcing of police stations in regional and remote Indigenous communities is a major area of concern for the committee in relation to state and territory government policy and the wellbeing of these communities. The inquiry so far has highlighted serious understaffing and underfunding in many remote police stations which has a serious impact on the security and safety of the community.

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9 National Rural Health Alliance, *Submission 8*, p. 9.

10 Dr Lara Wieland and Dr Richard Heazlewood, *Submission 12*, p. 9.

11 Laynhapuy Homelands Association, *Submission 28*, p. 12.

12 National Rural Health Alliance, *Submission 8*, p. 9.

4.14 The committee observed firsthand the impact that understaffing of remote police stations is having on communities during its visit to Balgo. Prior to the release of the report from the Gordon inquiry in 2002, Balgo had no permanent police presence. As part of the Western Australian government's response to the Gordon report, Balgo was the first community provided with a 'multifunction' police station. The committee understands that it is now the busiest remote facility in the Kimberley with an average of 350 arrests per year with two police officers providing 24 hours a day, 7 days a week protection for three communities over an area of 200km.

4.15 The committee has been advised that Warburton in Western Australia has four police officers who make a similar number of arrests on an annual basis. Additional police officers in Balgo would reduce the substantial pressure placed on the two officers currently stationed in the community.

4.16 There is little doubt that the shortage of police officers impacts negatively on the community and it places both the community and police officers at risk. The committee heard that if an assault occurs in one of the other communities serviced by the police in Balgo, the police must then drive several hours to apprehend the offender. During this time there is no police presence in Balgo. Furthermore, if police then have to take an offender to Halls Creek the time the community is without police is significantly extended. In addition the committee also heard that if a person is kept in custody in Balgo one officer must remain there at all times, leaving one police officer to attend call-outs, and in more dangerous situations where two officers are required they are subsequently unable to attend.<sup>13</sup>

4.17 In addition to placing the community and officers at risk, the inadequate staffing of police stations also reduces the ability of police to undertake preventative measures and build positive relationships with the community. For example police officers in Balgo advised the committee that they are unable to perform regular patrols in order to prevent 'sly-grogging' in the community. Instead the police are only able to respond following a report that alcohol has entered the dry community.

4.18 Other submissions, such as that from Dr Lara Wieland and Dr Richard Heazlewood—writing about Cape York communities in Queensland—supported this view stating that 'an appropriate police presence both in numbers and in maturity' is essential to combat sly-grogging.<sup>14</sup> Other initiatives to build better relationships with the community, such as regular visits to schools and a police rangers group, are also constrained by the lack of resourcing.

4.19 The overall effect of inadequate staffing of police stations is best expressed by Dr Lara Wieland and Dr Richard Heazlewood in their submission:

The community needs to be provided with safety and justice as a basic starting point. Nothing else can be tackled unless there is basic protective

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13 Committee inspection, Balgo, Thursday 21 August 2008.

14 Dr Lara Wieland and Dr Richard Heazlewood, *Submission 12*, p. 7

security for all, in particular women and children. Police must be there to listen, enforce and protect. This requires adequate police numbers for workload. Police need to be the best for the job, experienced and supported and rewarded for committing to service in communities.<sup>15</sup>

4.20 Tangentyere Council's submission outlined the need for additional police officers to appropriately and effectively police the town camps of Alice Springs, especially following the designation of the camps as dry areas under the NTER. The Council explained how the community patrols it runs work closely with the police, and play an important role in reducing violent incidents.<sup>16</sup>

4.21 While most submissions on this issue consider that more police are required in regional and remote communities, the Laynhapuy Homelands Association offers an alternative experience. They state that very few incidents occur on the homelands where police involvement is required as '...traditional law, and structure of responsibility/authority, are still heavily relied on to resolve disputes before they escalate to a problematic level'.<sup>17</sup> There is a police presence in Nhulunbuy, and the communities will call for assistance and cooperate with police when needed. This highlights the diversity of community structures and needs in relation to policing and reinforces the need for community resourcing to be allocated according to the individual circumstances of communities.

### ***State/territory and commonwealth government relations***

4.22 The bilateral and overarching agreements between the Commonwealth and state and territory governments—under the COAG National Framework of Principles for Government Service Delivery to Indigenous Australians—set out which level of government has primary responsibility for service delivery, and where overlaps remain the agreements set out an agreed approach.<sup>18</sup> However, the committee notes there is very little consistency between the separate agreements of each state and territory. The committee intends to raise this issue with the respective government departments as soon as the occasion arises.

4.23 In addition, the bilateral and overarching agreements are not the only frameworks governing a state or territory's relationship with the Commonwealth insofar as they relate to services and policies for Indigenous people in regional and remote communities. In its submission the South Australian government outlined the main structures and agreements between it and the Commonwealth:

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15 Dr Lara Wieland and Dr Richard Heazlewood, *Submission 12*, p. 10.

16 Tangentyere Council, *Submission 31*, p. 28; see also Harry Blagg and Giulietta Valuri, (2004) 'Aboriginal Community Patrols in Australia: Self-Policing, Self Determination and Security', *Policing and Society*, vol. 14, no. 4, p. 215.

17 Laynhapuy Homelands Association, *Submission 28*, p. 19.

18 All the bilateral agreements are available from the FaHCSIA website at: <http://www.facsia.gov.au/internet/facsinternet.nsf/indigenous/nav.htm#1>

- the Overarching Agreement on Indigenous Affairs between the Commonwealth of Australia and the State of South Australia;
- the Aboriginal Task Force (exploring agreed priorities through the drafting of an Aboriginal Strategic Plan);
- an Indigenous education agreement (Indigenous Education Strategic Initiative Program agreement);
- the Agreement on South Australian Aboriginal Health and Wellbeing between the State of South Australia, the Australian Government and the Aboriginal Health Council of South Australia Inc.; and
- the Indigenous Housing and Community Infrastructure Agreement.<sup>19</sup>

4.24 The above list serves to illustrate the complexity of arrangements between the states and territories and the Commonwealth government.

4.25 Oxfam Australia notes:

Previously, governments have failed to clarify responsibilities within and between levels of government to provide essential services to citizens, and have established costly, burdensome and duplicative administrative systems.

There are overlapping and duplicative roles and responsibilities between federal, state and local government officials, Federal Government Business Managers, Indigenous Coordination Centres and the State and Territory offices of Federal Government departments...

... The conditions in Indigenous communities across Australia reflect, in part, the ongoing breakdown in federal/state responsibilities.

Existing financial arrangements and roles at federal and state levels have failed to ensure that Indigenous communities have access to essential services – safe water and sanitation, adequate housing, primary health care, schooling and policing - let alone the full and diverse opportunities for productive cultural and economic development that the citizens of a developed nation should enjoy.<sup>20</sup>

4.26 The committee also notes that from its initial visits to Indigenous communities in Western Australia great frustration and confusion was expressed regarding the roles and responsibilities of all levels of governments. The Kimberley Aboriginal Law and Culture Centre (KALACC) concluded that 'one of major

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19 The Hon Jay Weatherill MP, South Australian Minister for Aboriginal Affairs and Reconciliation, *Submission 27*, p. 2.

20 Oxfam Australia, *Submission 17*, pp. 11 and 17.

difficulties facing remote communities is engagement with government, at both State and Commonwealth levels'.<sup>21</sup>

4.27 KALACC also supplied the committee with a copy of the Law Reform Commission of Western Australia's report on Aboriginal customary law which found that:

Much of this disadvantage stems from a lack of infrastructure and essential government services to Aboriginal communities and includes the provision of suitable housing, education, law enforcement and healthcare, as well as clean water, waste disposal and power. The Commission found that part of the reason for problems of service provision to Aboriginal communities lay in the complicated nature of relationships between the three levels of government—local, state and federal—responsible for the delivery of services.<sup>22</sup>

### ***Primary health care***

4.28 The National Rural Health Alliance state that Indigenous health services in regional and remote communities have been severely underfunded by state and territory governments in the order of \$350–500 million per annum. In order to provide adequate health services in these communities they recommend that a minimum investment of \$460 million a year is required on top of funds already allocated through the NTER.<sup>23</sup>

4.29 The committee notes and has observed the excellent work and professional services provided by community health organisations and other health services in regional and remote areas. For many Indigenous people in remote areas it is not just the quality of services which is of concern but the access to services.

4.30 The committee understands that the South Australian government has outlined the improvement of both physical access and cultural appropriateness of health services for Indigenous people as a priority area for the government.<sup>24</sup>

4.31 Oxfam Australia noted that some of the issues regarding primary health care have arisen from a lack of support from both state and Commonwealth governments of Indigenous initiated and supported programs and greater recognition should be given to the Indigenous community controlled health sector, which in their view, 'plays a critical role in the provision of essential health services across Australia'.<sup>25</sup>

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21 Kimberley Aboriginal Law and Culture Centre, *Submission 37*, p. 2.

22 Law Reform Commission of Western Australia, *Aboriginal Customary Laws - The interaction of Western Australian law with Aboriginal law and culture*, September 2006, p. 33.

23 National Rural Health Alliance, *Submission 8*, p. 4.

24 The Hon Jay Weatherill MP, South Australian Minister for Aboriginal Affairs and Reconciliation, *Submission 27*, p. 12.

25 Oxfam Australia, *Submission 17*, p. 21.

The committee will raise the issue of funding for community controlled health services with the respective Commonwealth, state and territory government health departments during its inquiry.

4.32 The South Australian government has recognised the need to enhance the provision of comprehensive primary health through Aboriginal Community Controlled Health Services but states in its submission that this is an area that requires additional Commonwealth government investment and attention.<sup>26</sup>

4.33 Dr Lara Wieland and Dr Richard Heazlewood suggest that state, territory and commonwealth governments should create a statewide statutory Indigenous health body that:

...pools Commonwealth and state funds for health and provides expertise in indigenous health, with reduced bureaucracy and increased efficiency. Evidence increasingly points to a move to more regionalised community controlled health services, as per the Katherine West health board ...this model...improves efficiency, reduces wastage and duplication and all evidence suggests it leads to better outcomes.<sup>27</sup>

### ***Mental health services***

4.34 Many of the submissions, as well as organisations the committee met with in Western Australia, commented on the inadequacy of mental health services. The National Rural Health Alliance, in their submission state:

The problems faced by Aboriginal and Torres Strait Islander people with mental illness are exacerbated in rural and remote areas by poor access to appropriate primary health care and specialist mental health services.<sup>28</sup>

4.35 This issue has been of particular concern in the Kimberley region of Western Australia where many organisations raised their concerns regarding the lack of mental health services.

4.36 Testimony given at the recent Western Australian coronial inquest into 22 deaths in the region confirmed that:

...there is no clinical mental health professional permanently based in the Fitzroy Crossing area and the area is serviced by clinical staff from the Mental Health Service based in Derby, supported by regional staff such as psychiatrists, working out of Broome.<sup>29</sup>

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26 The Hon Jay Weatherill MP, South Australian Minister for Aboriginal Affairs and Reconciliation, *Submission 27*, p. 3.

27 Dr Lara Wieland and Dr Richard Heazlewood, *Submission 12*, p. 7.

28 National Rural Health Alliance, *Submission 8*, p. 6.

29 Western Australian State Coroner, Mr Alastair Hope, *Inquest into 22 deaths in the Kimberley region*, Ref No: 37/07, pp. 138-9.



4.37 This issue was further highlighted during the inquest by the circumstances of one of the deaths in question which related directly to inadequate secure mental health facilities. Without such facilities severely ill patients had to be transported to Perth for treatment which is distressing and costly for both the patient and family. The only option available was for the patient to be physically restrained. The coroner concluded that:

In the above context it is understandable why it was that a severely mentally unwell person was not detained as an involuntary patient and was permitted to return to the care of her family. Sadly, if there had been a secure mental health facility in the Kimberley, it is very likely that the deceased would have been detained at that facility and would not have hanged herself on 4 January 2006.<sup>30</sup>

4.38 The lack of mental health facilities is not confined to the Kimberley region. As Legal Aid Western Australia notes in its submission, other offices across Western Australia are reporting similar concerns about a lack of local mental health services.<sup>31</sup> The committee has also heard of similar scenarios and issues arising where mentally ill patients have had to be physically restrained and sedated at the police station due to a lack of appropriate facilities and trained specialist staff.

4.39 In addition to a lack of mental health services and facilities, both Legal Aid Western Australia and the National Rural Health Alliance expressed concern regarding the shortage of mental health professionals such as psychologists, psychiatrists and other mental health workers as having a detrimental effect on regional and remote communities. For example:

...even in a larger regional area such as Carnarvon, a psychiatrist only visits once a month. Legal Aid is aware of cases where offenders with mental health issues have been placed in custody in remote and regional areas [when] in similar circumstances in a metropolitan area they would have received a supervisory order or bail...if the appropriate support services were available.<sup>32</sup>

4.40 In order to address this issue, Legal Aid Western Australia recommends the state government fund and support positive incentives to attract more mental health workers, especially focussing on those with expertise working with children and young people.<sup>33</sup> The National Rural Health Alliance also supported the need to further train Indigenous health workers in the area of mental health, noting the important role they play in providing culturally appropriate and effective mental health services.<sup>34</sup>

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30 Western Australian State Coroner, Mr Alastair Hope, *Inquest into 22 deaths in the Kimberley region*, Ref No: 37/07, p. 142.

31 Legal Aid Western Australia, *Submission 1*, p. 7.

32 Legal Aid Western Australia, *Submission 1*, p. 7.

33 Legal Aid Western Australia, *Submission 1*, p. 8.

34 National Rural Health Alliance, *Submission 8*, p. 7.

4.41 The committee considers that there is a general inadequacy of mental health services and staff in the Kimberley region as well as throughout other regional and remote Indigenous communities and notes that this is impacting upon the wellbeing of these communities. The committee will give this area further attention in future reports.

### ***Aged care services***

4.42 In addition to specialist mental health services, it was also brought to the committee's attention that sufficient aged care facilities were absent in many communities. In Balgo the Kapululangu Aboriginal Womens Law and Culture Centre has assumed the role of caring for and providing accommodation to women elders in the community. According to Kapululangu this has been achieved without any dedicated funding and purely as 'a response to the hiatus of properly constituted aged and disabled care in Balgo'.<sup>35</sup> Kapululangu also notes that the male elders in the community remain without any aged care services.

4.43 The committee notes that one of the solutions Kapululangu has recommended for elderly members of the community is a comprehensive Home and Community Care (HACC) program. HACC is a joint Commonwealth-state funded program to provide community care services to frail aged people and younger people with disabilities, and their carers.<sup>36</sup>

4.44 In addition to the provision of aged care services, support is required for carers to assist the elderly to remain at home. The National Rural Health Alliance, in support of the position of Aged and Community Services Australia, recommends the creation of a comprehensive Indigenous policy for carers:

...which would incorporate Home and Community Care (HACC) and other community care programs, and for the Remote Indigenous Service Support (RISS) initiative to provide flexible support for all Indigenous services...Families and carers need to be supported with more funding and with simple, streamlined culturally-appropriate processes.<sup>37</sup>

### ***Public transport***

4.45 Liz Penfold MP raised the issue of inadequate and ad hoc public transport services between regional and remote communities, citing the demise of the bus service between Yalata and Ceduna on the far west coast of South Australia. The submission notes that the bus service was initiated with Commonwealth government funding and then sustained for two years with funding from the South Australian state government. As the submission outlined, without this public bus service there has been an:

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35 Kapululangu Aboriginal Womens Law and Culture Centre, *Submission 36*, p. 6.

36 More information is available from: <http://www.health.wa.gov.au/hacc/home/index.cfm>

37 National Rural Health Alliance, *Submission 8*, p. 5.

increasing number of incidents where...Aboriginal persons [were] lying in the middle of the road or walking on the verge of the road in an intoxicated state. These incidents had become virtually non-existent when a reliable bus service operated...this was just one example of many negative community disturbances and community problems in the Ceduna township that a reliable bus service alleviated or removed.<sup>38</sup>

4.46 The Shoalcoast Community Legal Centre noted a similar lack of transport options on the NSW south coast where public transport either does not exist or the only option was the daily school bus. This greatly limits access to support services, such as domestic violence services and Aboriginal Police Liaison workers, normally located in the larger regional towns.<sup>39</sup> Legal Aid Western Australia also recommends the allocation of a community bus service to each community accessible by road in order to provide people with a means to comply with court orders.<sup>40</sup>

4.47 The committee recognises that there is a general lack of public transport in regional and remote areas which is a significant issue for Indigenous communities and their wellbeing. As the 2006 Housing and Infrastructure in Aboriginal and Torres Strait Islander Communities survey found, only 54 discrete Indigenous communities out of the total of 1 187 surveyed on this issue, indicated that public transport was available to travel to and from the community into major service towns, with community run transport available in only an additional 72 communities.<sup>41</sup>

### *Outstations, homelands and small discrete communities*

4.48 The committee notes concern has been expressed regarding the future viability of small discrete communities—usually less than 50 people—and outstations and homelands, which were originally created in order to re-establish cultural, religious and traditional links to ancestral lands.

4.49 The main concern outlined in submissions is the ambiguity and even absence in some cases of state, territory and Commonwealth policy on the viability of and service delivery arrangements to these communities. This is having a large impact on the wellbeing of these communities, as Greg Marks outlined:

The major implication is no new housing for outstations. Some satellite communities close to larger settlements might get under the radar and get funded, but otherwise the huge investment in housing on Indigenous outstations and homelands to date is basically to be left to depreciate to worthlessness. There is no replacement program, let alone additional housing. The significant unmet demand and backlog, and the rapidly growing population, are all to be ignored. The only way to obtain housing

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38 Liz Penfold MP, *Submission 2*, p. 3.

39 Shoalcoast Community Legal Centre, *Submission 19*, p. 4.

40 Legal Aid Western Australia, *Submission 1*, p. 11.

41 Australian Bureau of Statistics, *Housing and Infrastructure in Aboriginal and Torres Strait Islander Communities, Australia*, 2006 (cat. 4710.0), p. 34.

in future will be to move back to the large communities. The message to Aboriginal people is clear.<sup>42</sup>

4.50 The Memorandum of Understanding between the Commonwealth and the Northern Territory government on Indigenous Housing, Accommodation and Related Services signed in September 2007 specified that the Commonwealth 'will have no further responsibility for the delivery of Indigenous housing, municipal, essential and infrastructure services in the Northern Territory from 1 July 2008'.<sup>43</sup> The Laynhapuy Homelands Association concluded:

The Australian Government has wiped it's hands of responsibility for the backlog of need in homelands - need which have been clearly identified in funding reports year after year and through the national CHINS survey, NATSIS survey, etc.<sup>44</sup>

4.51 The Tangentyere Council advised that under the local government reform measures in the Northern Territory, homeland outstations and town camps have been excluded from receiving the new allowance for house maintenance of \$8 000 per house per year, almost four times the amount it currently receives.<sup>45</sup> The committee questions the reason for this discrepancy and will make further inquiries about this situation, but recognises that the Commonwealth government has recently announced an additional \$5.3 million to Tangentyere Council for upgrades to existing housing in the Alice Springs town camps.<sup>46</sup>

4.52 The committee also notes the new Strategic Indigenous Housing and Infrastructure Program (SIHIP), jointly funded by the Commonwealth and Northern Territory governments. The committee will monitor the progress of this initiative and report any improvements for outstations, homelands and small discrete communities.

4.53 KALACC also expressed frustration at determining the Western Australian government's policy on the sustainability of remote Indigenous communities.<sup>47</sup>

4.54 The committee believes that state, territory and Commonwealth governments should, at a minimum, establish clear policies in respect to these communities and agree on responsibilities for basic service delivery such as housing. As Greg Marks states:

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42 Greg Marks, *Submission 30*, p. 6.

43 Memorandum of Understanding between the Australian Government and the Northern Territory Government, *Indigenous Housing, Accommodation and Related Services*, September 2007.

44 Laynhapuy Homelands Association, *Submission 28*, p. 10.

45 Tangentyere Council, *Submission 31*, p. 7.

46 The Hon Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs, '\$5.3 million upgrade for Tangentyere housing', Press release, 10 July 2008.

47 Kimberley Aboriginal Law and Culture Centre, *Submission 37*, p. 2.

Whilst the economic circumstances facing outstations and similar small and decentralised communities are difficult, this situation will not be solved by encouraging people to move from their traditional lands – this merely displaces the problem and arguably exacerbates negative outcomes...

...the delivery of services, including essential services, will be a critical component in regard to outstations being viable and healthy communities. It is no good allowing outstations and similar communities to become dilapidated with worn out infrastructure and over-crowded housing.<sup>48</sup>

### ***Regional governance***

4.55 The ability of state and territory governments to create and implement policies effectively in remote communities was also raised as a concern. Desert Knowledge Australia's 2008 report on developing initiatives to revitalise remote Australia highlighted that governments at all levels have disengaged with remote Australia:

Remote Australia is inevitably distant—and remote—from the everyday attentions of government. Despite best intentions Remote Australia will not consistently attract the attention of metropolitan-focussed governments. Successive and sincere efforts to 'make a difference' have generally failed. It is vital to have an effective and sustainable governance regime for Remote Australia which is not dependent on the intermittent attention of distant governments.<sup>49</sup>

4.56 The issue of regional governance and locally controlled programs was raised both by KALACC and the Shire of Derby/West Kimberley during the committee's visit to the Kimberley. During the visit to KALACC, a desire was expressed to the committee for the creation of an autonomous structure to be created in the region similar to the Torres Strait Regional Authority to support service delivery to small communities and larger centres.<sup>50</sup> The Shire of Derby/West Kimberley discussed with the committee the need for a regional authority in order to best utilise local knowledge and achieve the best outcomes. The committee heard examples of where state government agencies, operating out of Perth, made decisions without local consultations on new housing locations which were inappropriate for the climate and the region.<sup>51</sup>

4.57 The Laynhapuy Homelands Association in their submission also expressed frustration:

...at the failure of government...to appropriately support their aspirations for separate development through the provision of appropriate infrastructure and services to develop local capacity, such as is proposed in the LHAI

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48 Greg Marks, *Submission 30*, p. 9.

49 Desert Knowledge Australia, *remoteFOCUS: Revitalising Remote Australia*, July 2008, pp. 5-6.

50 Committee inspection, Fitzroy Crossing, Wednesday 20 August 2008.

51 Committee inspection, Balgo, Friday 22 August 2008.

[Laynhapuy Homelands Association Incorporated] 'hub' model of development. Their aspirations and efforts over the past 30 years to build their homelands as self-managing communities have been completely discounted and disregarded by Government policy leading up to and since the intervention.<sup>52</sup>

4.58 The committee notes the current FaHCSIA consultations for the development of a National Indigenous Representative Body which would give Indigenous people greater input into Indigenous affairs and policy development.<sup>53</sup>

### ***Legal services***

4.59 Concerns were raised by Legal Aid Western Australia regarding the provision of legal services and access to justice in regional and remote communities. Legal Aid Western Australia argued that the level of funding provided by state, territory and Commonwealth governments was insufficient and did not provide these communities with a comparable level of assistance to that received in metropolitan areas.<sup>54</sup>

4.60 Legal Aid Western Australia also notes that:

Improvements in the justice system will have reduced impact unless they are part of a holistic approach drawing on the strengths of these communities at the same time as well as addressing the problems in health, education, and welfare.<sup>55</sup>

4.61 The committee also notes the provision of additional funding by the Western Australian government to appoint a magistrate and court staff as well as create a new Legal Aid office in the east Kimberley, which Legal Aid Western Australia states 'will assist in the redress of these issues in this area'.<sup>56</sup>

### ***Repatriation of human remains and secret and sacred objects***

4.62 While visiting KALACC in Fitzroy Crossing the committee was shown a shipping container on their premises that contained hundreds of human remains and sacred objects that were actively sought and repatriated mainly from Swedish museums. The committee heard that KALACC's support was actively sought by the Commonwealth government in order to repatriate these remains and items however since the demise of the Aboriginal and Torres Strait Islander Commission the Commonwealth government has provided insufficient funding or assistance to return

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52 Laynhapuy Homelands Association, *Submission 28*, p. 9.

53 More information available from FaHCSIA website:  
<http://www.facsia.gov.au/internet/facsinternet.nsf/indigenous/repbody.htm>

54 Legal Aid Western Australia, *Submission 1*, p. 3.

55 Legal Aid Western Australia, *Submission 1*, p. 2.

56 Legal Aid Western Australia, *Submission 1*, p. 13.

the remains to country, and that as a consequence, the remains and other objects had been left in the container for several years.<sup>57</sup>

4.63 Although this is an area the Commonwealth government is responsible for, the committee was sufficiently shocked by this situation to raise this issue in the report. The committee understands that since its visit to the Kimberley an offer of funding has been made to KALACC by FaHCSIA to support repatriation activities through to 30 June 2009. The committee will follow up on the outcomes of this funding being made available in subsequent reports.

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57 Committee inspection, Fitzroy Crossing, Wednesday 20 August 2008.





# **Chapter 5**

## **Term of Reference (c) the health, welfare, education and security of children in regional and remote Indigenous communities**

### **Shared understanding of the importance this issue**

5.1 There is no disagreement about the primacy of this issue: the health, welfare, education and security of children in Indigenous communities is acknowledged as being of critical importance. Commonwealth, state, territory and local governments, the non-government sector, industry groups and indeed communities themselves are in agreement that more must be done to ensure that children are provided with environments and conditions which guarantee their safety and provide adequate care, nutrition, good health, education and development. The committee shares this view.

5.2 Submissions addressing this term of reference, and indeed research in the area, confirms the complexity of the issues involved in creating optimum conditions in which children are able develop and grow to their full potential.

### **Issues raised**

5.3 Several of the submissions related to this term of reference indicated a level of frustration with the lack of progress made in securing healthy and safe communities for children. Dr Lara Wieland and Dr Richard Heazelwood express this in the following way:

Australians are hearing much now about the level of disadvantage and social dysfunction and the concomitant damage being done to women and children in many remote indigenous communities in many parts of Australia. For some it is too gruesome and painful to even read about so imagine what it is like to live it?

Whilst Cape York has it's own identity and different culture and in some ways appears to not be so beset by these problems on the surface, all of those on the ground, including many of the Cape York people and almost all of the children know about the hell that lies just beneath the surface for so many Cape York families.

It is a shameful contrast that some of this country's most disadvantaged people are in the very backyard of one of the world's premier tourist destinations and the playground of the rich – Cairns and the Far North. One drives through places like Port Douglas where Presidents and movie stars holiday on the way to these disadvantaged

communities with third world conditions and widespread abuse and neglect of women and children.<sup>1</sup>

5.4 Submissions suggest holistic responses to child wellbeing, noting that child health and development is linked to other determinants of community wellbeing such as the provision of adequate housing, education, primary, secondary and tertiary health services and good governance systems.<sup>2</sup>

5.5 This is acknowledged by the Commonwealth government which in its discussion paper on the development of a national framework for protecting children states:

Child abuse and neglect cannot be easily disentangled from issues such as poverty, homelessness, drug and alcohol addiction, domestic violence, mental health issues and social isolation. Understanding the ways these factors inter-relate and developing strong connected solutions require the effort and attention of all levels of government, non-government organisations providing key services and support for families, and the broader community.<sup>3</sup>

5.6 This is confirmed by international and domestic research in the area. This research also indicates that individualistic responses to child wellbeing do not substantially improve conditions for Indigenous communities or families and that community based responses provide the best long term chance of increasing the health, development and wellbeing of children.<sup>4</sup>

5.7 The impact of inadequate housing on children was raised on a number of occasions with the committee during its inspection visit as an example of the interdependencies and multiple factors that influence the wellbeing of children. People question how the community can expect children to go to school and learn if they are unable to get a good night's sleep in an overcrowded house, or have somewhere to do their homework.

### ***Statutory protection frameworks***

5.8 Submitters agree that a strong statutory framework is required for child protection and that adequate policing resources are required to investigate and pursue

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1 Dr Lara Wieland and Dr Richard Heazlewood, *Submission 12*, p. 1.

2 Legal Aid Western Australia, *Submission 1*, p. 2; Dr Lara Wieland and Dr Richard Heazlewood, *Submission 12*, p 9.

3 Department of Families, Housing, Community Services and Indigenous Affairs, *Australia's children: safe and well*, May 2008, p. 8  
[http://www.facsia.gov.au/family/child\\_protection\\_discussion\\_paper/ChildProtectionDiscussion%20PaperFINAL.pdf](http://www.facsia.gov.au/family/child_protection_discussion_paper/ChildProtectionDiscussion%20PaperFINAL.pdf) (accessed 10 September 2008).

4 Terri Libesman, *Child welfare approaches for Indigenous communities: international perspectives*, National Child Protection Clearinghouse Issues Paper no. 20, Autumn 2004, p. 3.

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criminal allegations of abuse and neglect.<sup>5</sup> However this framework can only operate as a safety net, with a broader set of measures for child and family wellbeing seen as the most effective way to prevent harm.<sup>6</sup>

5.9 The South Australian government submission explains how the state of South Australia has implemented changes to its statutory protection framework as a result of a state government inquiry. In 2006 the *Children's Protection Act 1993* was amended to create three statutory bodies to improve the monitoring of the care and protection of children:

- the Guardian for Children and Young People;
- the Child Death and Serious Injury Review Committee; and
- the Council for the Care of Children.

5.10 The South Australian government also refers to its 2007 Children in State Care Commission of Inquiry, conducted by former Supreme Court Judge, Ted Mullighan and the extension of this inquiry into the sexual abuse of children on the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands in northern South Australia. The Commission provided its report to the state government on 30 April 2008 and in it documented major child safety issues throughout the APY Lands.<sup>7</sup>

5.11 The committee is keen to find out what impact the creation of these statutory offices and the implementation of recommendations of Justice Mullighan's inquiry will have on life outcomes for Indigenous children in South Australia, and will consider this as part of its inquiry up until 2010.

5.12 Services for child offenders and those who have themselves been victims of sexual abuse has been raised in the joint submission by the Central Australian Aboriginal Legal Aid Service and North Australian Aboriginal Justice Agency. This submission cites an example of a 13 year old convicted of sexual offences who had been the victim of sexual abuse himself. The court accepted that the offender was mimicking acts that had been done to him. The submission is critical of the absence of services to arrest this cycle of abuse.<sup>8</sup> This issue was also raised with the committee on its visit to Fitzroy Crossing.<sup>9</sup>

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5 Dr Lara Wieland and Dr Richard Heazlewood, *Submission 12*, p. 12.

6 Uniting Care Children, Young People and Families Services (NSW), *Submission 14*, p. 3; See also Secretariat of National Aboriginal and Islander Child Care Inc, *Service Development, Cultural Respect and Service Access Policy*, August 2008, p. 7.

7 The Hon Jay Weatherill MP, South Australian Minister for Aboriginal Affairs and Reconciliation, *Submission 27*, p. 10.

8 Central Australian Aboriginal Legal Aid Service and North Australian Aboriginal Justice Agency, *Submission 24*, p.13.

9 Committee inspection, Fitzroy Crossing, Tuesday 19 August 2008.

### ***Health and wellbeing***

5.13 Maternal health and access to primary health care for mothers and their children received significant attention in the submissions, with the National Rural Health Alliance calling for Australia to develop world's best practice programs for supporting pregnant women and their babies in the first few years of life. Supporting and tapping into the nursing and midwifery workforce to support these programs was seen as a way of improving access to Indigenous women and children in regional and remote communities.<sup>10</sup>

5.14 The committee heard evidence of this strategy being used effectively when it visited Derby in Western Australia. The Jalaris Kids Future Club told the committee of the positive impact of connecting the community's child and maternal health nursing program with the service provided by Jalaris. This had allowed Indigenous mothers and their children to access a service they would previously not have used, and demonstrates the importance of community partnerships.

5.15 Focusing on programs to support children pre-birth up until they start school is promoted as a long term strategy to address disadvantage. This is also seen as making good economic sense, with savings to be made over time with reduced pressure on welfare systems as an outcome.<sup>11</sup>

5.16 Dr Lara Wieland and Dr Richard Heazlewood propose the establishment of early childhood and community centres as the hubs of community life. They could be used to deliver parenting and nutrition programs, kindergarten and daycare, antenatal care, early childhood education and provide access to nurses and visiting specialists and therapists. Dr Wieland and Dr Heazlewood are critical of the baby bonus saying that there is anecdotal evidence it is raising teenage pregnancies and increasing the risk of violence, with women being forced to hand over money by their partners or others that is then used for alcohol and other substances.<sup>12</sup>

5.17 'Baby packs' providing essential items for mothers and babies is suggested as an alternative use of the money allocated for the baby bonus.<sup>13</sup> While in Fitzroy Crossing the committee heard evidence of a successful initiative of Nindilingarri Cultural Health Service providing baby packs and a DVD as a way of connecting with young women to provide education and antenatal care to support mums-to-be that would not ordinarily come into contact with the service. As women in Fitzroy Crossing have to go to Derby to have their babies, the DVD provides useful information about what women can expect in Derby when having their babies. The

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10 National Rural Health Alliance, *Submission 8*, pp. 5-6.

11 Dr Lara Wieland and Dr Richard Heazlewood, *Submission 12*, p. 3.

12 Dr Lara Wieland and Dr Richard Heazlewood, *Submission 12*, p. 8.

13 Dr Lara Wieland and Dr Richard Heazlewood, *Submission 12*, p. 8.

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committee was impressed with this initiative which seemed to be a simple yet effective way of supporting women and their babies.

5.18 Legal Aid Western Australia documents its concerns about a number of issues related to children and their wellbeing in Indigenous communities. Among these are the problems experienced when trying to get access to mental health professionals in remote settings. The submission notes that this access is very important, especially in providing non custodial options and addressing treatment and prevention needs for young offenders.

The problem is more acute for children and young people. There is a lack of professional assistance available; there are very few mental health professionals whose expertise is in dealing with children, and few mental health agencies willing to take children on...<sup>14</sup>

5.19 Calls for more access to mental health services for children are supported in other submissions.<sup>15</sup> Dr Rosemary Howard, a child and adolescent psychiatrist who has worked in Central Australia, explains how the conditions and problems experienced by children and young people living in regional and remote Indigenous communities, such as high incidences of child abuse and suicide, increases their vulnerability to developing mental health problems, arguing the need for specialist mental health professionals to be available in Central Australia to fill the current void.<sup>16</sup>

5.20 Issues related to mental health are also discussed in Chapter 4 in paragraphs 4.34 – 4.41.

### ***Preventing children and young people from offending***

5.21 The committee notes recent research which indicates that Indigenous offenders are more likely to begin offending regularly and at a much earlier age than non-Indigenous offenders.<sup>17</sup> This highlights the importance of preventative and diversionary programs targeted towards children, and not just adolescents. The committee also notes that a broad range of social and economic factors impact on the likelihood that a young person will become involved in crime. Therefore improvements in areas such as housing, education and health are likely to also reduce rates of offending in young people.

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14 Legal Aid Western Australia, *Submission 1*, p. 7.

15 National Rural Health Alliance, *Submission 8*, p. 6.

16 Dr Rosemary F Howard, *Submission 18*, p. 2.

17 J. Joudo, *Responding to substance abuse and offending in Indigenous communities: review of diversion programs*, Australian Institute of Criminology, Research and Public Policy Series no. 88, 2008, p. 12.

5.22 Several submissions suggest that programs offering young people an opportunity to learn about, and develop the skills needed to make healthy and safe choices throughout their lives are a way of tackling relatively high levels of offending. For example, Legal Aid Western Australia suggests that access to recreation programs and facilities can help prevent or break the cycle of offending.<sup>18</sup> The Central Australian Youth Link Up Services submission focuses on how appropriate youth programs in communities can deal with a range of issues, including identifying and referring children at risk to prevent abuse.<sup>19</sup>

5.23 While in Fitzroy Crossing, the committee was made aware of a project that brings young people at risk of substance abuse and offending together with elders as a way of these young people reconnecting with their culture and country.<sup>20</sup> This program, the Yiriman Project, run through the Kimberley Aboriginal Law and Culture Centre was short listed as a finalist in the National Drug and Alcohol Awards in 2006 for its work with young people. The committee understands that the community has had difficulty securing ongoing funding for this program and considers that locally designed and implemented programs such as this one make an important contribution to preventing children and young people from making choices that lead them towards substance misuse and crime.

### ***Education***

5.24 The issue of access to schools and quality education resources also attracted attention, with several submissions calling for immediate action.

Aboriginal and Torres Strait Islander children deserve and must have the same school facilities, curriculums, and teaching as other Australian children so that they may choose how and where to live.<sup>21</sup>

5.25 The submission from the Laynhapuy Homelands Association documents the commitment of residents to educating their children on the homelands as a way of keeping children connected to their family and kinship structures, and preventing unhealthy behaviours linked to alcohol and substance abuse.

Our members are very clear that they want their children to be educated in schools in the homelands for as many years of schooling as is possible. Parents regard sending their children to Yirrkala or Nhulunbuy as very undesirable as it takes them away from all the positive and supportive family and kinship relationships, away from culture, law and the structures for discipline. In Yirrkala young people are exposed to alcohol and related violence, other social problems, and to behaviours and

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18 Legal Aid Western Australia, *Submission 1*, p. 12.

19 Central Australian Youth Link Up Services, *Submission 26*, p. 9.

20 National Youth Affairs Research Scheme, *Community building through intergenerational exchange programs*, 2006, p. 47.

21 Centre for Independent Studies, *Submission 7a*, p. 4; see also National Rural Health Alliance, *Submission 8*, p. 8.

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experiences that are not condoned by the cultural or Christian values of many parents. Sending children away to boarding schools has been tried by some parents but this has proven to not be very successful.<sup>22</sup>

5.26 This submission also states that abuse and neglect in the Laynhapuy homelands has never been a significant problem as culture and law is still strong and has processes in place to ensure children are protected. In addition, there is little incidence of alcohol or substance use.<sup>23</sup> This is also discussed in Chapter 4 at paragraph 4.21.

5.27 The committee was pleased to be able to visit the Luurnpa Catholic School in Balgo community in the east Kimberley and witness the important work of the school in contributing not only to learning, but also in providing broader care such as nutrition and child health programs. The committee was impressed with a local initiative led by directors of the Wirrimanu Aboriginal Corporation which prevented the community store from opening until significant numbers of school age children were at school. This decision was made by the directors as a way of tackling low school attendance. It required support from the store and the school and is an example of a locally driven initiative developed, owned and supported by the community. While in Balgo the committee observed the positive impact this decision was having on school attendance.

5.28 The committee notes that for many children in remote communities, English may be their second, third or fourth language. It is therefore important that teachers and schools are appropriately resourced to cater for the diverse language needs of their students, and that children have confidence in both Standard Australian English and their home languages.<sup>24</sup>

5.29 Aboriginal Resource and Development Services Incorporated, working in north east Arnhem Land in the Northern Territory, suggests that programs that teach the whole community English will have the collateral benefit of allowing children to learn more effectively in schools.

In other parts of the world radio is used to teach English to whole masses of people. Although ARDS has wanted to do this on Yolngu Radio it seems that no one in Government is interested. Materials like this, once developed, will have a hundred years' life, teaching generation after generation this important information. Instead of forcing Yolngu children into schools where they will be instructed in a foreign language and learn very little, why doesn't the government provide the tools necessary for Yolngu and other Indigenous people to learn English?

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22 Laynhapuy Homelands Association, *Submission 28*, p. 18.

23 Laynhapuy Homelands Association, *Submission 28*, p. 17.

24 Daron Steven Keogh, *Submission 35*, p. 1.

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Let's go there. It will work as it has all across the world.<sup>25</sup>

5.30 Rio Tinto, in their submission, suggest that education infrastructure such as good school facilities and accommodation for children and students who have to leave their home communities, is critical if educational improvements are to be made for Indigenous people.<sup>26</sup>

5.31 Programs supporting parents and carers to take an active role in the education of their children were seen as a way of not only supporting a child's learning but of providing entry points to adult education for themselves. Rio Tinto detailed its Parents and Learning Program which it operates in communities around Australia, citing this program as having a positive impact on literacy and numeracy levels, attendance and behaviour.<sup>27</sup>

### ***Alcohol restrictions***

5.32 Dealing with the significant levels of alcohol and substance abuse was raised with the committee throughout its inspection visits in the Kimberley. In Fitzroy Crossing the committee heard of the extremely positive impact takeaway alcohol restrictions were having on the whole community. People who spoke to the committee reported that more children were being sent to school because many parents were now more capable of assisting their children get to school, and were spending money on food for families rather than alcohol.

5.33 The women's shelter intake figures fell and domestic violence reports to police in Fitzroy Crossing were 28 per cent lower than in the same period the previous year. There was a 48 per cent reduction in the number of Fitzroy Crossing residents presenting to the emergency department of the hospital with alcohol related injuries between October 2007 and March 2008 when compared with the same period in 2006-2007. School attendance also increased.<sup>28</sup>

5.34 After six months, an evaluation of the restrictions was carried out by Notre Dame University Australia on behalf of the Western Australian government's Drug and Alcohol Office. This evaluation found that alcohol restrictions were delivering major benefits to the community:

The statistics clearly demonstrates significant improvements in health and social outcomes. Indicators of alcohol-related violence and hospital attendances for alcohol related complications are significantly reduced.

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25 Aboriginal Resources and Development Services Incorporated, *Submission 11*, p. 4.

26 Rio Tinto, *Submission 20*, p. 10.

27 Rio Tinto, *Submission 20*, pp. 20-21.

28 L. Henderson-Yates, S. Wagner, H. Parker and D. Yates, *Fitzroy Valley Liquor Restriction Report: An evaluation of the effects of a six month restriction on take-away alcohol relating to measurable health and social benefits and community perceptions and behaviours*, March 2008, pp. 8-10.



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Respondents have reported significant improvements in the health and welfare of children. They are now better supervised by their parents, do not wander around the town late at night and are attending school regularly...<sup>29</sup>

5.35 The committee notes that the issue of alcohol restrictions can be a sensitive and divisive issue for communities and that support for these initiatives is required. The committee acknowledges the achievements of the Fitzroy Crossing community who worked hard to get the restrictions in place.

### ***Foetal Alcohol Syndrome***

5.36 While in Fitzroy Crossing the committee was concerned to hear about the problems experienced by parents and carers of children with Foetal Alcohol Syndrome (FAS). The committee learned that there is also a spectrum of related disorders referred to as Foetal Alcohol Spectrum Disorder (FASD) and that children with FASD have a range of behavioural and learning difficulties. Children with FASD require special assistance, as do their parents and caregivers to assist with appropriate treatment and responses to these children's needs.

5.37 The committee understands that as yet FASD does not appear on the relevant disability register which would allow it to be classified as a disability and that this impacts on the ability of schools, parents and carers to access resources and support that would ordinarily be available to children with disabilities.

5.38 The committee has been advised by the Commonwealth Department of Health and Ageing that progress is being made to develop a national response to FASD and that under the Intergovernmental Committee on Drugs, a working party was established in 2006 to advise on the developments in Australia and overseas in regard to FASD and identify best practice approaches to reduce the incidence of FASD, particularly in Indigenous communities.

5.39 The committee understands that a National FASD workshop was held in Adelaide in August 2008. It was attended by paediatricians, neonatologists, research officers, health professionals, policy makers in drug and alcohol, geneticists and Indigenous representatives. This workshop will make recommendations to the Ministerial Council on Drug Strategy about issues related to FASD and will include recommendations on service needs. The committee will follow developments in this area with interest.

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29 L. Henderson-Yates, S. Wagner, H. Parker and D. Yates, *Fitzroy Valley Liquor Restriction Report: An evaluation of the effects of a six month restriction on take-away alcohol relating to measurable health and social benefits and community perceptions and behaviours*, March 2008, p. 12.



# Chapter 6

## Term of Reference (d) Employment and enterprise opportunities

6.1 Improvements in employment and enterprise development in regional and remote Indigenous communities have been slow and programs have had varying levels of success over the years, with the current unemployment rate for the Indigenous population<sup>1</sup> still over three times higher than the rate for non-Indigenous people.<sup>2</sup>

6.2 The area of Indigenous employment and enterprise opportunities—which has received a great deal of recent attention from both the Commonwealth government and the private sector—is seen as one of the best ways to drive economic development and solve some of the entrenched social problems in regional and remote Indigenous communities. However, the barriers to greater employment and the creation of enterprise opportunities are complex and fundamentally connected to many of the issues already discussed in this report.

### Indigenous Business Australia

6.3 The committee has obtained the recent evaluation of Indigenous Business Australia (IBA) by the Office of Evaluation and Audit (Indigenous Programs) which assessed the effectiveness and efficiency of IBA's programs and program delivery.

6.4 The committee notes that the evaluation found the IBA *Investments* program—which aims to facilitate wealth creation among Indigenous communities through medium-to-large scale business activities—attracted Indigenous co-investment in around one-third of IBA's ventures, while direct Indigenous employment opportunities were provided in almost half of investments. The evaluation also found that 'the transfer and development of skills to Indigenous co-investors (e.g. financial skills, business acumen) remains an ongoing issue' for IBA.<sup>3</sup>

6.5 Overall, the evaluation found that IBA required an improved performance monitoring framework 'that adequately captures client outcomes and assists to more clearly demonstrate its role in Indigenous economic development'.<sup>4</sup> Currently, it is

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1 CDEP participants are not included when calculating the unemployment rate and for remote Indigenous communities CDEP can represent a significant proportion of employment.

2 Australian Bureau of Statistics, *The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples*, 2008 (cat. 4704.0), p. 14.

3 Department of Finance and Deregulation, Office of Evaluation and Audit (Indigenous Programs), *Evaluation of Indigenous Business Australia (IBA)*, December 2007, p. 4.

4 Department of Finance and Deregulation, Office of Evaluation and Audit (Indigenous Programs), *Evaluation of Indigenous Business Australia (IBA)*, December 2007, p. 15.

difficult for IBA to demonstrate that its programs improve economic independence for clients and this is an area of concern for the committee.

6.6 The committee will take a particular interest in IBA and its role and benefits for Indigenous communities throughout the course of its inquiry.

### **Other concurrent inquiries of interest**

6.7 The House of Representatives is currently undertaking an inquiry specifically into developing Indigenous enterprises and opportunities to encourage Indigenous controlled as well as joint ventures in small and medium sized businesses. The committee notes the terms of reference:

- whether current government, industry and community programs offering specific enterprise support programs and services to Indigenous enterprises are effective, particularly in building sustainable relationships with the broader business sector;
- identifying areas of Indigenous commercial advantage and strength;
- the feasibility of adapting the US minority business/development council model to the Australian context; and
- whether incentives should be provided to encourage successful businesses to sub contract, do business with or mentor new Indigenous enterprises.<sup>5</sup>

6.8 The inquiry has received 64 submissions and held ten public hearings to date. The committee awaits the findings of this inquiry and will utilise the report to identify any specific issues requiring further inquiry.

### **Issues raised**

6.9 Rio Tinto has summarised the main barriers to Indigenous employment as being:

- a lack of general education infrastructure specifically early childhood education;
- low levels of literacy;
- an underinvestment in appropriate and industry specific vocational education and training;
- a lack of drug and alcohol rehabilitation services;
- poor access to health services;

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5 House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Inquiry into developing Indigenous enterprises*, 2008.  
<http://www.aph.gov.au/house/committee/atsia/indigenousexercises/index.htm>  
(accessed 11 September 2008).

- a lack of childcare services and support for families;
- the lack of housing infrastructure; and
- the poor alignment of employment services with the training sector.<sup>6</sup>

6.10 The Minerals Council of Australia (MCA) agreed, stating:

...that it is in a unique position to be able to make a significant contribution to the socioeconomic development of remote Indigenous communities... However opportunities are limited by the poor delivery of essential services, or citizenship entitlements, such as education, health and medical services, water and housing and the fact that in many communities English is their third or fourth language.<sup>7</sup>

6.11 The committee observed that the main tourist accommodation in Fitzroy Crossing, the Fitzroy River Lodge, which is majority owned by the members of the local Indigenous community, did not employ a single Indigenous person at reception or in the restaurant. The committee heard a variety of reasons for this including a relatively small pool of skilled or semi-skilled Indigenous labour, low literacy and numeracy skills as well as low levels of self-confidence and familiarity with 'whitefella culture'.<sup>8</sup>

6.12 Many submissions also described the need to create culturally appropriate employment opportunities and emphasised that government and private enterprise should recognise and explore different ways of operating in order to make a real difference. This is described by the National Rural health Alliance in the following way:

It should be recognised that in some social environments there are 'two ways' of doing business. Existing linkages between governments and Aboriginal and Torres Strait Islander communities and organisations in the not-for-profit sector, the wider community and the private sector must be strengthened. This will help those involved to understand the business and economic processes from both Indigenous and non-Indigenous perspectives. If allowed to inform relationships and processes, this will enable more Indigenous Australians to participate in and contribute to the social and economic wealth of this country.<sup>9</sup>

6.13 There was also general agreement that a one-size-fits-all approach is not appropriate as the diversity of Indigenous communities must be acknowledged and factored into any approach. As the South Australian government recognises:

...not all locations have the same capacity to generate employment or business opportunities. Similarly, some locations have greater access to

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6 Rio Tinto, *Submission 20*, pp. 8-10.

7 Minerals Council of Australia, *Submission 21*, p. 2.

8 Committee inspection, Fitzroy Crossing, Tuesday 19 and Wednesday 20 August 2008.

9 National Rural Health Alliance, *Submission 8*, p. 9.

these opportunities in surrounding areas. A number of Indigenous communities in South Australia, particularly those in remote areas like the APY Lands have limited employment and business development options...<sup>10</sup>

6.14 The committee notes the recent private sector initiative lead by Mr Andrew Forrest, the Chief Executive Officer of Fortescue Metals Group, to initiate the Australian Employment Covenant. This covenant aims to 'rally employers to commit to providing opportunities for 50, 000 Indigenous Australians to step out of welfare and step up to permanent full time paying jobs'.<sup>11</sup> The committee will follow the progress and outcomes of this initiative throughout its inquiry.

### ***Literacy and numeracy***

6.15 The theme that recurs most frequently within the submissions and from observations on the committee's inspection visit is that poor numeracy and literacy skills, as well as school attainment levels, are a significant barrier to employment. This is especially true for Indigenous people in regional and remote areas which on average have a lower level of educational attainment with just under 40 per cent of Indigenous people aged 19 years and over having completed year 12 whilst in remote and very remote areas the figure is between 22 and 28 per cent. The figures are also similar for the attainment of non-school qualifications.<sup>12</sup>

6.16 This is particularly significant when considering the opportunities available for the Indigenous population to enter mainstream employment, as Greg Marks outlines:

Except for low paid casual work, participation in the market economy places a high premium on literacy and similar skills. Difficulties for Aboriginal people in market participation apply in the Northern Territory to a considerable degree, regardless of whether Aboriginal people live in an outstation environment, a larger community or an urban area. The dearth of meaningful employment is a significant problem, especially for young people, and provides little motivation for success in the European education system.<sup>13</sup>

6.17 The committee also heard that improvements in literacy and numeracy requires long term commitments in order to effectively equip people with the necessary skills to both obtain and remain in employment. For example, during the committee's visit to Balgo, it heard that BoysTown—an organisation working with disadvantaged children and young people—had planned for two and a half years to

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10 The Hon Jay Weatherill MP, South Australian Minister for Aboriginal Affairs and Reconciliation, *Submission 27*, p. 14.

11 The Hon. Kevin Rudd, MP, Prime Minister, 'The Australian Employment Covenant', Press Release 0394, 3 August 2008.

12 Australian Bureau of Statistics, *Australian Social Trends*, 2008 (cat. no. 4102.0), p. 5.

13 Greg Marks, *Submission 30*, p. 8.

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implement a skills training program in the community and that it would be another six months of working with young men in the community to get them to the pre-apprenticeship level and ready to undertake a Certificate I course.<sup>14</sup>

6.18 This highlights the need for both governments and industry to make long term funding and resourcing commitments as well as focus on building long term relationships within the communities.

### ***Creating local economies and training options***

6.19 A further issue raised in remote communities was the common requirement for people to travel and work away from the community for extended periods of time. The committee recognises that without appropriate family support services, Indigenous people in remote areas are understandably unlikely to want to seek or commit to long term employment opportunities outside their communities. Thus the committee notes the program run by Century Zinifex Mine in Queensland which has provided face to face video conferencing facilities to assist workers to address family issues while they are happening.

It enables them to continue to be on site for work while also being able to deal with family problems in an effective way. The alternative is that employees that are away from family feel a pull back to their community and often they leave site and work in difficult circumstances and then find it very difficult to return.<sup>15</sup>

6.20 Furthermore many submissions outlined the importance of local initiatives and the creation of employment opportunities close to communities and traditional lands. The Desert Knowledge Cooperative Research Centre commented that:

For the foreseeable future, however, Aboriginal people are not likely to move away from country in search of jobs. This makes it imperative to design economic development strategies for small-scale local and regional economies which may involve: building up the skills base so Aboriginal people take up more jobs in local essential services; more flexible support for local business development; creating partnerships with outside business and industry to market local products; and generating an economic value for local Aboriginal knowledge in, for example bush food, environmental management, cultural tourism and the arts.<sup>16</sup>

6.21 In order to build local economies, the Laynhapuy Homelands Association would like to see locally based training funded to provide in-house trainers in key areas such as building, plumbing, electrical, mechanical services, essential services and business administration through the creation of:

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14 Committee inspection, Balgo, Thursday 21 August 2008.

15 Rio Tinto, *Submission 20*, p. 32.

16 Desert Knowledge CRC, *Submission 13*, p. 3.

...a small 'trades training centre' linked to the Garrthalala homeland secondary program to provide a direct link between school education and VET programs and to ensure homeland students have some school to work transition opportunities.

Without reliable access to training it will be difficult to make inroads into employment and business development.<sup>17</sup>

6.22 The committee notes that a similar proposal has already been successfully implemented by Argyle Diamonds in partnership with the Kimberley TAFE and in the Swan Valley in Western Australia, with an investment of half a million dollars to establish local workshops which will allow teachers and trainers to run courses on a 'Fly-in-fly-out' basis. According to Rio Tinto this has provided local training opportunities and overcome many of the issues and disincentives associated with 'young people travelling away from home to complete their job training, getting lost in the bigger city and feeling overwhelmed'.<sup>18</sup>

6.23 Daron Steven Keogh, a business skills trainer in Fitzroy Crossing, also confirms the importance of fostering and developing local vocational education and training opportunities as well as employment. He suggests the funding of real-time online learning and training to assist remote community's access training.

Some of my current students are especially keen to see online distance training commence for their communities because to build their community they need skills, to get the skills they must leave the community, and when they leave the community it loses its vitality.<sup>19</sup>

### ***Opportunities in small communities***

6.24 A further issue was raised by Greg Marks regarding employment opportunities on outstations and other small Indigenous communities which he believes have greater potential to provide meaningful employment than larger settlements and town camps.

Firstly, there is the possibility to mix the welfare economy with subsistence activities, in particular hunting and gathering food (the so-called 'hybrid' economy). This lifestyle can provide an important source of nutrition, activity and cultural maintenance...

...Secondly, a number of possibilities exist for participation in the market economy, eg small-scale cultural and eco-tourism ventures, growing and collecting traditional foods for restaurants and food manufacturers, the production and sale of paintings and other crafts...running small (often killer) cattle enterprises, local municipal administration, house building and upkeep, road and vehicle maintenance, small-scale metal fabrication, working in health and education, border protection and surveillance of

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17 Laynhapuy Homelands Association, *Submission 28*, p. 21.

18 Rio Tinto, *Submission 20*, p. 25.

19 Daron Steven Keogh, *Submission 35*, p. 2.



illegal fishing and other intrusions, and land conservation and management.<sup>20</sup>

### *Opportunities in the mining sector*

6.25 The committee notes both Rio Tinto's and the MCA's submissions outlining the unique opportunities the mining sector offers for creating Indigenous employment opportunities within regional and remote areas. As the MCA notes:

In many remote and regional areas, mining operations provide the only significant mainstream economic activity in the region. The industry considers that the employment of Indigenous Australians, and particularly local Indigenous people does not only make good business sense, but it is also the right thing to do. In this vein, the industry has worked to increase Indigenous employment, positioning the minerals sector as the largest private sector employer of Indigenous Australians, with approximately 5% of its workforce identifying as Indigenous.<sup>21</sup>

### *Community Development Employment Projects (CDEP)*

6.26 As previously mentioned, a significant proportion of employment opportunities in remote Indigenous communities are created through CDEP. In very remote Australia there are approximately 21 100 CDEP participants.<sup>22</sup> FaHCSIA describes CDEP as doing the following:

...supporting activities which develop participants' skills and employability to assist the move into employment outside CDEP. These activities also make a valuable contribution to the community, and can lead to the development of business enterprises.

The overall aim of the CDEP Program is to support Indigenous Australians to achieve economic independence.<sup>23</sup>

6.27 Professor Jon Altman—the Director of the Centre for Aboriginal and Economic Policy Research (CAEPR) at the Australian National University—believes that CDEP is the most significant program for regional and remote communities and that all research undertaken by CAEPR 'indicates that CDEP has had a positive impact on Indigenous employment'.<sup>24</sup> Stated benefits include:

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20 Greg Marks, *Submission 30*, pp. 8-9

21 Minerals Council of Australia, *Submission 21*, p. 2.

22 Professor Jon Altman, *Submission 23*, p. iii.

23 FaHCSIA, Community Development Employment Projects (CDEP), [http://www.fahcsia.gov.au/internet/facsinternet.nsf/indigenous/programs-cdep\\_intro.htm](http://www.fahcsia.gov.au/internet/facsinternet.nsf/indigenous/programs-cdep_intro.htm) (accessed 13 September 2008)

24 Jon Altman & Will Sanders, 'Re-vitalising the Community Development Employment Program in the Northern Territory', Centre for Aboriginal Economic Policy Research, Topical Issue No. 5/2008, p. 2.

- higher participation in the customary economy (fishing or hunting in a group); community activities; funerals, ceremonies or festivals; and recreational or cultural group activities all of which build social capital;
- the provision and funding of a labour force to maintain many Indigenous sector organisations;
- provision of crucial support to key industries such as Indigenous arts and tourism;
- development of community infrastructure and provision of community services; and
- employment of Indigenous rangers and other personnel to provide a variety of environmental services.<sup>25</sup>

6.28 The South Australian government also supports CDEP believing that:

For communities that have limited scope for generating employment, the CDEP program is critical. Not only does it provide income support to community members, but also it supports a range of municipal and community development functions ranging from landscaping to child care.<sup>26</sup>

6.29 Conversely, the submission from the Centre for Independent Studies (CIS) argues against the continuation of CDEP, stating that at the centre of CDEP is 'the notion that Indigenous Australians are not capable of mainstream employment'.<sup>27</sup> CIS states that CDEP creates a 'welfare pedestal' discouraging people from obtaining mainstream employment and acts as another form of passive welfare.<sup>28</sup> CDEP also does not provide participants with a 'stepping stone' to employment, as the:

Department of Employment and Workplace Relations (DEWR) found that only around 5% of CDEP participants have moved to mainstream jobs. More than 40% of CDEP participants have been on CDEP for five years or more. After being on CDEP for years, most are no more ready for mainstream employment than when they started.<sup>29</sup>

6.30 Rio Tinto also agree that CDEP does not adequately prepare people for mainstream employment but for the reason that at present CDEP is under resourced

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25 Jon Altman & Will Sanders, 'Re-vitalising the Community Development Employment Program in the Northern Territory', Centre for Aboriginal Economic Policy Research, Topical Issue No. 5/2008, pp. 2-3.

26 The Hon Jay Weatherill MP, South Australian Minister for Aboriginal Affairs and Reconciliation, *Submission 27*, p. 13.

27 Centre for Independent Studies, *Submission 7*, p. 5.

28 Centre for Independent Studies, *Submission 7*, p. 4.

29 Centre for Independent Studies, *Submission 7*, p. 3.

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and thus CDEP participants will continue to lack the skills necessary for employment.<sup>30</sup>

6.31 However, the Laynhapuy Homelands Association submit that 'CDEP has functioned effectively to keep homeland residents actively engaged in work activities that benefit the welfare of their communities'.<sup>31</sup> In addition they assert that:

On the Laynhapuy homelands CDEP has never been 'sit down money'. CDEP providers across the top end acknowledged the need for CDEP to be reformed and have proposed a 14 Point Plan in late 2007 for how to make CDEP more effective. The Australian Government would do well to listen to the advice of community members and workers with actual experience of working in these contexts...The continuing promotion by government of mainstream employment service options in remote areas (eg. Job Network Members) where CDEPs are operating is inefficient, ineffective, a duplication of services and a waste of public funds...These services, which are not locally based, cannot provide the same levels of support, meaningful work activities, or work supervision and training that an effectively managed local CDEP can provide. These mainstream resources would be better invested in reforming and further developing CDEP.<sup>32</sup>

6.32 Tangentyere Council advised that the scrapping of the CDEP program negatively effected the community as 'all but 35 of 280 CDEP participants were made welfare dependent rather than being able to make a contribution to their communities'.<sup>33</sup> The Council notes that CDEP has now been reinstated however the number of placements has been reduced from 280 to 125.<sup>34</sup>

6.33 The CIS argue that there are viable employment opportunities located within commuting distance, even in remote areas, within the retail, tourist, horticultural, mining and government administrative fields, but currently Indigenous people in 'remote areas cannot access these jobs because they are not literate or numerate and lack subsequent vocational training'.<sup>35</sup> However Professor Altman suggests that firm evidence needs to be provided, especially by governments, of exactly what alternatives are available to CDEP participants, particularly on the remotest outstations.<sup>36</sup>

6.34 Some submissions also raised concerns that CDEP has:

...enabled territory and state governments to shift responsibility for providing local government, health, education, and policing services to the

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30 Rio Tinto, *Submission 20*, p. 35.

31 Laynhapuy Homelands Association, *Submission 28*, p. 9.

32 Laynhapuy Homelands Association, *Submission 28*, p. 21.

33 Tangentyere Council, *Submission 31*, p. 2.

34 Tangentyere Council, *Submission 31*, p. 2.

35 Centre for Independent Studies, *Submission 7*, p. 5.

36 Professor Jon Altman, *Submission 23*, p. iv.

commonwealth. In most remote areas, and especially in homeland communities, CDEP has become the main provider of services.<sup>37</sup>

6.35 This was confirmed by Professor Jon Altman:

...if CDEP participants are required to work on community projects this in turn may again result in cost shifting by governments of legitimate expenditures in health, housing, education and employment onto CDEP. A transparent and enforceable mechanism needs to be found to lock in public sector expenditures on an equitable needs basis, although CDEP labour should be available to assist in meeting deeply entrenched backlogs that will not be adequately addressed, even with equitable recurrent investments, for decades.<sup>38</sup>

6.36 The committee recognises that concerns and issues raised about CDEP are derived from the differing interpretations of the purpose of CDEP. The committee appreciates that many people consider that Commonwealth funding of CDEP fulfils an important role in supporting Indigenous communities in a variety of ways.

6.37 The committee notes the Commonwealth government is in the process of developing reforms to CDEP with further public consultations to be undertaken later in 2008. The implementation of the reforms to CDEP are scheduled for July 2009.<sup>39</sup> The committee will monitor the effects of these reforms on CDEP and employment in regional and remote Indigenous communities.

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37 Centre for Independent Studies, *Submission 7*, p. 4.

38 Professor Jon Altman, *Submission 23*, p. 5.

39 More information is available from the FaHCSIA website at:  
[http://www.fahcsia.gov.au/internet/facsinternet.nsf/indigenous/programs-cdep\\_intro.htm](http://www.fahcsia.gov.au/internet/facsinternet.nsf/indigenous/programs-cdep_intro.htm)  
(accessed 20 September 2008).

# Chapter 7

## Future focus of the committee

7.1 This report has been prepared on the basis of written submissions and an inspection visit to three communities in Western Australia.

7.2 Submissions received so far have informed the committee of a broad range of issues facing regional and remote Indigenous communities and the inspection visit provided the opportunity for the committee to hear about and observe some of the issues that were of most concern to the people of Fitzroy Crossing, Balgo and Derby.

7.3 The committee acknowledges the diversity of Indigenous communities and the complexity of the issues that have been raised during the inquiry so far. The committee invites further submissions under its terms of reference and will conduct public hearings as well as inspection visits in a range of locations before its next report, due to be tabled in the Senate on 30 March 2009.

7.4 Future work of the committee will address a range of issues, including:

- Reporting on the Commonwealth government's response to the review of the NTER;
- Housing;
- The impact of alcohol and other substance abuse restrictions on community wellbeing, particularly on the safety of children;
- CDEP reforms;
- Mental health services;
- Access to adequate education facilities;
- Coordination of services between governments;
- Policies affecting outstations and small communities; and
- Support for Indigenous enterprise and employment.

**Senator the Hon David Johnston**  
**Chair**



# **Appendix 1**

## **Submissions received**

- 1 Legal Aid Western Australia
- 2 Liz Penfold MP, Member for Flinders
- 3 Strider
- 4 Australian Association of Social Workers
- 5 Darwin Aboriginal Rights Coalition (DARC)
- 6 Marlene Hodder
- 7 The Centre for Independent Studies
- 7A The Centre for Independent Studies
- 8 National Rural Health Alliance Inc
- 9 Ernie Mitchell
- 10 Northern Territory Council of Government School Organisations (COGSO)
- 11 Aboriginal Resource and Development Services Inc (ARDS)
- 12 Dr Lara Wieland and Dr Richard Heazlewood
- 13 Desert Knowledge CRC
- 14 UnitingCare Children, Young People & Families Services
- 15 Jenny Walker
- 16 Amnesty International Australia
- 17 Oxfam Australia
- 18 Dr Rosemary F Howard
- 19 Shoalcoast Community Legal Centre Inc
- 20 Rio Tinto
- 21 Minerals Council of Australia

- 22 The Northern Territory Legal Aid Commission
- 23 Professor Jon Altman
- 24 Central Australian Aboriginal Legal Aid Service (CAALAS) and North Australian Aboriginal Justice Agency (NAAJA)
- 25 Janet Hunt
- 26 Central Australian Youth Link Up Service (CAYLUS)
- 27 The Hon Jay Weatherill MP, Minister for Aboriginal Affairs and Reconciliation South Australian Government
- 28 Laynhapuy Homelands Association Incorporated on behalf of members - Traditional Owners of the Laynhapuy, Djalkarripyungu and Miyarkapuyungu regions of North East Arnhem Land
- 29 Reconciliation Australia
- 30 Greg Marks
- 31 Tangentyere Council Inc
- 32 Chris Chappell
- 33 Law Council of Australia
- 34 John Oswald
- 35 Daron Steven Keogh
- 36 Kapululangu Aboriginal Women's Association
- 37 Kimberley Aboriginal Law and Culture Centre (KALACC)



## **Appendix 2**

### **List of organisations the committee met with**

**19-22 August 2008**

**Western Australia - Fitzroy Crossing, Balgo and Derby**

The committee visited and met with the following organisation as part of its inquiry:

#### ***Tuesday 19 August 2008***

- Marra Worra Worra
- Marninwarntitkura Fitzroy Women's Resource Centre

#### ***Wednesday 20 August 2008***

- Karrayili Adult Education
- Mangkaja Arts
- Nindilingarri Cultural Health Services
- Kimberley Aboriginal Law and Culture Centre

#### ***Thursday 21 August 2008***

- Balgo Police
- Wirrimanu Aboriginal Corporation
- Kapululangu Aboriginal Womens Law and Culture Centre
- Warlayirti Art Centre
- Balgo Interagency meeting

#### ***Friday 22 August 2008***

- Jalaris Kids Future Club
- Derby Aboriginal Health Service
- Derby Men's Service
- Shire of Derby/West Kimberley
- Derby Youth Service