

The Senate

Select Committee on Regional and
Remote Indigenous Communities

Third Report 2009

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Abbreviations

ABS	Australian Bureau of Statistics
AEHWs	Aboriginal Environmental Health Workers
AFP	Australian Federal Police
AIHW	Australian Institute of Health and Welfare
ALGA	Australian Local Government Association
ALSWA	Aboriginal Legal Service of Western Australia
AOD	Alcohol and other Drugs
ARC	Australian Red Cross
ARND	Alcohol-related Neurodevelopmental Disorder
ATSIC	Aboriginal and Torres Strait Islander Commission
ATSILS	Aboriginal and Torres Strait Islander Legal Services
CAAC	Central Australian Aboriginal Congress
CAAAPU	Central Australian Aboriginal Alcohol Programs Unit
CAT	Centre for Appropriate Technology
CDEP	Community Development Employment Projects
CHIP	Community Housing and Infrastructure Program
CLCs	Community Legal Centres
COAG	Council of Australian Governments
DEC	Western Australian Department of Environment and Conservation
DEEWR	Department of Education, Employment and Workplace Relations
DET	Department of Education and Training Northern Territory
DHW	Department of Housing and Works Western Australia
EHOs	Environmental Health Officers

EHSDI	Expanding Health Service Delivery Initiative
ELS	English as a Second language
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
FASD	Foetal Alcohol Spectrum Disorder
FAS	Foetal Alcohol Syndrome
FESA	Fire and Emergency Services Authority
FTE	Full-Time Equivalent
GBMs	Government Business Managers
GEH Act	<i>Government Employees' Housing Act 1964 Western Australian</i>
GROH	Government Regional Officers Housing
HSDA	Health Service Delivery Areas
ICC	Indigenous Coordination Centre
ICP	Indigenous Children Program
IDP	Indigenous Diversion Program
IEOs	Indigenous Engagement Officers
ItG	Invest to Grow
IMDP	Indigenous Mobile Dental Pilot
ISP	Intensive Support Playgroups
JJT	Juvenile Justice Teams
KALACC	Kimberley Aboriginal Law and Culture Centre's
LSP	Locational Supported Playgroups
MCEECDYA	Ministerial Council for Education, Early Childhood Development and Youth Affairs
MCPT	Mobile Child Protection Team
MFPF	Multifunction Police Facilities
MOS	Mobile Outreach Service

MOU	Memorandum of Understanding
NGS	Non-government schools
NSWRC	New South Wales Reconciliation Council
NTER	Northern Territory Emergency Response
OATSIH	Office for Aboriginal and Torres Strait Islander Health
OEA	Office of Evaluation and Audit (Indigenous Programs)
PBS	Pharmaceutical Benefits Scheme
PTEU	Plumbers Trade Employment Union
RAESP	Remote Area Essential Service Program
RAFCWs	Remote Aboriginal Family and Community Workers
RDA	<i>Racial Discrimination Act 1975</i>
SIHIP	Strategic Indigenous Housing and Infrastructure Program
WACHS	Western Australia Country Health Services
WALGA	Western Australian Local Government Association
WDC	Wheatbelt Development Commission
WfD	Work for the Dole
WLS	The Women's Legal Service
YYAMS	Yura Yungi Aboriginal Medical Services

List of Recommendations

Recommendation 1

2.42 The committee recommends that COAG consider at its first meeting in 2010 how communication and consultation with all relevant stakeholders in the delivery of the COAG targets can be improved. Furthermore, progress in improving communication and consultation should be publicly reported.

Recommendation 2

2.68 The committee recommends that the Commonwealth government take a more active role in driving reform of the criminal justice system with the aim of reducing the alarmingly high level of contact of Indigenous Australians, particularly Indigenous young people.

Recommendation 3

3.142 While recognising that some measures contain specific strategies to address workforce shortages, the committee recommends that the Commonwealth and Northern Territory governments develop a comprehensive strategy to address workforce shortages in all areas associated with the NTER measures.

Recommendation 4

3.143 The committee also recommends that progress made in addressing workforce shortages should be included in the Monitoring Report.

Recommendation 5

4.22 The committee recommends that the Commonwealth support the Western Australian Police in continuing to ensure that the message to use greater discretion in policing in remote communities is communicated to and well understood by officers in the field and that they have the appropriate guidelines, training and support to do so.

Recommendation 6

4.46 The committee recommends that all Commonwealth, state and territory government departments provide appropriate remuneration packages to staff in remote communities in order to attract and retain a skilled workforce.

Recommendation 7

4.55 The committee recommends that the Western Australian government consider conducting a comprehensive analysis of non-custodial sentencing options to reduce the unacceptably high incarceration rates in regional and remote Indigenous communities, with particular attention to the social and economic costs and benefits of alternatives and the factors driving significantly high rates of reoffending.

Recommendation 8

4.66 The committee recommends that the Western Australian government consider undertaking an audit of the substance and scale of rehabilitation programs and post-custodial release programs to address the unacceptably high rate of Indigenous recidivism in the state.

Recommendation 9

4.67 The committee recommends that the Western Australian government consider developing a comprehensive, culturally appropriate strategy to address Indigenous incarceration rates and recidivism that is based on sound international and domestic evidence.

Recommendation 10

4.78 The committee recommends that COAG increase the level of consultation and engagement with local governments in formulating its strategy to deliver cost-effective and appropriate municipal services to remote communities and develop an explicit communication strategy to ensure that local government in Western Australia is aware of its responsibilities.

Recommendation 11

4.102 As a matter of urgency, the committee recommends that all levels of government clarify who is to provide municipal services to remote Indigenous communities and arrange for the adequate resourcing of these services.

Recommendation 12

4.157 The committee recommends that the Commonwealth work with the Western Australian government to support the development of an explicit plan to ensure that alcohol restrictions in regional and remote communities, including Fitzroy Crossing and Halls Creek, be supported by adequate rehabilitation and community support services to address alcohol addiction and problem drinking.

4.158 The committee further recommends that the plan include a consistent approach to alcohol management that includes effective community consultation and decision making.

Recommendation 13

4.163 The committee recommends that the Commonwealth and Western Australian governments work together to ensure that adequate and long term funding and support for the youth service in Balgo is provided.

Recommendation 14

4.184 The committee recommends that the Commonwealth considers the development of a communication strategy to provide simple, practical advice to parents and guardians caring for a child with Foetal Alcohol Spectrum Disorder, and that the status of FASD as a recognised disability is clarified to ensure that parents, caregivers, schools and communities are able to provide adequate support to children with FASD.

Chapter 1

Introduction

Terms of Reference

1.1 On 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,¹ 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.

Inquiry process

1.2 The committee is required to report to the Senate twice a year. The committee has previously reported to the senate on two occasions: in September 2008 and June 2009.

1.3 As at 16 November 2009, the committee had received a total of 110 submissions. Eighteen of these were received since the committee last reported in June 2009 and are listed at appendix one. An additional three supplementary submissions were received from people or organisations that had previously made submissions. Submissions are available on the committee's website at http://www.aph.gov.au/Senate/committee/indig_ctte/index.htm.

1.4 In the lead up to the committee's third report, public hearings were held in Fitzroy Crossing, Halls Creek, Broome, Narrogin and Perth in Western Australia and in Sydney in New South Wales.

1.5 The committee has previously held public hearings in Adelaide, Alice Springs, Katherine, Darwin and Canberra and conducted site visits in the following locations:

1 The committee notes that the Northern Territory Emergency Response is now being referred to as 'Closing the Gap in the Northern Territory'.

- Broken Hill, Cobar and Dubbo in Western New South Wales;
- Amata in the Anangu Pitjantjatjara Yankunytjatjara Lands, South Australia;
- Mutitjulu, Ntaria (Hermannsburg) and Alice Springs in Central Australia, Northern Territory;
- Milingimbi in Arnhemland in the Northern Territory; and
- Fitzroy Crossing, Derby and Balgo in Western Australia.

1.6 A list of organisations and individuals who appeared at its public hearings during this current reporting period appears at appendix two.

Future plans

1.7 The committee intends to visit regional and remote Indigenous communities and hold public hearings in Queensland during 2010.

Structure of the report

1.8 The report contains five chapters, of which this is the first. The second chapter provides an update on the Commonwealth policy framework guiding Indigenous Affairs in Australia. The third chapter reports on progress made on matters that the committee undertook to monitor in its last report.

1.9 Chapter four reports on the committee's findings in Western Australia while chapter five focuses on New South Wales.

Acknowledgements

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

1.11 The committee would especially like to thank community elders and members, and staff of agencies and organisations who spoke with them during this reporting period. The committee is also grateful to the many individuals and organisations they met with in each location they visited.

1.12 The committee would like to thank people and organisations in Narrogin and the Wheatbelt Region of Western Australia for their advice and assistance in preparation for the committee's hearing in Narrogin.

Further submissions

1.13 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.apf.gov.au/Senate/committee/wit_sub/index.htm

1.14 The committee is also keen to encourage submissions from a broad range of people, especially people living 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.

Chapter 2

Commonwealth Policy on Indigenous Affairs

2.1 This chapter provides an update on selected Commonwealth policy and program developments since the committee last reported in June 2009.

Closing the Gap Policy

2.2 As the committee outlined in its second report, the Closing the Gap policy arose out of a three year campaign that began in 2005 with a coalition of non-government organisations calling for strategies to 'close the gap' between the life expectancy rates for Indigenous and non-Indigenous people.

2.3 This was followed by the Commonwealth's announcement of six targets intended to 'Close the Gap in Indigenous disadvantage'. These are:

- To halve the mortality gap between Indigenous children and other children under five within a decade;
- To provide access to early childhood education for all Indigenous four-year-olds in remote communities within five years;
- To halve the gap in literacy and numeracy achievement between Aboriginal and Torres Strait Islander students and other students within a decade;
- To halve the gap between Indigenous and non-Indigenous students in rates of year 12 attainment or an equivalent attainment by 2020;
- To halve the gap in employment outcomes between Indigenous and non-Indigenous Australians within a decade; and
- To finally close the shameful gap in life expectancy between Indigenous and non-Indigenous Australians within a generation.¹

2.4 These targets were adopted by the Council of Australian Governments (COAG) at their meeting of 2 October 2008.²

The COAG Agenda

2.5 COAG is the intergovernmental forum in Australia, comprising the Prime Minister, State Premiers, Territory Chief Ministers and the President of the Australian Local Government Association (ALGA). COAG last met in Darwin on 2 July 2009. During this meeting COAG considered progress made towards addressing Indigenous

1 The Hon Kevin Rudd, MP, Prime Minister, *House of Representatives Hansard*, 26 February 2009, p. 3.

2 Council of Australian Governments, *Communiqué – 2 October 2008*, http://www.coag.gov.au/coag_meeting_outcomes/2008-10-02/index.cfm (accessed 4 June 2009).

disadvantage. The meeting considered the Productivity Commission's fourth report on Overcoming Indigenous Disadvantage and adopted a National Integrated Strategy for Closing the Gap, agreed to a National Indigenous Education Statement, and signed a National Partnership Agreement on Remote Indigenous Public Internet Access. COAG also agreed to a National Urban and Regional Service Delivery Strategy to address Indigenous disadvantage in urban and regional locations. More information related to these agreements and strategies is detailed below.

2.6 COAG is next scheduled to meet on 7 December 2009 in Queensland.

National Integrated Strategy for Closing the Gap in Indigenous Disadvantage

2.7 The National Integrated Strategy for Closing the Gap in Indigenous Disadvantage identifies how investment of funds under existing COAG agreements will make an impact on Indigenous disadvantage. The strategy includes specific outputs under each COAG agreement to meet the six Closing the Gap targets and commits governments to develop clear trajectories for each target and each jurisdiction, setting state and territory level benchmarks for monitoring performance against the targets agreed by COAG.

2.8 COAG has identified areas for future work under this strategy. These include:

- food security in remote communities;
- overcoming data gaps;
- continued welfare reform;
- infrastructure in remote communities and Indigenous economic development;
- case studies of best practice programs and initiatives by governments; and
- the role of the private and community sectors in meeting Closing the Gap targets.

2.9 The committee understands that as part of this strategy the Commonwealth will provide an additional \$46.4 million over four years to fund work undertaken by national data agencies such as the Australian Bureau of Statistics (ABS) and the Australian Institute of Health and Welfare (AIHW) to improve the evidence base and address data gaps.³

2.10 In its last report the committee recommended that COAG make a concerted effort to improve the quality and scope of existing data collections that are available for regional and remote Indigenous communities and urged all departments and agencies to routinely utilise the expertise of dedicated statistical agencies such as the ABS and AIHW when collecting and analysing data to ensure that it is consistent and

3 Council of Australian Governments, *Communiqué – 2 July 2009*, http://www.coag.gov.au/coag_meeting_outcomes/2009-07-02/index.cfm#closing_the_gap (accessed 27 October 2009).

accurate across all jurisdictions.⁴ On this basis the committee welcomes additional funding to national data agencies however it is still concerned that agencies are developing policy and programs in isolation and without sufficient regard to the available evidence. The committee reiterates its previous recommendation that COAG ensure new policy and programs are consistent with the evidence base.

Development of a Closing the Gap Indigenous Education Action Plan

2.11 COAG has adopted an Indigenous Education Statement titled Towards the Development of an Indigenous Education Action Plan. It commits states and territories to specific strategies to meet Indigenous education targets.

2.12 At their meeting in July 2009, COAG agreed that local and regional school strategies should be focused on improving the following:⁵

- enrolment, attendance and retention rates and student engagement;
- literacy and numeracy;
- development of the Indigenous education workforce and up-skilling teachers to better support Indigenous students;
- parental and community engagement;
- 'wrap-around' support, including through extended service school models;
- transition from school to further education through education and training; and
- higher expectations for Indigenous young people.

2.13 COAG has stated that these strategies will be brought together in a National Indigenous Education Action Plan, to be developed by the Ministerial Council for Education, Early Childhood Development and Youth Affairs (MCEECDYA) in consultation with Indigenous education leaders.⁶ The committee will report on progress made towards this plan and its implementation when it next reports in 2010.

National Remote Indigenous Food Security Strategy

2.14 COAG has requested the development of a national strategy to address food security in remote Indigenous communities by the end of 2009. The strategy will create a national approach to food security in remote communities and a consistent

4 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No. 2*, p. 32.

5 Council of Australian Governments, *Communiqué – 2 July 2009*, http://www.coag.gov.au/coag_meeting_outcomes/2009-07-02/index.cfm#closing_the_gap (accessed 27 October 2009).

6 Council of Australian Governments, *Communiqué – 2 July 2009*, http://www.coag.gov.au/coag_meeting_outcomes/2009-07-02/index.cfm#closing_the_gap (accessed 27 October 2009).

licensing scheme for remote community stores. The Communiqué of 2 July 2009 also states that the strategy is intended to make healthy food accessible and affordable.⁷

2.15 The committee welcomes COAG's involvement in this area as food security, accessibility and affordability is an issue that is constantly raised when they visit regional and remote communities.⁸ The committee notes that the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs tabled a report on remote community stores on Monday 16 November 2009. This committee made 33 recommendations, many of which relate to food security.⁹

National Urban and Regional Service Delivery Strategy

2.16 The National Urban and Regional Service Delivery Strategy commits governments to coordinate and target funding under mainstream and Indigenous specific programs. It also requires that existing and future investments in housing, homelessness, education, employment, health and early childhood services are targeted towards specific outcomes. The Communiqué of 2 July 2009 states that this is intended to be achieved through:

- improved access by Indigenous people to better coordinated and targeted services;
- local need/place-based approaches enabling initiatives to be delivered in a manner appropriate to needs in a particular location;
- strengthened Indigenous capacity, engagement and participation to promote a strong and positive view of Indigenous identity and culture and strengthening individual, family and community wellbeing and capacity as a necessary impetus to improved access to and take-up of services;
- more effective program accountability and sustainability, with governments required to enhance statistical collection services and other information sources to improve the detail and accuracy of reporting on outcomes; and
- COAG monitoring progress in utilising Indigenous-specific and mainstream National Partnerships to improve outcomes in urban and regional locations.¹⁰

7 Council of Australian Governments, *Communiqué – 2 July 2009*, http://www.coag.gov.au/coag_meeting_outcomes/2009-07-02/index.cfm#closing_the_gap (accessed 27 October 2009).

8 See also Dr Rosalie Schultz, *Submission No. 108*.

9 House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Everybody's Business: Remote Aboriginal and Torres Strait Community Stores*, November 2009.

10 Council of Australian Governments, *Communiqué – 2 July 2009*, http://www.coag.gov.au/coag_meeting_outcomes/2009-07-02/index.cfm#closing_the_gap (accessed 28 October 2009).

2.17 The committee welcomes the development of this strategy in light of the confusion the committee has observed surrounding remote service delivery, especially in relation to municipal and essential services.

National Partnership Agreement on Remote Indigenous Public Internet Access

2.18 This agreement is intended to provide public internet access facilities in remote Indigenous communities with limited or no public internet access, create a program for maintenance and support of public internet access in those communities commencing in 2011–12 and offer training in computer and internet use in up to 60 remote communities a year. The funding allocation by the Commonwealth is almost \$7 million over four years from 2009–10.¹¹

Closing the Gap in the Northern Territory National Partnership Agreement

2.19 This partnership agreement is a bilateral agreement between the Commonwealth and Northern Territory governments. More detail on the operation of this agreement appears in chapter three below.

National Partnership on Remote Indigenous Housing

2.20 The committee has previously reported that all state governments and the Northern Territory government agreed to a 10 year National Partnership on Remote Indigenous Housing, in which the Commonwealth government committed to providing \$5.48 billion over 10 years to address overcrowding, homelessness, poor housing conditions and the severe housing shortage in remote Indigenous communities.

2.21 Over this 10 year period the agreement is intended to deliver:

- construction of up to 4 200 houses and major upgrades and repairs to around 4 800 houses in the 26 communities identified as remote service delivery sites;
- improved tenancy management services so that rental houses are maintained and rent is collected;
- economic development opportunities through increased local training and employment in construction and housing management;
- an ongoing maintenance and repairs program;
- upgrades to housing related infrastructure in remote communities, including town camps; and

11 Council of Australian Governments, *Communiqué – 2 July 2009*, http://www.coag.gov.au/coag_meeting_outcomes/2009-07-02/index.cfm#closing_the_gap (accessed 28 October 2009).

- access to affordable accommodation in regional centres to support employment, education and training in regional areas.¹²

2.22 The Strategic Indigenous Housing and Infrastructure Program (SIHIP) is a partnership between the Commonwealth and Northern Territory governments and is intended to deliver 750 new houses, the demolition of 230 uninhabitable houses, 500 housing upgrades, essential infrastructure to support new houses and improvements to living conditions in town camps in the Northern Territory.¹³ More information about SIHIP can be found in chapter 3 below.

Overcoming Indigenous Disadvantage: Key Indicators 2009

2.23 The fourth edition of the *Overcoming Indigenous Disadvantage: Key Indicators 2009 Report* (Overcoming Indigenous Disadvantage Report) was released on 2 July 2009 to coincide with the COAG meeting in Darwin. Overcoming Indigenous Disadvantage reports were initiated in 2002 and have been released every two years since 2003. These reports inform governments about whether policy, programs and interventions are actually achieving improved outcomes for Indigenous people.

2.24 As the committee noted in its last report, the *Overcoming Indigenous Disadvantage* reports focus on outcomes for Indigenous people and do not report on individual government services. The reporting framework has two tiers: ‘headline’ indicators for the longer term outcomes sought; and a second tier of ‘strategic change indicators’ which are responsive to government policies and programs over the short term. It describes ‘state-of-the-nation’ outcomes for Indigenous people, with a view to all government departments and agencies together being responsible. Therefore no reporting on an individual government agency basis is available. It does not necessarily feature state and territory comparisons, nor does it focus on government service provision.¹⁴

2.25 The latest report shows that while there has been some progress against the Closing the Gap targets, overall the divide between Indigenous and non-Indigenous Australians remains extreme.¹⁵ While it is encouraging that the report shows that overall, Indigenous people have shared in Australia’s economic prosperity over the

12 The Hon Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs, *Remote Indigenous housing investment*, Press release, 23 March 2009.

13 FaHCSIA, *New Remote Housing System - NT*, http://www.fahcsia.gov.au/sa/indigenous/progserv/housing/pages/newremote_housing_system.aspx (accessed 23 June 2009).

14 Steering Committee for the Review of Government Service Provision, Productivity Commission, *Report on Government Services 2009*, January 2009, p. 3.

15 Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage: Key Indicators 2009 Report*, July 2009, p. 3.

past decade, with gains being made in employment, income and measures of wealth such as home ownership, it is important to recognise that:

...outcomes for non-Indigenous people have also improved, meaning the gaps in outcomes persist. The challenge for governments and Indigenous people will be to preserve these gains and close the gaps in a more difficult economic climate.¹⁶

2.26 Indigenous infant (from birth to 12 months) mortality rates have improved, while child (from 0–4 years) mortality rates have remained relatively constant. Mortality rates for Indigenous infants and young children remain two to three times as high as those for all infants and young children. In early childhood education there are limited data available on Indigenous preschool participation, making it difficult to draw conclusions about participation rates.¹⁷

2.27 There has been little change in the reading, writing and numeracy performance of Indigenous students over the past ten years, and no closing of the gaps between Indigenous and non-Indigenous students. The proportion of Indigenous 19 year olds who had completed year 12 or the equivalent increased from 31 to 36 per cent between 2001 and 2006. However, the non-Indigenous rate increased from 68 to 74 per cent, leaving the gap unchanged. The employment-to-population ratio for Indigenous people increased from 43 per cent to 48 per cent between 2001 and 2006. However, similar increases for non-Indigenous people left the gap unchanged.¹⁸

2.28 As there are no trend data available for life expectancy, except in the Northern Territory, national life expectancy can not be reported on. However in the Northern Territory the report concluded that there is evidence to show that both Indigenous and non-Indigenous life expectancy increased between 1967 and 2004. Over this period, the gap in life expectancy between Indigenous and non-Indigenous males increased slightly and decreased for females.¹⁹

Measuring and reporting under COAG

2.29 In its last report the committee noted the emphasis placed by the COAG framework on reporting requirements and measurement towards closing the gap in Indigenous disadvantage. At the meeting on 2 July 2009, COAG agreed to national targets against which to measure this performance. The National Indigenous Reform

16 Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage: Key Indicators 2009 Report*, July 2009, p. 3.

17 Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage: Key Indicators 2009 Report*, July 2009, p. 3.

18 Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage: Key Indicators 2009 Report*, July 2009, p. 4.

19 Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage: Key Indicators 2009 Report*, July 2009, p. 3.

Agreement was amended at the 2 July meeting to set performance indicators under each of the six targets.²⁰

2.30 The National Indigenous Reform Agreement states that progress against the six COAG targets will be determined by plotting indicative straight line trajectories (between the baseline and the target) for each target and by jurisdiction. This will comprise six national trajectories, one for each target, and trajectories for each jurisdiction where data are available.²¹ Indicative national level trajectories are set out in schedule G to the agreement. The committee understands that jurisdictional targets will be agreed to at a later COAG meeting.²²

2.31 The COAG Reform Council will conduct an annual assessment to determine whether there has been a statistically significant improvement against each target.²³

2.32 The committee welcomes COAG's focus on measurement and reporting and has found that there is considerable support for the new direction of COAG and the focus on explicit partnership agreements, targets and reporting.²⁴

2.33 However, while there is support for COAG's aims, the committee found that there is also considerable scepticism about the ability of governments to be able to deliver on their ambitious targets. As the Hon Fred Chaney AO put it:

...I am strongly supportive of the government's COAG objectives. They seem to me to be evidence-based and sensible. I think the capacity to deliver on those objectives is much more limited than this committee, the parliament, the government or the opposition would wish...²⁵

...there is in fact a systemic problem that underpins the cycle of external and / or failed interventions in remote Australia's Indigenous communities. New initiatives are constantly announced and implemented but do not lead to the intended result because the structure of government is deficient. To avoid any possibility of misunderstanding, this is not an attack on government policies past and present; it is not an attack on public servants.

20 Council of Australian Governments, *National Indigenous Reform Agreement (Closing the Gap)*, pp 9–15.

21 Council of Australian Governments, *National Indigenous Reform Agreement (Closing the Gap)*, p. 15.

22 Advice provided to the secretariat by the Indigenous Policy Branch of the Department of Prime Minister and Cabinet, 28 October 2009.

23 Council of Australian Governments, *National Indigenous Reform Agreement (Closing the Gap)*, p. 15.

24 Mr Patrick Walker, Department of Indigenous Affairs, Western Australia, *Committee Hansard*, 9 October 2009, pp 96–97; Mr Patrick Davies, Nindilingarri Cultural Health Services, *Committee Hansard*, 24 August 2009, p. 55.

25 The Hon Fred Chaney AO, Desert Knowledge Australia, *Committee Hansard*, 9 October 2009, p. 61.

It is saying that within the present structure the best of intentions will simply not be realised.²⁶

2.34 The committee has found that there is a perceived lack of coherence related to the COAG agenda, and that this causes a great deal of frustration. As Western Australia's Commissioner for Children and Young People, Ms Michelle Scott put it:

What concerns me about the COAG agenda and other initiatives is that we are reinventing the wheel in some cases. How do we develop our own corporate knowledge about best practice programs? The mining industry and the private sector have said to me that there is no one place you can go to—and I am talking here about Western Australia—where, in the early years, you can get that evidence based information. When I travel in regional and remote communities, I hear things like, ‘I’m developing the first ever program,’ and I say, ‘Do you know about so and so over in that community who is also developing the first ever?’ People are not in touch and there is no repository—that the Commonwealth does not have that; that the state does not. So there are wasted resources reinventing—for example, the not-for-profit sector coming up with an idea that somebody else has already had but they do not know about it. I think that is a waste of resources.²⁷

2.35 The committee hopes that the Closing the Gap Clearinghouse, discussed below, will go some way to addressing this problem.

2.36 Concerns about the lack of consultation and poor communication that has occurred with communities that will be affected by COAG initiatives such as the Remote Service Delivery sites were also put to the committee:

Mr Yungabun—Another thing is Closing the Gap and the issue of getting good services for Aboriginal people...With Closing the Gap there are services within 50 kilometres or so of Fitzroy Crossing, but not outside Fitzroy Crossing, and that is going to really affect our community. Look at Bandrarl Ngadu, which is the Fitzroy Valley in our language group. That gives services to all of the Fitzroy Valley. The services coming are going on within 50 kilometres or so, but not outside that area. I do not know, but it looks as if our community is going to miss out on a lot of services. We will wait for a couple of years to get our services.

Mr Davies—Harry is talking about COAG. Apparently it is coming here to the valley in two stages, and there is a bit of anxiety because nobody is really clear on how that is going to work, and some communities that are outside are worrying about their situation.

26 The Hon Fred Chaney AO, Desert Knowledge Australia, *Committee Hansard*, 9 October 2009, pp 62–63.

27 Ms Michelle Scott, Commissioner for Children and Young People, Western Australia, *Committee Hansard*, 9 October 2009, p. 31.

Mr Yungabun—We are really terrified.²⁸

2.37 This frustration was repeated when the committee took evidence in Broome.²⁹

2.38 The committee is concerned about the ability of all levels of governments to be able to deliver on the COAG targets. It is particularly concerned about the damage that will be caused to Indigenous people and communities if there are yet more failures and dramatic policy changes related to COAG.

2.39 Mr Patrick Walker, the Director General of Western Australia's Department of Indigenous Affairs told the committee:

I honestly believe that there are two keys to making a difference. One is generally empowering the community and listening to them. The second is to have the flexibility to be able to respond. Invariably, good solutions require more than one agency to deliver them.³⁰

2.40 The committee agrees with evidence presented to it which encourages all levels of government to improve their own capacity to deliver on targets, communicate continuously and effectively with communities and to pursue genuine engagement from the ground up.³¹ The committee has come to the view that this requires greater flexibility than is currently being displayed by governments. The committee has repeatedly been told about the inefficiencies and burdens that dealing with multiple agencies for multiple funding agreements over quite short time frames causes.³² This is again borne out by evidence presented to the committee during this reporting period and in relation to the COAG agenda.³³

2.41 The committee is concerned by the lack of effective communication between stakeholders in the COAG process.

28 Mr Harry Yungabun, Marra Worra Worra and Mr Patrick Davies, Nindilingarri Cultural Health Services, *Committee Hansard*, 24 August 2009, p. 71.

29 Mrs Caroline Sibosado, Lombadina Aboriginal Corporation, *Committee Hansard*, 26 August 2009, p. 85.

30 Mr Patrick Walker, Department of Indigenous Affairs, Western Australia, *Committee Hansard*, 9 October 2009, p. 106.

31 Indigenous Implementation Board of Western Australia, *Report to the Hon. Dr Kim Hames MLA, Deputy Premier; Minister for Health; Indigenous Affairs*, August 2009, p. 24; Mr Patrick Walker, Department of Indigenous Affairs, Western Australia, *Committee Hansard*, 9 October 2009, p. 106.

32 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, p. 128.

33 Mr Joe Ross, Fitzroy Futures Governing Committee, *Committee Hansard*, 24 August 2009, pp 9–10.

Recommendation 1

2.42 The committee recommends that COAG consider at its first meeting in 2010 how communication and consultation with all relevant stakeholders in the delivery of the COAG targets can be improved. Furthermore, progress in improving communication and consultation should be publicly reported.

Closing the Gap Clearinghouse

2.43 As the committee noted in chapter two of its last report, the Commonwealth committed \$1.5 million over three years in the 2009–10 Budget for a Clearinghouse to gather and disseminate evidence on effective policy interventions to address Indigenous disadvantage. The state and territory governments also committed to matching this funding.³⁴

2.44 Establishment of the Clearinghouse has progressed to the point of creating a website. The Clearinghouse is a collaboration between the Australian Institute of Health and Welfare and the Australian Institute of Family Studies. The Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), on behalf of the Commonwealth, provides half the funding with the other half shared by the states and territories. The Clearinghouse's website states that it is intended to provide access to a cumulative evidence base to monitor progress on closing the gap, identify gaps in the evidence base, help better coordinate research and evaluation efforts across Australia and provide access to a single online repository of material.³⁵

2.45 The committee understands that substantive evidence and research papers are not yet available on the website and that an advisory board to oversee the Clearinghouse's operation will be appointed later this year.³⁶

2.46 The committee welcomes the creation of this Clearinghouse and looks forward to reporting in 2010 on the use of information provided by the Clearinghouse. The committee encourages policy makers to ensure that their policies and programs are based on solid evidence.

Coordinator-General for Remote Indigenous Services

2.47 Earlier this year the Commonwealth created a statutory office for the Coordinator-General for Remote Indigenous Services, as agreed by COAG. The Commonwealth government committed \$9 million over four years to the creation of

34 Commonwealth government, *Budget Paper No. 2*, 12 May 2009, p. 210.

35 Closing the Gap Clearinghouse website, http://www.aihw.gov.au/indigenous/closing_the_gap.cfm (accessed 26 October 2009).

36 Advice provided to the secretariat by the Australian Institute of Health and Welfare, 28 October 2009.

this office in its 2009–10 Budget.³⁷ Mr Brian Gleeson was appointed to this position in June 2009.

2.48 The Coordinator-General's role is to implement reforms in housing, infrastructure and employment in remote Indigenous communities, and to report to the Commonwealth Minister for Families, Housing, Community Services and Indigenous Affairs. The Coordinator-General will formally report publicly twice a year on the development and delivery of remote services and on the progress that has been made towards the closing the gap targets.³⁸

2.49 In its last report the committee undertook to monitor the newly created role of the Commonwealth Coordinator-General in the implementation of the Alice Springs Transformation Plan. The committee asked FaHCSIA for information about the Transformation Plan at its Canberra hearing on 9 June 2009.³⁹ FaHCSIA advised the committee that the Transformation Plan will support the Closing the Gap targets in Alice Springs with \$125 million in expenditure. \$100 million of this is already announced expenditure from the National Partnership on Remote Indigenous Housing for housing and infrastructure upgrades and reforms in the Alice Springs town camps. An additional \$25 million was allocated to service delivery and housing assistance to address homelessness.⁴⁰

2.50 Progress made on implementation of the Alice Springs Transformation Plan is discussed further in chapter three. In response to the committee's request for information about the Coordinator-General's role in the Alice Springs Transformation Plan, the Minister advised that: 'The Coordinator-General receives updates on the implementation of the Alice Springs Transformation Plan.'⁴¹

2.51 As the committee reported in June 2009, the Northern Territory government also created a Northern Territory Coordinator-General position.

Healing Foundation

2.52 In its last report the committee noted that the 2009–10 Budget allocated \$26.6 million over four years for an Indigenous Healing Foundation. Consultations on the establishment of a foundation were conducted and on 24 September 2009 the Commonwealth accepted the report of the Aboriginal and Torres Strait Islander Healing Foundation Development Team. This report made ten recommendations, one of which was the establishment of an independent national body to address the

37 Commonwealth government, *Budget Paper No. 2*, 12 May 2009, p. 254.

38 The Hon Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs, *Office of Coordinator-General for Remote Indigenous Services*, Press release, 27 May 2009.

39 Senator Judith Adams, *Committee Hansard*, 9 June 2009, p. 57.

40 FaHCSIA, answer to question on notice, 9 June 2009 (received 22 June 2009).

41 Correspondence to committee from the Hon Jenny Macklin MP, 23 November 2009.

transgenerational cycle of trauma and grief in Aboriginal and Torres Strait Islander communities as a result of colonisation, forced removals and other past government policies.⁴² The issue of transgenerational trauma was raised at the committee's hearing in Narrogin, Western Australia and is discussed further in chapter four.

2.53 In accepting the report the Minister for Families, Housing, Community Services and Indigenous Affairs agreed to the establishment of an interim board recommended by the Development Team to oversee the early establishment of the foundation until a full board is appointed in December 2009. Members of the interim board are Mr Gregory Phillips, Ms May O'Brien, Ms Deb Hocking and Professor Helen Milroy.⁴³

National Indigenous Representative Body

2.54 As the committee has previously reported, the Commonwealth government invited the Aboriginal and Torres Strait Islander Social Justice Commissioner, Mr Tom Calma, to convene a steering committee tasked with developing a preferred model for a national Indigenous representative body. The Commissioner presented his final report to the government on 27 August 2009.

2.55 The report presented a proposed model for a new national Indigenous representative body. It is recommended that the body be a company limited by guarantee with the following roles and functions:⁴⁴

- Formulating policy and advice – to ensure that Aboriginal and Torres Strait Islander peoples contribute to and lead policy development on relevant issues and to ensure that an Aboriginal and Torres Strait Islander perspective is provided on issues across government;
- advocacy and lobbying – to act as a conduit between Aboriginal and Torres Strait Islander peoples and the government, corporate and non-government sectors and ensure the acts of those sectors are in the best interests of Aboriginal and Torres Straits Islander peoples; and
- ensure the presence of, and contribute to, mechanisms to monitor and evaluate government performance to Aboriginal and Torres Strait Islander peoples.

42 Aboriginal and Torres Strait Islander Healing Foundation Development Team, *Voices from the Campfires: Establishing the Aboriginal and Torres Strait Islander Healing Foundation*, September 2009, p. xii.

43 The Hon Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs, *Strong future for the Healing Foundation*, Press release, 24 September 2009.

44 Mr Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Our future in our hands - Creating a sustainable National Representative Body for Aboriginal and Torres Strait Islander peoples*, August 2009, pp 27–28.

2.56 On 22 November 2009 Minister Macklin announced the Commonwealth government's support for the body. The committee understands that the Commonwealth will provide \$6 million to establish the body. An additional \$23.2 million will be provided for the operation of the body from January 2011 to December 2013.

2.57 The body will be a company limited by guarantee and will consist of a National Executive made up of eight board members, including two full time co-chairs. It will have equal representation of men and women with the National Executive elected by an annual congress of 120 representatives from key Aboriginal and Torres Strait Islander organisations and bodies, as well as individuals and community representatives.⁴⁵

2.58 The committee looks forward to following the progress of the National Indigenous Representative Body.

National Indigenous Law and Justice Framework

2.59 While the committee acknowledges that law and justice issues are predominantly the responsibility of the states and territories, the committee is profoundly concerned about the very high rates of incarceration of Indigenous people, as well as the very high level of contact that Indigenous people have with the criminal justice system across Australia. The committee has formed the view that the Commonwealth should take a more active role in driving reform and improvements in this area. The committee encourages the Commonwealth and the states and territories to work together to provide a national framework on these issues to try to address the high level of contact and incarceration, particularly in relation to young people.

2.60 While the committee appreciates that all jurisdictions are aware of the need to reduce incarceration rates, and the need to have effective diversionary programs to reduce the interaction Indigenous people are having with the system, they are concerned that responses are inadequately resourced, ad hoc and not based on the available evidence. This is discussed by the committee in more detail in chapters four and five.

2.61 The latest report on juvenile justice in Australia was released by the Australian Institute of Health and Welfare in November 2009. This report makes three main findings:⁴⁶

45 The Hon Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs, *Australian Government response to 'Our Future in Our Hands'*, Press release, 22 November 2009.

46 Australian Institute of Health and Welfare, *Juvenile justice in Australia 2007–08*, Juvenile Justice Series No 5, November 2009, p. vii.

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- The number of young people in detention is growing. The number of young people in detention on an average day in Australia⁴⁷ rose from 540 in 2004–05 to 630 in 2007–08 which is a 17 per cent increase.
 - The number of unsentenced young people in detention is increasing. In 2004–05, just over one third of the average daily detention population was unsentenced but, by 2007–08, unsentenced young people in detention outnumbered those who were sentenced. The increase in the unsentenced population occurred for both Indigenous and non-Indigenous young people.
 - Although only about five per cent of young Australians are Aboriginal or Torres Strait Islanders, 40 per cent of those under supervision on an average day were Aboriginal or Torres Strait Islanders. Their overrepresentation was particularly prominent in detention, where over half of those in detention on an average day and 60 per cent of those who were unsentenced in detention were Aboriginal or Torres Strait Islanders.

2.62 The committee is very concerned about the rise in incarceration and supervision rates of young people in general, but particularly in relation to Indigenous young people, and encourages the Commonwealth, states and territories to set clear targets and strategies to reduce the numbers.

2.63 The committee is pleased to note that the Standing Committee of Attorneys-General, the body that consists of all Attorneys-General from the states and territories and the Commonwealth, has developed a National Indigenous Law and Justice Framework. This is intended to provide a national approach to justice issues affecting Aboriginal and Torres Strait Islander people and to guide the states and territories in their policy and program work related to Indigenous justice issues.⁴⁸

2.64 The main goal of the Framework is to reduce the overrepresentation of Aboriginal and Torres Strait Islander people in the criminal justice system, reduce alcohol and substance abuse, and increase community safety. On 6 November 2009 the Attorney-General and the Minister for Home Affairs announced that all governments had endorsed the Framework, and that it would '...form the basis of a long term strategic approach to Indigenous law and justice issues and support work being done to "close the gap" on Indigenous disadvantage.'⁴⁹

2.65 The committee also notes that the Commonwealth hosted a roundtable on Indigenous community safety for state and territory Attorneys-General, Indigenous

47 These figures exclude NSW where the data is not available.

48 Department of the Attorney-General, *Draft National Indigenous Law and Justice Framework*, http://www.ag.gov.au/www/agd/agd.nsf/Page/Consultationsreformsandreviews_DraftNationalIndigenousLawandJusticeFramework (accessed 10 November 2009).

49 The Hon Robert McClelland MP, Attorney-General and the Hon Brendan O'Connor MP, Minister for Home Affairs, *Tackling Indigenous Law and Justice Issues*, Press release, 6 November 2009.

Affairs Ministers, Police Ministers and Commissioners and Indigenous professionals working in the field on 6 November 2009 in Sydney. At this roundtable Ministers agreed to develop shared strategies designed to provide better support for law enforcement in remote and very remote communities, reduce alcohol induced violence, abuse and crimes in Indigenous communities and provide more support for integrated service delivery.

2.66 The committee is very interested in the proposal announced after this meeting which commits the states and territories and the Commonwealth to investigating the possibility of a 'first door must be the right door' service delivery model. This model is expressed as being a method of giving people appropriate care and support through the entire process of recovery.⁵⁰ The committee will follow closely the development of this approach and examine the issue further in its next report.

2.67 While the committee appreciates recent work on creating a more coordinated approach to Indigenous law and justice issues, the committee remains concerned that without strong leadership from the Commonwealth, responses across jurisdictions will continue to be inadequate and ineffective.

Recommendation 2

2.68 The committee recommends that the Commonwealth government take a more active role in driving reform of the criminal justice system with the aim of reducing the alarmingly high level of contact of Indigenous Australians, particularly Indigenous young people.

50 The Hon Robert McClelland MP, Attorney-General, *Communiqué - Indigenous Community Safety Roundtable*, Press release, 6 November 2009.

Chapter 3

Follow up from the Committee's last report

3.1 This chapter provides an update on developments that the committee undertook to monitor after their last report of June 2009, and considers other developments related to the terms of reference.

Commonwealth

3.2 During its last report the committee resolved to monitor a number of issues relevant to Commonwealth policy impacting upon the lives of Indigenous people living in regional and remote Australia.

3.3 On 2 October 2009 the committee wrote to the Minister for Families, Housing, Community Services and Indigenous Affairs, the Hon Jenny Macklin MP, seeking a response in relation to the issues raised in their last report. These issues and the Minister's response are set out below.

COAG National Partnership Agreements

3.4 COAG has agreed to a number of National Partnership Agreements, new forms of payments to fund specific projects and to facilitate and reward states and territories that deliver on agreed reforms. Financial arrangements include incentive payments to reward performance.

3.5 The committee agreed to monitor the amount and timing of these incentive payments as well as gauge the impact this approach is having on improving the effectiveness of state and territory government policies.¹

3.6 The Minister has advised the committee that the term 'incentive' is not regarded as meaningful under the Federal Financial Framework, and that there are three types of payments being made under this Framework. These are project payments, facilitation payments and reward payments. Facilitation payments are up-front payments to the states and territories while project payments are provided to the states and territories after milestones are achieved.

3.7 None of the Indigenous-specific National Partnerships have reward payments associated with them.

3.8 The Indigenous Housing and Early Childhood payments are a mix of facilitation payments and project payments while the Indigenous Economic

1 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, p. 9.

Participation, Indigenous Health and Remote Service Delivery National Partnerships do not contain any payments to the states and territories.²

Role of Coordinator-General for Remote Indigenous Services in Alice Springs Transformation Plan

3.9 The committee agreed to monitor the newly created role of the Commonwealth Coordinator-General in the implementation of the Alice Springs Transformation Plan and asked for information about the Transformation Plan.³

3.10 The Minister has advised the committee of the following:

On 29 July 2009, I announced that 40 year subleases had been agreed to by 16 of the 18 town camps in Alice Springs and steps were being taken to quickly finalise those leases to enable housing and infrastructure works to commence in early August 2009. However, some town camp residents subsequently brought legal action which sought to restrain both the execution of those agreed leases and to stop compulsory acquisition. Interim injunctions were obtained pending the resolution of a hearing held on 31 August and 1 September. A decision has not yet been handed down. I remain committed to finding a way to improve housing and living conditions in the town camps as quickly as possible and would prefer to proceed on the basis of agreed leases if possible.

The Government has continued with its substantial commitment under the Alice Springs Transformation Plan which includes over \$25 million for social services, \$11 million for a managed visitor accommodation facilities to reduce homelessness as well as \$13.4 million from the Nation Building - Economic Stimulus Plan for additional managed accommodation targeted at people requiring accommodation for medical treatment including renal dialysis and transitional accommodation.

Progress includes:

- development of an intensive case coordination model in conjunction with Centrelink, which has commenced operation in the town camps;
- \$100,000 for an additional Alcohol Counsellor, who started work with Central Australian Aboriginal Congress (CAAC) in September to fill a gap in alcohol treatment services;
- \$1.5 million for the CAAC to expand and improve its Targeted Family Support Service which provides intensive case management for individual families. Additional staff will include two social workers and two Indigenous case workers to expand its case management capacity from 15 to 50 families;

2 Correspondence to committee from the Hon Jenny Macklin MP, 23 November 2009.

3 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, p. 16.

- Communities for Children Early Childhood and Family Support Project – a service provider is expected to be announced in the near future;
- installation of up to two demountables and an ablution block at the Central Australian Aboriginal Alcohol Programs Unit (CAAAPU);
- \$87,110 in further funding for the Alice Springs Town Council to continue dog control and licensing in the town camps until June 2010;
- \$13.4 million from the Nation Building - Economic Stimulus Plan to construct three new short term accommodation facilities which will provide up to 97 new beds in Alice Springs. Construction of the first of these projects is due to begin in December 2009; and
- a preferred site to locate an additional short term visitor accommodation facility has been identified in Alice Springs and Northern Territory Government officials are seeking the relevant Ministerial approvals to purchase the site. Arrangements for the type and configuration of the accommodation units as well as the supported accommodation management model are progressing to ensure that some accommodation facilities can be quickly established as soon as the site is secured.

Implementation of the Alice Springs Transformation Plan is overseen by a Joint Steering Committee which comprises representatives of the Australian Government, Northern Territory Government, Lhere Artepe Aboriginal Corporation, Alice Springs Town Council and Tangentyere Council. The Coordinator-General receives updates on the implementation of the Alice Springs Transformation Plan.⁴

Expanding children's services and family support

3.11 The NTER measures provided \$859 000 for five playgroups and \$400 000 to expand current and early childhood programs. Around \$4.2 million was allocated to funding for 10 new crèches in communities that had no learning and child care services for children under five years. Funding was also directed towards upgrades for up to 16 existing crèches with identified urgent health and safety concerns.⁵

3.12 The committee undertook to report on the progress of these important services in this report. An update of progress on this measure was reported in the latest NTER Monitoring Report and is discussed below. However the Minister advised the committee that funding provided for the expansion of early childhood services in the Northern Territory was provided to four different service providers for 2007–09. The funding in 2008–09 enabled greater numbers of Indigenous children and families (around 265 parents/caregivers) to access these services which included:

4 Correspondence to committee from the Hon Jenny Macklin MP, 23 November 2009.

5 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, p. 85.

- Child nutrition prevention and intervention sessions - to improve the health and well-being of babies and children;
- Health education program about pregnancy - breastfeeding and early parenting;
 - Support program to enhance parenting practices
 - Strengthen family units
 - Develop children's social skills;
 - Reduce problematic behaviour; and
- Alcohol and Drug rehabilitation program for families and children.⁶

3.13 The committee was also advised that new funding agreements for 2009–12 have been signed by four early childhood service providers to enable them to continue these services and that five new facilitated playgroups were established as part of the Northern Territory Emergency Response. Two Intensive Support Playgroup providers commenced the delivery of mobile playgroup activities and individualised family support in May 2009 and new funding agreements for 2009–12 have been signed to enable them to continue their services.⁷

3.14 One Locational Supported Playgroup provider started delivery of playgroups, in May 2009 and two others commenced in September 2009. Funding agreements were signed by all three service providers in 2008–09 (for two years) and new funding agreements will be entered into for the period 2009–12.⁸

3.15 The committee is pleased that providers are being offered funding security of up to three years and encourages the Commonwealth government to continue longer term funding arrangements.

Safe Houses

3.16 The committee undertook to monitor the operation of safe houses and the existence of negotiated community management plans to govern safe houses.⁹ An update of progress on this measure was reported in the latest NTER Monitoring Report and is discussed below.

3.17 The Minister advised that 21 of the 22 safe houses (now referred to as safe places in the NTER Monitoring Report) have been opened. This includes two transitional houses in Alice Springs and Darwin, and 19 safe places in remote

6 Correspondence to committee from the Hon Jenny Macklin MP, 23 November 2009.

7 Ibid.

8 Ibid.

9 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, pp 86 and 89.

communities. Refurbishment of a women's safe place in Angurugu will be completed by the end of December 2009.¹⁰

3.18 The operation of safe houses is the responsibility of Northern Territory (NT) Department of Health and Families. Minister Macklin has advised the committee that staff in remote safe houses are supported by project officers based in Darwin who regularly travel to communities to provide face to face support and provide daily telephone contact to staff.

3.19 The NT Department of Health and Families has advised Minister Macklin that Memoranda of Understanding (MOU) between safe places and other services such as police and night patrols will be developed and adapted to the local community conditions in order to:

...establish a formal cooperative framework for the provision of safety to women and children in the remote communities. Safe houses will be known as a neutral place for all women wishing to take an active part in stopping violence for themselves, their families and their communities.

The Australian Government is working with communities to take forward a range of enhancements to the Safe Place sites including:

- minor refurbishments;
- landscaping, aided by Greening Australia and using local workers; and
- painting, murals, children's play areas, outdoor seating, barbeque facilities etc that make families feel more comfortable using the facilities, and engage the community.¹¹

Diversionsary activities for young people

3.20 In its last report, the committee agreed with the NTER Review's recommendation that a comprehensive strategy for youth development services to address both capital infrastructure and recurrent funding, linked to a wider community development framework, was required.¹² The committee undertook to monitor progress made towards developing this strategy and implementing a range of diversionsary activities for young people under the NTER measures.¹³

3.21 An update of progress on this measure was reported in the latest NTER Monitoring Report and is discussed below. The Minister has also advised the committee that funding of \$28.4 million over three years was announced in the May

10 Correspondence to committee from the Hon Jenny Macklin MP, 23 November 2009.

11 Ibid.

12 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, p. 91.

13 Ibid, p. 92.

2009 Budget under the Closing the Gap in the Northern Territory Youth in Communities measure. This is intended to provide comprehensive youth services infrastructure across priority Indigenous communities in the Northern Territory.¹⁴

3.22 Minister Macklin has stated that achievements to date include:

- an overarching strategic framework and comprehensive program guidelines for the Closing the Gap in the NT Youth in Communities funding measure has been finalised, with a senior officers group being set up to provide oversight of implementation.
- four continuation projects have been approved for funding, to a total value of \$3.706 million. Projects will be funded over three years, and are expected to provide employment and training opportunities for approximately 44 youth workers across eight Remote Service Delivery townships, one Territory Growth township, and a number of other priority communities. Negotiation of funding agreements for these projects is currently underway, with the projects likely to commence implementation from late November 2009.
- a survey of the NT Remote Service Delivery and NT Growth townships with Indigenous youth populations above the NT average. This survey will inform the funding of new projects under the Youth in Communities measure and is expected to be completed by the first week of December 2009.
- applications to fund new youth projects under the Youth in Communities measure is on schedule for early December 2009, with agreements expected to be in place to commence projects by late January 2010.¹⁵

3.23 The committee is pleased to report on this progress however is concerned that more information on how priority Indigenous communities are selected is not available.

School breakfast and lunch program

3.24 The committee sought an update on the number of schools with operational breakfast and lunch programs and whether this is having a demonstrable impact on school attendance.¹⁶

3.25 An update of progress on this measure was reported in the latest NTER Monitoring Report and is discussed below. The Minister has also advised that as of 2 November 2009 there were 64 remote schools in the NT with a School Nutrition Program in place. Of these, 59 are government schools and five are NT Catholic Education Office schools. This program provides an estimated 7000 meals per day to

14 Correspondence to committee from the Hon Jenny Macklin MP, 23 November 2009.

15 Ibid.

16 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, p. 85.

the 4400 attending school students, consisting of 2600 breakfasts and 4400 lunches (based on August 2009 NT Department of Education school enrolment and attendance data).¹⁷

3.26 The Minister has told the committee that she has advice to indicate that nearly all program contributions are made under Income Management arrangements and as of 13 November 2009, of the 3782 Centrelink customers whose income is being managed who have school aged children, 3209 (or 85 per cent), were voluntarily contributing toward the School Nutrition Program.¹⁸

3.27 A list of all schools with School Nutrition Programs in place is at appendix three.

3.28 All schools in the program provide lunch but not all schools provide breakfast. In some schools, parents provide breakfast to their own children and in 14 schools breakfast is supplied under the Red Cross Good Start Breakfast Club initiative.

3.29 In relation to the impact this program is having on school attendance the Minister has stated that:

In its recent performance audit of the School Nutrition Program, the Office of Evaluation and Audit (Indigenous Programs) [OEA] found that 'the number and relative importance of other factors impacting [on] student attendance and engagement makes it difficult for [The Department of Education, Employment and Workplace Relations (DEEWR)] to be able to attribute any changes in student attendance and engagement specifically to the implementation of [the School Nutrition Program]' (OEA Performance Audit of the School Nutrition Program, June 2009, p.15 para 2.8).¹⁹

Support for Carers

3.30 During its last reporting period the committee heard compelling evidence about the needs for increased aged care and disability services as well as additional support for carers. It was asserted that many people who should be eligible for carers payments did not have access to them. The committee raised this with the Commonwealth at their hearing in Canberra and was pleased to hear that this was an issue that FaHCSIA and Centrelink were already aware of and that steps were being taken to address the problem. The committee undertook to report on progress made to resolve this problem during its inquiry process.²⁰

17 Correspondence to committee from the Hon Jenny Macklin MP, 23 November 2009.

18 Ibid.

19 Ibid.

20 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, p. 132.

3.31 The Minister has advised that this situation is being addressed through a change to the definition of a Treating Health Professional to include Indigenous health workers and other visiting medical services. This will enable Indigenous people in remote and rural areas to have their Care Load needs assessed in their community rather than having to travel outside of community as in the past.

3.32 The Minister has advised the committee that Centrelink is in the final stages of completing the Indigenous Carers DVD (Caring for Our People) in English and ten Indigenous languages to be distributed to communities and is investigating running the Indigenous Carers DVD on National Indigenous Television. In addition, Centrelink is developing radio messages for regional and remote community radio stations.²¹

3.33 The committee looks forward to considering the impact this has on services for Indigenous carers in its future reports.

3.34 The committee also wrote to the Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery, the Hon Warren Snowdon MP, seeking a response in relation to issues considered in its last report. These are presented below.

COAG Health National Partnership

3.35 The Health National Partnership includes targets to deliver health checks to 55 per cent of the adult Indigenous population (around 155 000 people) over 5 years with about 600 000 chronic disease services delivered in the same period. The Partnership also commits to provide more than 90 000 Indigenous people with a chronic disease with a self-management program and around 74 500 Indigenous people with financial assistance to improve access to Pharmaceutical Benefits Scheme (PBS) medicines.

3.36 The committee agreed to follow the progress of this initiative and to gather details on issues such as the number of Indigenous adults receiving health checks, what chronic diseases are being targeted and the impact this is having.²²

3.37 Minister Snowdon advised that the Commonwealth is contributing \$805.5 million over four years for an Indigenous Chronic Disease Package. The package has 14 separate measures to address chronic disease risk factors, encourage better management of chronic disease in primary health care services, improve follow up care, and increase the capacity of the primary health care workforce to deliver effective health care to Indigenous people.

21 Correspondence to committee from the Hon Jenny Macklin MP, 23 November 2009.

22 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, p. 13.

3.38 The committee was advised that figures in its June 2009 report reflect targets in November 2008. Since then the targets have been revised, with the package intended to result in more than 133 000 additional health checks, 400 000 additional chronic disease management services for Indigenous people with a chronic condition, support for over 50 000 Indigenous patients with a chronic disease to better self manage their condition and financial assistance to improve access to PBS medicines to over 70 000 Indigenous people over four years.

3.39 Implementation of the Chronic Disease Package commenced on 1 July 2009 but the majority of service delivery is scheduled to commence between May and July 2010.

3.40 Indigenous health checks and follow up chronic disease items are currently being delivered through the Medicare Benefits System. The new arrangements to substantially increase take-up will not occur until November 2009 for the enhanced Practice Nurse/Aboriginal Health Worker follow up items, December 2009 for the funding of Indigenous Outreach Worker positions, May 2010 for the Practice Incentives Program Indigenous Health Incentive, and July 2010 for the PBS co-payment measure. Chronic Disease Self Management activities will commence from July 2010.²³

3.41 As the measures have not yet commenced operation, the committee is unable to report on whether these targets are likely to be met. The committee looks forward to reporting further on their implementation in the next report.

Access to dental services for Indigenous people in rural and remote areas

3.42 The committee undertook to follow the Commonwealth's commitment of \$11 million over four years to improve access to dental care services for Indigenous people in rural and remote areas. The committee notes that, in order to achieve this, the Commonwealth government announced a trial of mobile dental facilities and committed to evaluating this trial.²⁴

3.43 The Minister advised that under the Indigenous Mobile Dental Pilot (IMDP) program the commitment of \$11 million over four years will be used to develop a series of projects to implement and test models of mobile dental service delivery to Indigenous people in rural and regional Australia. The Department has commissioned a literature review of dental service delivery to Indigenous populations in rural and regional areas, and issued a request for tender for a consultant to identify suitable projects, including identification of locations and models for service delivery and governance. Tenders closed on 27 October 2009.

23 Correspondence to committee from the Hon Warren Snowden MP, received 9 November 2009.

24 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, p. 21.

3.44 The Minister anticipates that an evaluation strategy for the trial of mobile dental facilities will be developed in the near future and that the geographic coverage of projects will be based on recommendations from the consultant.²⁵

Northern Territory

3.45 During its last report the committee also undertook to monitor a number of issues relevant to Northern Territory government policy impacting upon the lives of Indigenous people living in regional and remote parts of the NT.

3.46 The committee wrote to the Northern Territory Minister for Indigenous Policy, the Hon Malarndirri McCarthy, seeking a response in relation to the issues presented below.

Safe Houses

3.47 As the NT government is responsible for managing safe houses in the NT, the committee undertook to monitor whether consultation with communities about their monitoring and operation was occurring.²⁶

3.48 On 23 November 2009, Minister McCarthy advised the committee that there are currently 19 remote safe houses which have been opened and staffed by local people employed by the NT Department of Health and Families at an A03 level. Minister McCarthy confirmed the information provided by Minister Macklin in relation to safe place project officers and the type of support they provide to local staff. In addition Minister McCarthy advised that pre-employment training has been provided to staff and a mentoring program is being planned to provide additional support.²⁷

3.49 In response to how the management and operation of the safe houses was progressing, the committee was advised that the NT government was addressing community integration issues through a 'high level Memorandum of Understanding between Safe Places, Night Patrol and Police which can be adapted to each community's specific circumstances.'²⁸

25 Correspondence to committee from the Hon Warren Snowden MP, received 9 November 2009.

26 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, p. 86.

27 Correspondence to committee from the Hon Malarndirri McCarthy, received 23 November 2009.

28 Ibid.

Activities for young people

3.50 The committee undertook to monitor the extent to which diversionary and other activities for young people in regional and remote Indigenous communities was available, and how this was being supported by the NT government.²⁹

3.51 Minister McCarthy confirmed Minister Macklin's advice in relation to this issue as detailed in paragraph 3.17 above and provided additional information on the NT government's Building a Better Future for Young Territorians Progress Report 2008–2009.³⁰

Teacher numbers and housing in the NT

3.52 The NTER provided funding for an additional 200 teachers for the NT, with a commitment from the Commonwealth government of \$98.8 million over 5 years to help the NT government achieve this.

3.53 The committee undertook to follow up how this measure was being implemented, as well as how accommodation needs were to be managed³¹.

3.54 Minister McCarthy provided the following information:

The 200 teachers funded through the NTER were to be allocated as follows:

- 170 teachers employed by the Department of Education and Training (DET); and
- 30 teachers employed through non-government schools (NGS).

The funding has been spread over four years, with a total of 50 teachers per annum being deployed from 1 July 2008 onwards. This includes 42.5 teacher positions through DET and 7.5 through NGS.

As of August 2009, the implementation of this measure had reached the following milestones:

- 85 teachers were deployed by DET; and
- 12 teachers were deployed by the Catholic Education Office.³²

29 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, p. 91.

30 Correspondence to committee from the Hon Malarndirri McCarthy, received 23 November 2009.

31 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, p. 94.

32 Correspondence to committee from the Hon Malarndirri McCarthy, received 23 November 2009.

3.55 The committee is pleased that additional teachers are being deployed to NT schools and will be seeking further details from the NT government on where these additional teachers are being located and how their housing needs are being met.

Working Future Policy

3.56 The Working Future policy outlined the Northern Territory government's intention to reduce red tape through the employment of a Northern Territory Coordinator-General for remote service delivery. The committee noted that this is a similar position to that of the Commonwealth Coordinator-General. The committee is interested in the improvements and effectiveness that both of these positions have had on remote service delivery.

3.57 The policy also promises to improve funding arrangements and acknowledges that the provision of funds on an annual basis makes planning difficult. The policy undertakes to 'put in place a new way of allocating funding that is fair and that provides certainty for communities.'³³

3.58 The committee welcomed the policy in its last report and undertook to monitor and report on any funding changes and the effects the changes may have on service delivery, as well as the impact of the role of the NT Coordinator-General for remote service delivery.³⁴

3.59 Minister McCarthy advised that The Northern Territory Coordinator-General is expected to provide his first six monthly report by the end of November 2009 but was in a position to provide the following information to the committee. In the view of the Coordinator-General:

...funding to service providers, Shires and non-government organisations should be significantly streamlined. The [Coordinator-General] further advises that his preference is for funding cycles of at least three to five years. This would enable service providers to have more certainty for staff recruitment and retention and provide improved stability of services to constituents in remote towns.

Additionally, the Coordinator General is of the view that all funding should be linked to Shire statutory obligations under the Local Government Act. In other words, funding should be acquitted through the Act's financial and performance acquittal process rather than through arbitrary timelines set by agencies. The Coordinator General further intends to recommend that there

33 Northern Territory government, *Working Future*, http://www.workingfuture.nt.gov.au/remote_services.html (accessed 25 November 2009).

34 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, p. 149.

be a clearer method of identifying funding to Remote Service Delivery and Growth Towns in Government budget processes.³⁵

3.60 The committee considers that funding agreements of three to five years duration would be a significant improvement on current uncertainty for many service providers and encourages both the NT and Commonwealth governments to support this recommendation.

Funding for homelands and outstations

3.61 The committee's second report included concerns about the funding of homelands and outstations following changes to NT and Commonwealth government policy. The committee noted that the Memorandum of Understanding between the NT and Commonwealth governments on Indigenous Housing, Accommodation and Related Services did not include a requirement that any of this money previously earmarked for outstations need be spent on outstations.³⁶

3.62 The committee undertook to seek further information about how homelands and outstations were to be funded.

3.63 Minister McCarthy has advised that the NT government took over responsibility for homelands and outstations from the Commonwealth government on 1 July 2008. An amount of \$20m per annum is transferred by the Commonwealth to the Northern Territory Government for municipal and essential services. The NT government allocates an additional \$8m per annum for housing repairs and maintenance. The Commonwealth government has also provided \$5.5m to the NT government to convert Community Development Employment Projects (CDEP) places to municipal and essential services positions.³⁷

Through the Working Future policy, the Northern Territory Government has publicly stated that it values the contribution of homelands and outstations to the economic, social and cultural life of the Territory. The Government's headline policy, released in May 2009, establishes the following:

- Government will continue to provide municipal, essential and housing repairs and maintenance services to existing homelands and outstations that are occupied at least eight months of the year.
- Through in-depth consultations, Government will clarify residents' expectations of support and service delivery.

35 Correspondence to committee from the Hon Malarndirri McCarthy, received 23 November 2009.

36 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, p. 150.

37 Correspondence to committee from the Hon Malarndirri McCarthy, received 23 November 2009.

- Government will improve the transparency of service delivery arrangements and introduce a new disbursement model for the allocation of resources.

The Northern Territory Government is currently conducting the Stage 4 of the homelands and outstations consultations with residents and service providers. These consultations are expected to be completed by 15 December 2009 and will enable the Government to:

- a) formulate a new funding allocation model to be in place as at 1 July 2010 based on a combination of estimated costs of service delivery, planned investments, residents' needs and available resources; and
- b) establish the extent of any potential gaps in funding for services and support to homelands and outstations.³⁸

Student/teacher ratios and ESL services to remote schools

3.64 The committee undertook to seek information about current student/teacher ratios and English as a Second Language (ESL) services to remote Indigenous schools after concerns were raised with the committee during the last reporting period that ESL needs of Indigenous students in remote and regional schools were not being taken into account.³⁹

3.65 The committee has been advised by Minister McCarthy that teacher/student ratios used for teacher allocation purposes in NT government schools are as follows:

- Preschool: one teacher for twenty students (1/20);
- Primary school: 1/22;
- Middle school: 1/17; and
- Senior school: 1/14.⁴⁰

3.66 The Minister also advised that as of October 2009, there were 21 general classroom teacher vacancies in remote schools, of which eight were due to resignations. The recruitment process is currently in progress for all these 21 positions.

Although no changes have been made to teacher/student ratios used for allocation purposes to date, the priority with the deployment of additional teachers above formula allocations (such as those provided through the '200 teachers' initiative) has been to increase teacher numbers in the early years

38 Correspondence to committee from the Hon Malarndirri McCarthy, received 23 November 2009.

39 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, p. 157.

40 Correspondence to committee from the Hon Malarndirri McCarthy, received 23 November 2009.

in remote and regional primary schools in order to achieve improved English language literacy outcomes.

With regard to specialist ESL teachers, it should be noted that the data is more complex due to varying staff allocation methodologies (these are currently under review as part of the broader staff allocation methodology). As of October 2009, a total of 63.6 Full-Time Equivalent (FTE) ESL teaching positions were allocated across all remote schools. This figure includes senior teachers who work across a number of smaller schools.⁴¹

3.67 The committee will consider the issue of student/teacher ratios and the provision of ESL services in the NT in future reports and looks forward to following the review of staffing allocation methodologies currently being undertaken by the NT government.

The Northern Territory Emergency Response

3.68 The committee reported extensively in its last report on the legislative basis, administration and substantive nature of the NTER measures. Earlier this year the Commonwealth renamed the NTER measures 'Closing the Gap in the Northern Territory'.

3.69 As the committee noted in its report of June 2009, the measures were the subject of an independent review led by Mr Peter Yu in 2008. The review report was provided to the Minister, the Hon Jenny Macklin MP, on 30 September 2008 and released publicly on 13 October 2008. The Commonwealth and Northern Territory governments responded to this review on 21 May 2009 through a joint statement. On the same day, the Commonwealth government released a discussion paper titled Future Directions for the Northern Territory Emergency Response (NTER Discussion Paper) which outlined elements of the NTER which the Commonwealth government was committed to amending.

3.70 As the committee reported comprehensively on the NTER in its last report, the details of the NTER and evidence the committee gathered during the last reporting period will not be repeated here. Instead an update on issues related to the NTER and its implementation is discussed by the committee below.

Closing the Gap in the Northern Territory National Partnership Agreement

3.71 Since the committee's last report the Commonwealth and Northern Territory governments signed a bilateral agreement on 31 July 2009.⁴² This agreement was made as part of COAG's National Indigenous Reform Agreement. The agreement

41 Correspondence to committee from the Hon Malarndirri McCarthy, received 23 November 2009.

42 Advice provided to secretariat by the Department of Prime Minister and Cabinet.

formalises a number of NTER measures as part of the COAG framework and provides for these measures to continue until 30 June 2012.⁴³

3.72 The agreement has the stated objectives of enhancing services in the Northern Territory which protect children, supporting law and order, and delivering quality education and health services.⁴⁴ The agreement states that this will be achieved through the following strategies:

- (a) Income Management and Welfare Reform:
 - (i) maintenance and extension of income management consistent with the Racial Discrimination Act, after appropriate consultation has been undertaken, to eligible welfare recipients in prescribed communities;
 - (ii) assessing, licensing and monitoring community stores and ensuring food security in communities without a store; and
 - (iii) additional language, literacy and numeracy training places to enhance the sustainable employment prospects by improving skills, including financial management services to help individuals and families manage their income effectively.
- (b) Law and Order:
 - (i) provision for 60 Northern Territory Police to replace Australian Federal Police as part of the NTER;
 - (ii) the construction of five new police stations and continued operational funding of temporary Themis police stations;
 - (iii) development of alcohol management plans and targeting alcohol related health and social issues, alcohol related offending and anti-social behaviour, and enhancing compliance and community education;
 - (iv) continued provision of legal assistance to Indigenous Australians for matters arising as a result of the NTER;
 - (v) continued support for the Northern Territory Aboriginal Interpreter Service
 - (vi) continued support for the Welfare Rights Outreach Project; and
 - (vii) the establishment and/or continued operation of 81 night patrol services
- (c) Family Support:

43 Council of Australian Governments, *Closing the Gap in the Northern Territory National Partnership Agreement*, p. 4.

44 Council of Australian Governments, *Closing the Gap in the Northern Territory National Partnership Agreement*, p. 6.

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- (i) support for 22 safe houses that have been established in Darwin, Alice Springs and 15 remote communities;
 - (ii) continuation of the operation of the Mobile Child Protection Team;
 - (iii) continuation of the existing Remote Aboriginal and Family and Community Worker program in at least 13 communities; and
 - (iv) youth projects, services, organisations and infrastructure to promote positive behaviours amongst young people in the Northern Territory.
- (d) Early Childhood:
- (i) services to improve the skills of families and to educate young people about pregnancy, birth and parenting including through ongoing funding of playgroups; and
 - (ii) continuation of the operation of the nine crèches established under the NTER and capital funding to finish construction of one crèche and to provide upgrades to two existing crèches.
- (e) Improving Child and Family Health:
- (i) continuation of the expanded primary health care services initiatives;
 - (ii) providing ear and hearing services, in particular, the completion of Ear, Nose and Throat specialist care;
 - (iii) continuing follow up dental care for children; and
 - (iv) substantially strengthening the Mobile Outreach Service to address child abuse related trauma.
- (f) Enhancing Education
- (i) the construction of at least 22 extra houses for teachers in remote communities during 2009–10;
 - (ii) continuation of the School Nutrition program supporting improved school attendance and to help with learning and engagement in education; and
 - (iii) Accelerating Literacy and Numeracy programs and Quality Teaching initiatives.
- (g) Remote Service Delivery
- (i) continuation of Government Business Managers (GBMs) in prescribed communities;
 - (ii) building capacity of interpreter services to support engagement between Indigenous communities and government and non-government agencies;
 - (iii) outreach visits to remote Indigenous communities by the Commonwealth Ombudsman;

- (iv) implementation of the Remote Service Delivery National Partnership oversighted by Commonwealth and Northern Territory Coordinators General for Remote Service Delivery; and
 - (v) the Remote Service Delivery National Partnership which involves governments working together to implement a new remote service delivery model initially in 26 priority locations across Australia. Fifteen larger major works communities in the Northern Territory have been agreed as the locations for initial investment under this approach. They are Angurugu, Galiwinku, Gapuwiyak, Gunbalanya, Hermannsburg, Lajamanu, Maningrida, Milingimbi, Nguiu, Ngukurr, Numbulwar, Wadeye, Yirkkala, Yuendumu and Umbakumba.
- (h) Resetting the Relationship:
- (i) leadership development, engagement and community development workshops to build local capacity and support people on the ground; and
 - (ii) employment and training of 15 Indigenous Engagement Officers (IEOs) in priority locations in the Northern Territory, which will be complemented by a further 15 IEOs through the Remote Service Delivery National Partnership.
- (i) Evaluation of the Closing the Gap in the Northern Territory initiatives in 2011–12.⁴⁵

3.73 The committee considers that having such explicit strategies as part of the COAG framework is a positive step towards better monitoring and reporting of activities. However the committee is keen to ensure that the impact of these strategies is rigorously measured to ensure that actions are actually having a positive impact on people's lives.

Genuine consultation, engagement and partnership

3.74 FaHCSIA released the latest Monitoring Report of the NTER measures on 22 October 2009, covering the period January–June 2009. Monitoring Reports provide departmental progress against the NTER initiatives.

3.75 The latest Monitoring Report states that more than 500 community consultations on changes to the measures have taken place, as well as workshops with

45 Council of Australian Governments, *Closing the Gap in the Northern Territory National Partnership Agreement*, pp 6–8.

regional leaders and Indigenous organisations in the Northern Territory to inform them of the changes to the legislation that the Commonwealth has committed to.⁴⁶

3.76 The committee notes that two reports arising from these consultations, Report On the Northern Territory Emergency Response Redesign Consultations and Report On the NTER Redesign Engagement Strategy and Implementation, were placed on the FaHCSIA website on 23 November 2009. In a press release on the same day Ministers Macklin and Snowdon stated that:

This comprehensive consultation process reflects the Australian Government's determination to build strong and positive relationships with Indigenous Australians based on cooperation, mutual respect and responsibility.

...

- While a broad range of views were expressed in consultation meetings, some common themes emerged:
- Overall, people said that children, women and the elderly were now safer, better fed and clothed; they were getting a better night's sleep; and there was a reduction in humbugging for money for alcohol, drugs and gambling. This was attributed to a combination of NTER measures, in particular income management, alcohol restrictions, community store licensing and the increased police presence;
- People identified income management was delivering benefits, particularly to children, women and the elderly. The benefits included more money being spent on food, clothing and school-related expenses, and assisting with saving for large purchases, such as fridges and washing machines.
- Some people felt that those who had proven their capacity to manage their money should not be income managed, and many people commented that it unfairly targeted Aboriginal people;
- The most frequent comment on the pornography restrictions was that people do not want pornography in their communities and are satisfied to have the NTER controls on sexually explicit and very violent films and magazines continue, along with the controls on use of publicly funded computers;
- Many people (particularly women) indicated very strongly that the alcohol restrictions should stay in place but that local responses were needed to effectively address alcohol misuse;
- There were some strongly expressed views about the signs notifying the NTER alcohol and pornography restrictions;

46 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 1*, October 2009, pp 5–6.

- Community stores licensing was regarded positively and seen as contributing to improvements in the range and quality of food and household items available from local stores;
- People expressed the desire of Aboriginal people to take greater ownership of solutions to the problems that the NTER is seeking to address;
- People expressed strong support for the Government's commitment to restore the operation of the Racial Discrimination Act.⁴⁷

3.77 The committee is pleased to learn of efforts to improve the level of consultation and engagement that communities are experiencing but did not receive any evidence from communities or organisations to indicate that the experience of people in the NTER communities has improved. The committee notes that a report prepared by the Jumbunna Indigenous House of Learning and launched by former Prime Minister the Hon Malcolm Fraser on the same day as the NTER consultation reports has found that the consultation process has been inadequate.⁴⁸

Housing

3.78 As the committee has previously reported, adequate housing was considered by the NTER Review to be so fundamental to environmental health and safety that it recommended substantial investment of public funds in community housing. The review found that this was dependent on security of tenure and where land was being compulsorily acquired, it should be subject to a 'just terms' payment.

3.79 In particular the Review recommended payment of just terms compensation to Aboriginal landowners for the acquisition and use of their property without consent from the date of the original acquisition, and that rent be paid to the Aboriginal landowners. The Commonwealth government accepted this recommendation and asked the Northern Territory Valuer-General to determine a reasonable amount of rent.⁴⁹

3.80 The Commonwealth has commenced making payments in relation to two Tiwi Island communities for land covered by five year leases under the NTER. These two communities are Milikapiti and Pirlangimpi and they will receive payments backdated

47 The Hon Jenny Macklin, MP, Minister for Families, Housing, Community Services and Indigenous Affairs and the Hon Warren Snowdon MP, *Comprehensive consultation on redesigning the Northern Territory Emergency Response*, Joint press release, 23 November 2009.

48 Jumbunna House of Indigenous Learning, *Will They be Heard? A response to the NTER Consultations June to August 2009*, November 2009.

49 *Australian Government and Northern Territory Government Response to the Report of the NTER Review Board*, May 2008, p. 4.

to the commencement date of the leases. The rate of payment has been assessed by the Northern Territory Valuer-General.⁵⁰

3.81 The Commonwealth government has stated that it is committed to paying rent for the other NTER communities after consultation with the Central and Northern Land Councils.⁵¹

3.82 The committee is pleased to be able to report that progress has been made on the implementation of this recommendation and looks forward to reporting further on just terms payments in 2010.

Strategic Indigenous Housing and Infrastructure Program (SIHIP)

3.83 The Commonwealth government's Strategic Indigenous Housing and Infrastructure Program (SIHIP) was announced in April 2008.⁵² While it was never intended to be part of the NTER measures, given the importance of housing in so many of the issues related to Indigenous wellbeing and the NTER Review recommendation discussed above at paragraph 3.71, the committee considers it useful to report on progress made under this program in the context of the NTER measures.

3.84 SIHIP is a partnership between the Commonwealth and Northern Territory governments to deliver the construction of around 750 new houses, the demolition of 230 uninhabitable houses, 500 housing upgrades, essential infrastructure to support new houses and improvements to living conditions in town camps.⁵³ This is intended to be completed by 2013.⁵⁴

3.85 The committee understands that the Northern Territory government has engaged three construction company consortia to deliver the program with a target of 20 per cent set for Indigenous employment across the program.⁵⁵ The SIHIP

50 The Hon Jenny Macklin, MP, Minister for Families, Housing, Community Services and Indigenous Affairs and the Hon Warren Snowdon MP, *Commencement of rent payment for five year leases*, Joint press release, 2 October 2009.

51 The Hon Jenny Macklin, MP, Minister for Families, Housing, Community Services and Indigenous Affairs and the Hon Warren Snowdon MP, *Commencement of rent payment for five year leases*, Joint press release, 2 October 2009.

52 Dr Jeff Harmer, Department of Families, Housing, Community Services and Indigenous Affairs, *Community Affairs Estimates Hansard*, 23 October 2009, p. 10.

53 FaHCSIA, *New Remote Housing System - NT*, http://www.fahcsia.gov.au/sa/indigenous/progserv/housing/pages/newremote_housing_system.aspx (accessed 23 June 2009).

54 NT Department of Local Government and Housing website <http://www.housing.nt.gov.au/remotehousing/sihip> (accessed 30 October 2009).

55 NT Department of Local Government and Housing website <http://www.housing.nt.gov.au/remotehousing/sihip> (accessed 30 October 2009).

allocation of \$672 million⁵⁶ is part of the COAG National Partnership Agreement on Remote Indigenous Housing which has a total budget allocation of \$5.5 billion over 10 years.⁵⁷

3.86 As the committee reported in its last report, the Commonwealth government has stated that appropriate land tenure arrangements must be in place before construction can commence. Leases are now in place in Maningrida, Gunbalanya, Wadeye, the Tiwi Islands, Groote Eylandt, Bickerton Island and the Tennant Creek town camps.⁵⁸

3.87 In its last report the committee noted the high level of confusion that surrounded the SIHIP program. The program has attracted significant media attention with numerous reports that the program is failing to live up to expectations. The Secretary of the Department of Families, Housing, Community Services and Indigenous Affairs, Dr Jeff Harmer, clarified the departments' advice in relation to the SIHIP program during the October 2009 estimates hearings to the Community Affairs committee. He stated that the program:

...would provide substantial capital works to 73 remote communities as well as to a number of targeted town camps over five years...

Major works...would be delivered in 16 of these communities, with refurbishment work to existing housing in another 57. The targeted town camps would also receive major works, including new houses and refurbishments as well as the upgraded infrastructure services, such as power, water, sewerage, roads, drains and street lighting. These improvements are intended to bring these urban living areas up [to] the same standard as other suburbs in the town.

...the Northern Territory government began the procurement process for the alliance consortiums that would deliver the work under the alliancing model. This was an open process to run in two stages and was completed in October 2008.

Three consortiums were chosen, which included some of Australia's largest and most experienced construction companies...Recently...the program has been in the public eye, particularly around ensuring that it is achieving the

56 The Hon Jenny Macklin, MP, Minister for Families, Housing, Community Services and Indigenous Affairs, the Hon Rob Knight MLA, NT Minister for Housing and the Hon Warren Snowdon MP, *Leases signed in Maningrida, Gunbalanya and Wadeye*, Joint press release, 10 September 2009.

57 The Hon Jenny Macklin, MP, Minister for Families, Housing, Community Services and Indigenous Affairs, *Joint Press Release with the Attorney-General, the Hon Robert McClelland MP*, 21 October 2009.

58 The Hon Jenny Macklin, MP, Minister for Families, Housing, Community Services and Indigenous Affairs, the Hon Rob Knight MLA, NT Minister for Housing and the Hon Warren Snowdon MP, *Leases signed in Maningrida, Gunbalanya and Wadeye*, Joint press release, 10 September 2009.

targets set by government of constructing 750 new houses and providing 230 rebuilt houses and 2,500 refurbished houses by the end of 2013.

The review of SIHIP, conducted in August, examined these issues and put in place a number of arrangements to ensure the program will achieve these goals. This includes streamlined management arrangements and greater involvement by the Australian government on the day-to-day program management and delivery of the program... I can assure you that we are now very actively involved in this program in the Northern Territory. We are already seeing the impact of these changes, with program management costs reduced...from 11.4 per cent to eight per cent...

...Capital works under the program are now gathering pace, with a number of new houses underway and 60 rebuilds and refurbishments now underway or completed. This is expected to increase to almost 50 new houses under construction and more than 180 rebuilds and refurbishments underway or completed by December 2009. I will just repeat those figures: almost 50 new houses under construction and more than 180 rebuilds and refurbishments underway or completed by December 2009.

...The pace of the program will continue to increase. From 2010 for each year of the program, SIHIP will build more than double the number of houses built on average over the last five years. That is also an important fact or projection. From 2010, next year, for each year of the program, SIHIP will build more than double that of the best year in the past five years...this would mean 150 houses will be built by the end of 2010. I repeat: that is 150 by the end of next year. However, the current estimate is that 200 houses will have been completed by that time. Given the changes we have made to the arrangements following the review, we do expect that we will exceed the original target and we will have 200 houses by the end of 2010.⁵⁹

3.88 As noted in Dr Harmer's evidence to the Community Affairs estimates hearing above, the Commonwealth government has acknowledged that there have been problems with the administration of the program.⁶⁰ The SIHIP program was internally reviewed by an official from the both the Commonwealth and Northern Territory governments in August 2009 in response to concerns that the program has been slow to deliver housing, that the governance of the program was overly bureaucratic and that it was too costly.⁶¹

3.89 While the review found that the overall program design was sound, the program required changes if it was to meet the targets set. In relation to timing, the

59 Dr Jeff Harmer, Department of Families, Housing, Community Services and Indigenous Affairs, *Community Affairs Estimates Hansard*, 23 October 2009, pp 10–12.

60 Dr Jeff Harmer, Department of Families, Housing, Community Services and Indigenous Affairs, *Community Affairs Estimates Hansard*, 23 October 2009, p. 13.

61 Department of Families, Housing, Community Services and Indigenous Affairs and the Northern Territory government, *Strategic Indigenous Housing and Infrastructure Program – Review of Program Performance*, August 2009, p. 5.

review found that there had been a three month delay against original timeframes in commencing work in the first three nominated locations, Groote Eylandt, the Tiwi Islands and Tennant Creek, and that there were problems with the governance arrangements to manage the program. It also found that cost estimates were ambitious and that in order to deliver on budget, the program would need to be adjusted.⁶²

3.90 The review found that administration costs should be reduced from 11.4 per cent of program budget to 8 per cent. It also recommended that the Commonwealth government take a stronger role in the delivery of the program and in community engagement. Targets and timelines should be made publicly available and both governments should direct resources to transitioning Indigenous employees under SIHIP into ongoing employment.⁶³

3.91 The committee is pleased to note that amendments have been made to the program oversight and administration and will report on progress made towards fulfilling the target of at least 150 houses being built by the end of 2010 when they next report.

Data collection and use

3.92 The lack of evidentiary material underpinning the NTER measures was cited by the NTER Review as a major problem. While it was found that there was considerable quantitative and qualitative data available in the key areas of health, housing, education, policing and employment it was clear that little or no baseline data existed to specifically evaluate the impacts of the NTER. Apart from some initial scoping data, there was little evidence of baseline data being gathered in any formal or organised format to permit an assessment of the impact and progress of the NTER upon communities. The NTER Review recommended the development of a single integrated information system to allow for regular measurement of outcomes of all government agency programs and services for Indigenous communities in the Northern Territory.⁶⁴

3.93 The committee is pleased to note that the latest Monitoring Report indicates that an evaluation strategy will provide ongoing assessment to reflect phases of the NTER and capture the whole of government effort over the short, medium and long term.⁶⁵ While it welcomes the development of an explicit evaluation strategy and

62 Department of Families, Housing, Community Services and Indigenous Affairs and the Northern Territory government, *Strategic Indigenous Housing and Infrastructure Program – Review of Program Performance*, August 2009, pp 6–8.

63 Department of Families, Housing, Community Services and Indigenous Affairs and the Northern Territory government, *Strategic Indigenous Housing and Infrastructure Program – Review of Program Performance*, August 2009, p. 8.

64 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 16.

65 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 1*, October 2009, p. 6.

encourages the Commonwealth government to ensure that this is done rigorously and independently, the committee has not been presented with any evidence to indicate that this evaluation strategy will function as an integrated information system for effective data management.

Reinstatement of the RDA and other legislative amendments

3.94 As previously reported, one of the most contentious elements of the NTER was the suspension of the measures from the operation of the *Racial Discrimination Act 1975* (RDA). The Commonwealth government has repeatedly stated that it will introduce legislation by the end of 2009 to reinstate the RDA.⁶⁶

3.95 On 29 October 2009 the Australian Greens introduced a private members bill to reinstate the RDA. The debate on this bill was adjourned.

3.96 Other legislative proposals to amend the NTER mooted by the Commonwealth include:⁶⁷

- individuals being able to apply for an exemption from income management based on their family situation, financial abilities or record of behaviour;
- new licensing assessments for community stores;
- amended legislation in relation to the five-year leases over Indigenous communities in the Northern Territory to clarify the purpose and operation of the leases; and
- allowing for community input and individual requests to be assessed in determining whether bans on alcohol and pornography should continue (as opposed to blanket bans).

3.97 Minister Macklin's office advised the committee that the Commonwealth government intended to introduce legislation during the week beginning 23 November 2009 however this will not be debated until 2010.

3.98 On 25 November 2009 the Commonwealth government announced further details about the reforms. In a press release, Minister Macklin stated that the NTER was to be strengthened and would include the repeal of all NTER laws that suspend the operation of the RDA as well as:

Alcohol and pornography restrictions, five-year leases, community store licensing and law enforcement powers have been re-designed to more clearly be special measures that help Indigenous people in the NT achieve

66 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 1*, October 2009, p. 5.

67 Department of Families, Housing, Community Services and Indigenous Affairs, *Future Directions for the Northern Territory Emergency Response*, Discussion paper, 21 May 2009.

equal human rights. The measures relating to publicly funded computers and the business management areas powers will remain unchanged.

...

Income management will be re-designed as a non-discriminatory measure. The new scheme will commence across the NT - in urban, regional and remote areas - as a first step in a national roll out of income management in disadvantaged regions. This represents a significant step forward in the Government's continuing welfare reform agenda. The roll out of the new scheme in the NT will begin in July 2010 and is expected to be completed by 31 December 2010.

The RDA will immediately apply to the new income management scheme from July 2010. Existing income management provisions will be repealed with transitional arrangements put in place.

The RDA suspension in relation to existing measures will be lifted on 31 December 2010 to enable an effective transition from existing to new arrangements.⁶⁸

Administration of the measures

3.99 During the first 12 months of its operation, the NTER was led by a Taskforce chaired by Dr Sue Gordon AM. Major General David Chalmers was appointed as the full-time operational commander of the NTER Operations Centre and continued in this role until February 2009. Mr Michael Zissler was appointed in February 2009 to continue in this role. Mr Zissler's appointment ended on 30 June 2009 and from this time the NTER has been managed by FaHCSIA's Northern Territory office.

NTER Monitoring Report of 22 October 2009

3.100 The latest Monitoring Report is divided into two parts - the first providing an overview of progress made in the January-June 2009 period and the second being specific progress against each measure. As the committee provided a detailed report on individual measures in its last report, this will not be repeated in this report. The committee will instead highlight areas of progress and areas of concern.

3.101 The committee is keen to point out that as the Productivity Commission states in its *Overcoming Indigenous Disadvantage Report*, not everything can be measured or captured in numbers.⁶⁹ The committee agrees with the Productivity Commission that things that work need to be emphasised and built in to all program design. The Productivity Commission has found that the following factors are critical to success:

68 The Hon Jenny Macklin, MP, Minister for Families, Housing, Community Services and Indigenous Affairs and the Hon Warren Snowdon MP, *Strengthening the Northern Territory Emergency Response*, Joint press release, 25 November 2009.

69 Productivity Commission, *Overcoming Indigenous Disadvantage: Key Indicators 2009*, July 2009, p. 9.

- cooperative approaches between Indigenous people and government — often with the non-profit and private sectors as well
- community involvement in program design and decision-making — a ‘bottom-up’ rather than ‘top-down’ approach
- good governance — at organisation, community and government levels
- ongoing government support — including human, financial and physical resources.⁷⁰

3.102 The report also concludes that the lack of these factors can often contribute to program failures.⁷¹ The committee encourages these factors to be taken into account when reviewing the NTER measures.

Improving child and family health

3.103 The health components of the Northern Territory Emergency Response include:

- Child health checks and follow up services;
- Child special services;
- Alcohol and other drugs response; and
- Expanding Health Service Delivery Initiative (EHSDI).

Child health checks

3.104 Child health checks involved medical teams visiting communities from July 2007 to provide voluntary health checks for children up to the age of 16 years. In its last report the committee noted that health checks for 9 428 children had been done.

3.105 By 30 June 2009 this number had increased to 14 610 health checks. The Monitoring Report states that the focus of the child health checks during the period 1 January to 30 June 2009 was to provide follow-up care to children who had referrals from checks in earlier time periods. While data collected by the Commonwealth shows that follow-up in primary health care has reached 80 per cent of children in the NTER communities, specialist follow up was progressing slowly.⁷²

3.106 The Monitoring Report states that this is because of the chronic nature of many of the conditions that require treatment.⁷³

70 Ibid.

71 Ibid.

72 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 7.

73 Ibid, p. 11.

Fundamentally, many ear, skin, physical growth and oral health problems are the result of poor living conditions, poverty, overcrowding and lack of adequate nutrition. While these conditions can be ameliorated through health interventions, their prevention requires change to these broader determinants of health.⁷⁴

3.107 The delay in providing specialist follow-up services was also reported in the previous Monitoring Report released by the Commonwealth in June 2009 which reported on activities up to December 2008.⁷⁵

3.108 While the committee appreciates the challenges of providing specialist follow-up services in remote communities it disagrees with the assertion that the delay can be explained by the chronic nature of conditions. This may be the case if follow-up had occurred but there had been no change in outcomes, however the failure to deliver follow-up services does not relate to how hard it is to prevent or ameliorate chronic conditions.

3.109 The committee would like to see a more rigorous analysis of the data in order to provide a clearer understanding of the impact of the measures.

Child special services

3.110 Child special services refers to services for children experiencing trauma from child abuse. The main part of this service has been the establishment of a Sexual Assault Referral Centre Mobile Outreach Service (MOS) which commenced in April 2008. As the committee reported in June 2009, the NTER Review found that the service had a limited capacity to deliver services across the Northern Territory due to low staff numbers, and that there was little understanding of what the service provided.⁷⁶

3.111 The Monitoring Report states that in the period 1 January to 30 June 2009, MOS teams made a total of 83 visits to 42 communities and town camps across the Northern Territory, provided 133 case related services to children and/or their family members, and delivered 74 community education or professional development sessions to service providers and community members. This is certainly an increase on the previous reporting period where teams made a total of 38 visits to 11 communities and town camps.⁷⁷

74 Ibid, p. 12.

75 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report, Part Two*, June 2009, p. 6.

76 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, p. 78.

77 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report, Part Two*, June 2009, p. 11.

Alcohol and other drug response

3.112 The alcohol and other drug response was designed to increase access to alcohol and other drug detoxification, treatment and rehabilitation services across the Northern Territory in recognition of the health impacts of alcohol bans in prescribed communities.⁷⁸ In its last report the committee expressed concern that information in the previous Monitoring Report on the availability of detoxification and rehabilitation beds was not sufficiently clear.⁷⁹ The committee is pleased that this situation has been clarified in the current Monitoring Report which states that two dedicated hospital beds for detoxification at both Katherine District and Tennant Creek Hospitals have been provided.

3.113 The current Monitoring Report provides information on the number of staff positions that have been funded under this program and states that 14 Alcohol and other Drugs (AOD) positions have been funded in six Aboriginal medical services and that eight ongoing positions have been funded in four Aboriginal medical services and four Northern Territory Department of Health and Family centres.⁸⁰ In addition, two AOD registered nurses and 12 Indigenous Community Support Worker positions were funded in six Aboriginal Medical Services across the Northern Territory during 2008–09.⁸¹

3.114 While the committee welcomes the funding of positions, the Monitoring Report does not make clear what kind of service is available to NTER communities as there is no statement of the number of positions currently filled. The Monitoring Report acknowledges the problems encountered with filling positions⁸² but the committee is concerned that a failure to report on the number of positions that are currently occupied has the potential to disguise the level of access people have to drug and alcohol services.

Expanding Health Service Delivery Initiative (EHSDI)

3.115 The Expanding Health Service Delivery Initiative provided \$99.7 million across the 2008–09 and 2009–10 years to increase primary health care services and

78 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response: One Year On*, 20 June 2008, p. 21.

79 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, pp 79–81.

80 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 13.

81 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 14.

82 *Ibid.*

recruitment of more health professionals through the Remote Area Health Corp.⁸³ The Remote Area Health Corp was established to recruit health professionals. The previous Monitoring Report stated that by 31 December 2008 the Remote Area Health Corp had deployed seven registered nurses.⁸⁴

3.116 By 30 June 2009, 8 general practitioners, 76 nurses and 9 allied health professionals had been placed in the NTER communities, according to the Monitoring Report.⁸⁵ While the committee understands that the focus of the Remote Area Health Corp is recruitment of urban based health professionals to provide increased primary health care, and welcomes the availability of more health professionals in remote communities, they are concerned that this is not addressing the longer term needs of communities to build a sustainable workforce to address the very high rates of staff turnover.

3.117 The Monitoring Report states that work on regionalising primary health care services is continuing, with the rationale for this being that regional health services will be able to more effectively provide health services:

The move to regionalise primary health care services provides a mechanism for strong community engagement through the Health Service Delivery Areas (HSDA) Steering Committees. The committees will ensure communities have a say in how these services will be governed in the future. The future primary health care delivery systems in the Northern Territory will be based on the 14 new HSDAs. These provide a planning framework and create regional services that have sufficient reach to enable the continuation of locally accessible services based on an agreed core services policy.⁸⁶

Supporting Families

3.118 This measure involves:

- programs to expand children's services and family support;
- new and improved safe houses for families experiencing violence;
- additional child-protection workers and Aboriginal family and community workers; and

83 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report, Part Two*, June 2009, p. 7.

84 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report, Part Two*, June 2009, p. 15.

85 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 6.

86 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 6.

- diversionary activities for young people.

Expanding children's services and family support

3.119 The NTER measures provided \$859 000 for five playgroups and \$400 000 to expand early childhood programs. Around \$4.2 million was allocated to funding for 10 new crèches in communities that had no learning and child care services for children under five years. Funding was also provided for upgrades to up to 16 existing crèches with urgent health and safety concerns.

3.120 The committee reported in its June 2009 report that four new crèche facilities had been completed at Areyonga, Papunya, Lajamanu and Kaltukatjara and six upgrades to existing crèche facilities had been completed at Maningrida, Gunbalanya, Borroloola, Ntaria, Santa Teresa and Nyirripi.⁸⁷

3.121 The latest Monitoring Report shows that at 30 June 2009, three of the nine new crèches being established were operational – Lajamanu, Peppimenarti and Robinson River.⁸⁸ This appears to be a reduction in operational services reported in the previous Monitoring Report. The Monitoring Report states that five services are anticipated to be in operation later this year at Areyonga, Docker River, Papunya, Yarralin and Milikapiti.⁸⁹

3.122 Of the 13 crèche upgrades, eight have been completed in Ntaria, Nyirripi, Santa Teresa, Oenpelli, Borroloola, Maningrida, Minjilang and Minyerri. This is an additional two upgrades since the last Monitoring Report period. Completion of four upgrades is expected in the next few months in the communities of Gapuwiyak, Pirlangimpi, Wugularr and Hart's Range and an upgrade at Waruwi will be undertaken during 2009–10.⁹⁰

3.123 As with many of the services that form part of the NTER measures, the ability to recruit and retain staff is having a significant impact on the success of these programs.⁹¹ As discussed below, the committee is keen to see a more strategic approach to workforce development.

3.124 Funding for 13 Remote Aboriginal Family and Community Workers (RAFCWs) was provided under the NTER measures to help families access services, provide support to child safety services and to support child services workers in local

87 Correspondence provided to the committee from Mr Michael Zissler, Commander Northern Territory Emergency Response Operations Centre, 26 May 2009.

88 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 26.

89 Ibid p.27

90 Ibid.

91 Ibid.

communities. The committee notes that between September 2008 and 31 January 2009, the Northern Territory government recruited eight RAFCWs. One team leader, one project officer and one acting manager were also been recruited.⁹²

3.125 The Monitoring Report states that as of May 2009 23 RAFCW staff were employed and operational in nine communities. There were also three team leaders, one manager and one administrative officer employed.⁹³ The committee is pleased that progress in recruiting people to these positions has been made.

3.126 The NTER included funding for five new facilitated playgroups and an expansion of Indigenous Children Program (ICP) and Invest to Grow (ItG) services in the Northern Territory. The playgroup funding was directed to two mobile Intensive Support Playgroups (ISPs) based in Tennant Creek and Katherine and to three Locational Supported Playgroups in Numbulwar, Milingimbi and Yuendumu.

3.127 NTER funding was also provided for the expansion of three Invest to Grow projects. NPY Women's Council were to deliver programs on child nutrition and intervention sessions with families with children at risk. Menzies Inc. were to deliver Core of Life, a health education program providing information about pregnancy, breastfeeding and early parenting. Finally, Let's Start Exploring Together for Indigenous Preschools was a project to develop a preschool program in communities to support parents; enhance parenting practices; strengthen family units; develop children's social skills and reduce problematic behaviour, to be delivered by Charles Darwin University.

3.128 The committee previously reported on the status of these three programs. The current Monitoring Report shows that from January 2009 to May 2009 the NPY Women's Council delivered 13 prevention and intervention sessions for children at risk to 111 participants (50 parents/caregivers and 61 children), and assisted 75 children and their families with essential food and health requirements in emergencies. This was a reduction in numbers for the second half of the 2008–09 financial year due to the temporary closure of a delivery site in Alice Springs.⁹⁴

3.129 The Monitoring Report states that the Let's Start Exploring Together program was delivered in Pirlangimpi in Term One and Palumpa in Term Two of 2009. A total of 10 children, 10 parents/caregivers and 2 other siblings participated in the program. It also states that work is being done in the communities of Alice Springs/Haast's Bluff, Tennant Creek, Peppimenarti School, and Belyuen in preparation for services to

92 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report, Part Two*, June 2009, p. 19.

93 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 27.

94 *Ibid*, p.26.

be delivered however the committee notes that these services have not yet commenced.⁹⁵

3.130 The Core of Life Program is reported to have been disrupted during the year however 54 parents and caregivers have participated in the program over the period January to June 2009. There has been a change to the service provider arrangements with the program now being run by Youth and Family Education Resources Pty Ltd from 1 July 2009.⁹⁶

3.131 The committee is pleased that all three programs are now operational.

3.132 The Monitoring Report details progress made in relation to Intensive Support Playgroups (ISP) and the Locational Supported Playgroups (LSP). Between 1 January and 30 June 2009 152 children and 76 parents/caregivers participated in ISP sessions and 27 children and 26 parents/caregivers participated in LSPs.⁹⁷ However the Monitoring Report again notes that problems with staff recruitment have impacted upon the operation of the LSPs.⁹⁸

Safe houses

3.133 The Family Support package was allocated \$11.83 million in 2007–08 with the intent of establishing or expanding 22 safe houses and cooling off houses in 16 communities as well as increasing the capacity of safe houses in Darwin and Alice Springs. These facilities are intended to provide safety for people fleeing violence, and are now referred to as 'safe places' in the current Monitoring Report.

3.134 The previous Monitoring Report stated that as at 20 May 2009 17 out of 22 safe houses were operational.⁹⁹ The current Monitoring Report states that there are now 19 operational.¹⁰⁰ The current Monitoring Report also uses the term safe places instead of safe houses. Staff in these facilities are recruited, trained and managed by the NT government's Safe Place Team based in Darwin.¹⁰¹

95 Ibid, p.25.

96 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 26.

97 Ibid, p.23.

98 Ibid, p. 24.

99 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report, Part Two*, June 2009, p. 18.

100 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 21.

101 Ibid, p. 22.

3.135 As the committee stated in its last report, it is concerned that the operating hours of 10 am to 6 pm may not be the times when the safe places are needed most, and that having to call upon staff to open the facility in late evenings and early mornings may place a great deal of pressure on these staff.¹⁰² The Monitoring Report states that the NT government has committed to examining procedures outside of opening hours and to working with staff to ensure the facilities are opened when they are needed.¹⁰³

Additional child-protection workers and Aboriginal family and community workers

3.136 As the committee stated in its last report, the Northern Territory government was already in the process of reforming its child protection system. NTER funding built on this process and contributed to the establishment of a mobile child protection team (MCPT). Based in Darwin, the MCPT's role is to investigate child protection reports in remote communities in order to address the backlog of investigations and to support local offices with increased workloads. The MCPT was intended to provide 10 child protection workers, a coordinator and an administrative officer.

3.137 In the period January to June 2009, there were seven MCPT positions filled. This included five Child Protection Workers (investigative staff), one manager, and one administrative officer.¹⁰⁴ This is an increase on the staffing levels from the last reporting period.¹⁰⁵

3.138 In the period January to June 2009, 40 communities were visited by the MCPT, with some communities being visited on multiple occasions; 236 cases were investigated by the MCPT and 28 children were taken into care.

3.139 The Northern Territory Government has reported difficulties in recruiting and retaining staff for the MCPT, due to a national shortage of child protection workers. The Monitoring Report states that "...the Australian and Northern Territory Governments are discussing the best way to provide staff to support women and their children in remote communities, as part of the negotiations around the next three years...funding."¹⁰⁶

102 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, p. 86.

103 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 21.

104 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 22.

105 *Ibid*, p. 19.

106 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 22.

3.140 While the committee appreciates the difficulties associated with recruitment of all types of professional staff in regional and remote communities, they are also concerned about the ad hoc nature of responses to workforce shortages. In its last report the committee questioned why child protection workers were being offered short term contracts when there was longer term funding available. The committee stated that it considered that providing effective services in remote locations was so important that this should be addressed as a matter of priority.

3.141 Workforce shortages that impact on program delivery have been noted in other areas of the Monitoring Report. Instead of addressing these on a program by program basis the committee recommends that the Commonwealth and the NT government develop a comprehensive strategy to address workforce shortages in all areas associated with the NTER measures.

Recommendation 3

3.142 While recognising that some measures contain specific strategies to address workforce shortages, the committee recommends that the Commonwealth and Northern Territory governments develop a comprehensive strategy to address workforce shortages in all areas associated with the NTER measures.

Recommendation 4

3.143 The committee also recommends that progress made in addressing workforce shortages should be included in the Monitoring Report.

Diversionary activities for young people

3.144 This measure aimed to address the high levels of alcohol and drug abuse among young Aboriginal people living in remote communities and is largely a capital and infrastructure investment program with some funding for local youth activities. A three part youth alcohol diversionary implementation strategy was developed and FaHCSIA reported that \$8.5 million funded 95 projects.

3.145 The current Monitoring Report states that in 2008–09 a total of \$8.8 million was spent on the NTER Youth Alcohol Diversion measure, which comprised of two components: continuation of the Northern Territory Youth Development Network and Infrastructure and Youth Programs in Central Australia.

3.146 The Northern Territory Youth Development Network provided 35 activities in 13 communities and was coordinated by the Australian Red Cross (ARC). Projects delivered under the Youth Development Network include sport, arts, music, dance, education and training and other youth development activities.¹⁰⁷

107 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 28.

3.147 The Infrastructure and Youth Programs in Central Australia provides for learning and recreational activities and infrastructure to support young people, while building community capacity through training and employment opportunities. Approximately \$6.5 million was spent on 15 projects across communities in the Northern Territory over 2008–09. Three of these 15 projects were based in Arnhem Land and the remainder were in central Australia. All projects under this component were managed by the Central Australian Petrol Sniffing Strategy Unit, based in Alice Springs. Activities included blue light discos; holiday programs over the January, April and June/July school holiday periods, learning support programs which used music to improve school attendance across eight communities; and a cultural horse work camp for users of volatile or other substances.¹⁰⁸

3.148 Infrastructure projects included the purchase of sporting equipment, construction of seven BMX tracks and large scale refurbishment works to support the Mt Theo Substance Misuse Program. In addition, funding was provided for a visit by East Arnhem Traditional Owners and Elders to the Mt Theo Outstation to learn about this rehabilitation model and build support networks.¹⁰⁹

Enhancing education

3.149 The enhancing education initiatives were intended to be carried out mainly through an MOU between the Commonwealth and Northern Territory governments which committed them to working collaboratively. Enhancing education measures include:

- extra teachers;
- extra classrooms;
- expansion of literacy programs;
- the Quality Teaching Package; and
- a school breakfast and lunch program.

3.150 The NTER Review reported that in June 2007 approximately 8 000 children were enrolled in 69 schools in the 73 NTER communities. At least 2 500 of these children were not attending school regularly. As many as 2 000 children of school age were not enrolled in education at all.¹¹⁰

3.151 The NTER Review found that there was a great degree of despair in communities at the low levels of educational outcomes experienced by many children in Indigenous communities. They concluded that the Northern Territory education

108 Ibid, p.29.

109 Ibid.

110 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 29.

system was in crisis.¹¹¹ The committee has also heard during this inquiry that school staff and community members are frustrated by the lack of progress being made.

School breakfast and lunch program

3.152 The school nutrition program, which provides breakfast and lunch, is designed to increase attendance at schools. According to the Commonwealth government, the rationale was drawn from the Little Children are Sacred report which recommended that a school nutrition program be established. The previous Monitoring Report stated that as at December 2008, 71 schools across the 73 prescribed communities had a school nutrition program.¹¹²

3.153 The Monitoring Report of October 2009 shows that this number has decreased slightly from the last Monitoring Reporting period with 68 schools (59 Government, five Catholic and four independent) across 73 prescribed communities having a School Nutrition Program.¹¹³

3.154 As the committee reported in June 2009, and as is stated in the Monitoring Report, there is no concrete evidence to link the provision of breakfast and lunch with school attendance, however, as it stated in its previous report the committee considers that providing regular, healthy meals to children and having the engagement of their parents and other members of the community facilitated through this program can only be beneficial.

Extra teachers and classrooms

3.155 The NTER provided funding for an additional 200 teachers in the Northern Territory. The Northern Territory government advised the committee that the Commonwealth government committed \$98.8 million over five years to provide an additional 200 teachers to work in remote community schools, with around 50 teachers recruited and deployed in Northern Territory government and Catholic schools.¹¹⁴ They also advised that the Northern Territory is expected to receive \$196.6 million over three years, of which at least \$7 million will specifically be used for new classrooms in NTER communities. With the intention of helping to attract and retain teachers, the Commonwealth government committed to providing the Northern Territory with a further \$11.2 million in 2009–10 for the construction of up to 22 additional houses for teachers in the remote NTER communities. This is in addition to

111 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 30.

112 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report, Part Two*, June 2009, p. 17.

113 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 19.

114 Northern Territory government, additional information provided at hearing, 22 May 2009.

the ten teacher houses that will be built in Wadeye, announced by the Australian Government in October 2008.

3.156 Information on how this measure is progressing was provided by the NT government as is discussed above at paragraphs 3.47–3.50.

Promoting law and order

3.157 Measures include:

- more police in remote communities;
- bans on alcohol and pornography in prescribed areas;
- expanded night patrol services;
- additional legal services and interpreter services; and
- a child abuse intelligence desk.

3.158 The Monitoring Report shows that reports of crime have increased and explains this in terms of greater access to police for people to report crimes, and for police to be able to apprehend offenders.¹¹⁵ The rationale for this explanation is that more police equals more scrutiny and therefore more arrests and charges.

More police

3.159 A primary objective of the NTER was to provide for more police and police stations, and to give police additional powers. Before the NTER, 38 police stations serviced remote communities in the Northern Territory. Between July 2007 and February 2008, 18 additional temporary police stations were built under Taskforce THEMIS in the NTER communities. Sixty three additional police were deployed comprising 45 AFP and interstate police and 18 Northern Territory police. The current Monitoring Report states that this figure is now 61 police comprising 43 AFP officers and 18 Northern Territory police.¹¹⁶

3.160 There has been no additional upgrading of police stations since the committee last reported. A total of four existing police stations have been upgraded.¹¹⁷ The Monitoring Report states that over \$50 million over three years has been allocated to

115 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 32.

116 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 33.

117 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report, Part Two*, June 2009, p. 24.

build permanent police stations in Ramingining, Gapuwiyak, Yarralin, Arlparra and Imampa.¹¹⁸

3.161 The number of alcohol related incidents reported to the police across the NTER region is continuing to rise, as is the incidence of other substance abuse incidents.¹¹⁹ Domestic violence incidents also continue to rise and a significant number of these are alcohol related. The Monitoring Report states that increase in domestic violence incident reports is almost three times higher than the increase in total incidents reported in NTER communities. Domestic violence incident reports rose by 61 per cent from the period 2006–07 to 2008–09 while total incident reports grew by 21 per cent in the same period.¹²⁰

3.162 There continues to be a high level of assault (relative to population size) across the NTER communities. The Monitoring Report explains this in terms of increased policing and reporting in NTER communities.¹²¹ The Monitoring Report also presents data that shows the numbers of assault cases lodged with the courts across the last four financial years has fluctuated. In the two years since the introduction of the NTER the number of assault cases lodged in court in the prescribed areas of the Northern Territory was 7 per cent higher than it was in the previous two years. The number of lodgements for assault incidents committed in the NTER communities was significantly higher in 2008–09 than it was in any of the previous years.¹²²

3.163 The data also shows that the number of convictions for assault in the NTER communities has fluctuated over the last four financial years. Like the number of assault lodgements, the number of convictions for assault in 2008–09, however, is significantly higher than in the three previous years. Interestingly this does not reflect a general trend in the Northern Territory. Over the same period, the number of assault cases lodged in court for the rest of the Northern Territory was only one per cent higher than the previous two years. The number of lodgements for assault incidents committed in the rest of Northern Territory was slightly lower in 2008–09 than it was in any of the previous years.¹²³

3.164 In relation to sexual assault, the Monitoring Report notes that is hard to determine any clear pattern in the data as the number of lodgements in court for sexual assault offences was very similar (57) across 2007–08 and 2008–09 to the previous

¹¹⁸ Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 33.

¹¹⁹ Ibid, p. 34.

¹²⁰ Ibid, p. 35.

¹²¹ Ibid, p. 36.

¹²² Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 37.

¹²³ Ibid, pp 37–38.

two years (52).¹²⁴ The Monitoring Report makes the point that while Indigenous people may be overrepresented in lodgements in court and convictions for sexual assault it is important to note that most convictions relate to offences committed outside the NTER communities.¹²⁵

3.165 In relation to child sexual assault the committee considers that it is difficult to draw conclusions from the data presented in the Monitoring Report. The number of convictions for child sexual assaults committed in the NTER communities in the two years since the introduction of the NTER measures is 22, compared with 15 convictions in the two years prior to the NTER.¹²⁶

3.166 The total number of confirmed incidences of child abuse in the NTER communities rose, from 66 in 2006–07 to 227 in 2008–09. The majority of these confirmed reports across the NTER communities were accounted for by the category ‘child welfare’. This relates to issues that would generally be considered to be child neglect, with a significant increase in the confirmed incidence of abuse relating to child welfare across the NTER communities, from 63 confirmed incidents in 2006–07 to 177 in 2008–09.¹²⁷

3.167 The committee noted in its last report that there were increased notifications of child abuse not only amongst Indigenous communities but across the NT generally¹²⁸ which indicates that this is a problem that should not just be addressed in Indigenous communities but with the wider population.

3.168 As reported in the June 2009 report, this was noted by the Northern Territory Legal Aid Commission at the committee's Darwin hearing:

I will also make the point, just for your interest, that we have an increased number of children abused not just in the Indigenous community; most of our cases recently are non-Indigenous and to do with sexual abuse in the community. It should not be just targeted in the Indigenous community. It is a real problem across-the-board.¹²⁹

3.169 As the committee reported in its previous report, child protection data is not available at the NTER community level. The data presented in the current Monitoring

¹²⁴ Ibid, p. 39.

¹²⁵ Ibid.

¹²⁶ Ibid.

¹²⁷ Ibid p. 40.

¹²⁸ Ms Susan Cox QC, Northern Territory Legal Aid Commission, *Committee Hansard*, 21 May 2009, p. 29.

¹²⁹ Ms Susan Cox QC, Northern Territory Legal Aid Commission, *Committee Hansard*, 21 May 2009, p. 29.

Report is exactly the same as that reported in the previous Monitoring Report so these figures will not be repeated here.¹³⁰

Alcohol management plans

3.170 Alcohol Management Plans that are based on supply reduction measures in the form of an alcohol permit system are in place in Groote Eylandt (implemented in July 2005) and Nhulunbuy (implemented in April 2008). Alcohol Management Plans that are based on 'harm minimisation' strategies are being implemented in Alice Springs, Tennant Creek, Palmerston and Katherine. The principle 'harm minimisation' includes demand reduction, supply reduction and harm reduction strategies.¹³¹

3.171 The Monitoring Report also states that plans are in place to develop a Law and Order Strategy in Galiwinku which will address alcohol related harm.¹³²

3.172 The previous Monitoring Report noted that Alcohol Management Plans were in progress for Jabiru, West Arnhem, Darwin, Borroloola, Timber Creek, Maningrida and Elliot¹³³ however no information was provided in the current Monitoring Report in relation to these communities.

Expanded night patrol services

3.173 The NTER provided for night patrol services to be extended to all NTER communities. The aim of night patrol services is to help communities deal with violence and people at risk of harm. The committee noted in their last report that many communities already had night patrol services in operation.

3.174 As at 30 June 2009, the Monitoring Report states that there were 80 active night patrols which is an increase of nine from the last reporting period.¹³⁴

Additional legal services and interpreter services

3.175 Between 1 January 2009 and 30 June 2009 legal service providers handled 625 NTER related matters, including 154 advices, 197 duty lawyer services and 274

130 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, p. 100.

131 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 44.

132 Ibid.

133 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report, Part Two*, June 2009, p. 34.

134 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 41.

cases. Legal service providers undertook 90 outreach visits to communities.¹³⁵ This is an increase in activity from the last Monitoring Report where 398 NTER related matters, including 81 advices, 83 duty lawyer services and 234 cases was reported.¹³⁶

3.176 The committee understands that the Commonwealth Attorney-General's Department received funding of \$2 million for Aboriginal and Torres Strait Islander Legal Services (ATSILS) and Community Legal Centres (CLCs) in the Northern Territory and the Northern Territory Legal Aid Commission (NTLAC) to provide legal assistance for matters arising under the NTER in 2008–09. Further one-off additional funding of \$2.9 million was provided in 2008–09 by the Department to the ATSILS to meet the increasing demand for services and to an additional CLC to provide welfare, tenancy and post-imprisonment services specifically related to the NTER on the basis that demand for legal services related to NTER matters continues to increase.¹³⁷

3.177 The Monitoring Report notes that there continues to be challenges associated with recruitment of new staff and uncertainty of the continuation of funding from one year to the next has meant that services have only been able to offer one year contracts, which decreases the attractiveness of the position to potential applicants. Services have indicated that three year funding would help to resolve this issue.¹³⁸

3.178 The Monitoring Report states that for the period 1 January to 30 June 2009 2 934 people sought access to an interpreter which is a 38 per cent increase for the same period in 2008.¹³⁹

3.179 The NT Aboriginal Interpreter Service has identified a number of challenges which impact on service delivery including difficulties with recruitment and retention of interpreters, the lack of literacy and numeracy skills of potential interpreters and the need for accredited interpreters for legal proceedings.¹⁴⁰

Welfare reform and employment

3.180 Measures include:

- Income management;
- Licensing of community stores;

135 Ibid, p. 43.

136 Department of Families, Housing, Community Services and Indigenous Affairs, *Northern Territory Emergency Response Monitoring Report, Part Two*, June 2009, p. 35.

137 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, pp 43–44.

138 Ibid p. 44.

139 Ibid p. 46.

140 Ibid.

- Creating real jobs in communities outside Community Development Employment Projects (CDEP); and
- Increased participation in remote areas including work for the Dole activities,

Income management

3.181 People receiving Centrelink payments who live in prescribed areas became subject to compulsory income management of half their Centrelink payments and all of most advances, lump sum payments and the Baby Bonus. This measure was imposed universally within the prescribed areas. Income management has been amongst the most contentious of the NTER measures. It affects people who live in the 73 prescribed communities, their associated outstations and the 10 town camp regions of the Northern Territory who receive income support payments.¹⁴¹

3.182 Over the last three reporting periods the committee has heard that there have been considerable problems with the BasicsCard that is issued by Centrelink and allows people who are subject to income management to access their quarantined money at approved stores and merchants. It cannot be used to purchase alcohol, tobacco, pornography, gambling products or gift vouchers. It cannot be used to get cash out, lay-by goods or for 'book up'.¹⁴²

3.183 As the committee reported in June 2009 the NTER Review found that even though there was considerable criticism of this measure many people believed that it provided an opportunity to manage their income and the family budget in a way that was beneficial. Anecdotal evidence indicated that more food was being purchased and that tobacco sales had decreased at community stores.¹⁴³ The NTER Review recommended that the blanket application of compulsory income management cease and that it be available on a voluntary basis to community members who choose to have some of their income quarantined for specific purposes, as determined by them. It was also recommended that compulsory income management should only be applied on the basis of child protection, school enrolment and attendance.¹⁴⁴

3.184 This recommendation was not supported by the Commonwealth. Instead the Commonwealth announced that it would consider options to allow people to apply for an exemption from income management.¹⁴⁵

141 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, pp 44–45.

142 Centrelink, *BasicsCard*, [http://www.centrelink.gov.au/internet/internet.nsf/filestores/co514_0807/\\$file/co514_0807en.pdf](http://www.centrelink.gov.au/internet/internet.nsf/filestores/co514_0807/$file/co514_0807en.pdf) (accessed 15 June 2009).

143 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 21.

144 Northern Territory Emergency Response Review Board Report, 30 September 2008, p. 23.

145 Department of Families, Housing, Community Services and Indigenous Affairs, *Future Directions for the Northern Territory Emergency Response*, 21 May 2009, pp 11–12.

3.185 As at 26 June 2009, the number of Income Management customers was 15 182 which is a decrease of two per cent since 2 January 2009.

3.186 The current Monitoring Report states that most income managed money was allocated to food (65.4%), community housing rent (8.4%), clothing and footwear (5.9%) and store cards (5.3%). School nutrition accounted for 2.9%.¹⁴⁶ However as the committee reported in June 2009 there is no real way of the Commonwealth knowing how much income managed money is being spent on food or other items as itemised data is not collected at the point of sale, rather it is worked out from what Centrelink customers indicate they will allocate their funds to, not on actual items purchased.¹⁴⁷

3.187 The committee reiterates its previous statement that the Commonwealth should clarify this when it reports in relation to what income managed money is being spent on.

Licensing of community stores

3.188 The NTER legislation provided for the licensing of community stores. In its last report the committee noted the high level of frustration associated with the poor quality and high prices of food in NTER communities.

3.189 In its last report the committee recommended that roadhouses that were permitted to participate in the licensing scheme to sell fuel should only be able to do so if it was a condition of their license that roadhouses within the Petrol Sniffing Strategy Central Desert Region and feeder sites to this region sell Opal fuel.

3.190 In a media report of 30 June 2009 the Minister for Families, Housing, Community Services and Indigenous Affairs, the Hon Jenny Macklin was reported to be considering this recommendation¹⁴⁸ however the committee has not yet received a formal response from the Minister in relation to this recommendation.

3.191 The latest Monitoring Report states that as of 24 June 2009, a total of 85 community stores have been licensed. It also details findings of the Final Stores Post Licensing Monitoring Report which was FaHCSIA's review of community stores licensed for income management. This review investigated the impact of income management on community store operators and residents who purchased food from stores using income managed funds.

146 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 56.

147 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, pp 29–30.

148 ABC Online, 30 June 2009, *Government considers petrol sniffing advice*.

3.192 The Monitoring Report states that interviews of 66 licensed store operators were conducted by FaHCSIA officers and provides indications of positive results from store licensing and income management. The rationale for this methodology is explained in the Monitoring Report in the following terms:

Store operators have first hand experience with the operation of income management and its effect on stores and communities, making them well-placed to comment on income management. It should be noted that the results are only observations, perceptions and opinions of store operators.¹⁴⁹

3.193 The Monitoring Report states that store operators report that the overall impact of income management has been positive for communities, the overall impact of income management has been positive for stores and the BasicsCard has been overwhelmingly seen as a positive by stores.¹⁵⁰

3.194 While the committee is pleased that store operators see income management as positive from their perspective, the committee is concerned that the perspectives of community residents are not included in the Final Stores Post Licensing Monitoring Report.

Increased Job Participation

3.195 The latest Monitoring Report states that there have been 156 Work for the Dole (WfD) activities delivered across the NTER communities since the start of the measures¹⁵¹. This is an increase from the 134 activities that the committee reported in June 2009.¹⁵²

3.196 The Monitoring Report also states that as at June 2009, approximately 7 000 job seekers have been referred to Job Network services. There have been a total of 1 705 referrals to the Language, Literacy and Numeracy Program and 282 clients commenced in training. Since the start of the NTER, Job Network members have brokered nearly 2 000 job placements.¹⁵³

149 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 1*, October 2009, p. 35.

150 Ibid, pp 35–37.

151 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 60.

152 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, p. 124.

153 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 60.

3.197 As at June 2009, there were a total of 1 752 positions filled under the Jobs Package. The intention of the Northern Territory Jobs package is that jobs are to be filled by who were previously engaged in the CDEP program.¹⁵⁴

3.198 The Jobs Package provided \$91 million in funding for around 1,670 jobs in Commonwealth funded service delivery and around 400 jobs in local government service delivery across the Northern Territory. The jobs package has exceeded original targets with over 2,090 positions funded. This number is composed of 1,683 jobs in Commonwealth service delivery and 407 in local government service delivery.¹⁵⁵

3.199 The committee is pleased to note that people are being placed in government service delivery jobs however, as it has previously noted, it is concerned about the overall systemic approach being taken to employment and workforce development generally. The committee will follow up on whether these job placements are ongoing positions.

Coordination

Government Business Managers

3.200 As the committee reported in June 2009 they found that Government Business Managers (GBMs) were having varying degrees of impact.¹⁵⁶ In the last reporting period there were 60 GBMs servicing 73 prescribed communities, Borroloola and town camps in Darwin, Tennant Creek, Katherine and Alice Springs.¹⁵⁷ In the current reporting period there were 59 GBMs servicing 72 communities and town camps.¹⁵⁸

Indigenous Engagement Officers

3.201 During the period 1 January 2009 to 30 June 2009 there were 21 Indigenous Engagement Officers (IEOs) in 21 communities across the Northern Territory. The IEOs provide feedback about NTER measures to communities and government; promote their community's role in defining needs, setting goals, and formulating policies and plans; and work with community groups to include community input into

154 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 26.

155 Ibid p. 64

156 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, p. 121.

157 Correspondence provided to the committee from Mr Michael Zissler, Commander Northern Territory Emergency Response Operations Centre, 26 May 2009.

158 Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory: Whole of Government Monitoring Report January–June 2009, Part 2*, October 2009, p. 75.

decision making.¹⁵⁹ The Monitoring Report states that this measure has created local employment opportunities and helped to forge better relationships.¹⁶⁰

3.202 The committee understands that there is broad support for these positions in communities and encourages the program to be expanded beyond the current 21 communities.

159 Ibid, p. 76.

160 Ibid.

Chapter 4

Western Australia

4.1 The committee's second report considered the impact of policies of the Northern Territory and South Australian governments on the lives of Indigenous people living in regional and remote parts of those states, after several visits to both the Northern Territory and South Australia. Since the second report, the committee has held public hearings in Fitzroy Crossing, Halls Creek, Broome, Narrogin and Perth in Western Australia (WA) and in Sydney, New South Wales (NSW). This chapter deals with the committee's findings in Western Australia, while chapter five details the committee's findings in New South Wales.

4.2 The committee travelled to Western Australia in 2008, with site visits to Fitzroy Crossing, Derby and Balgo. The committee returned to the region to hold formal hearings and collect further evidence. These hearings were conducted in Fitzroy Crossing on 24 August, Halls Creek on 25 August and Broome on 26 August 2009. A hearing in Narrogin was held on 8 October and in Perth on 9 October 2009.

4.3 The committee heard evidence from a broad range of organisations, government departments and businesses. The committee would like to express their gratitude to all witnesses who appeared before the committee or provided submissions. In the conduct of an inquiry in regional and remote areas, many witnesses travel great distances and sacrifice their own time to assist the committee. For this, the committee is grateful.

4.4 The committee would like to thank the Western Australian government for their cooperation with the committee's inquiry. The committee commends the Western Australian government agencies who participated in the inquiry for their openness, willingness to discuss issues in a frank and honest manner and for their timely responses to committee requests for information. The committee is deeply appreciative to all of the officers who appeared before the committee and to those who assisted the committee in the conduct of this inquiry.

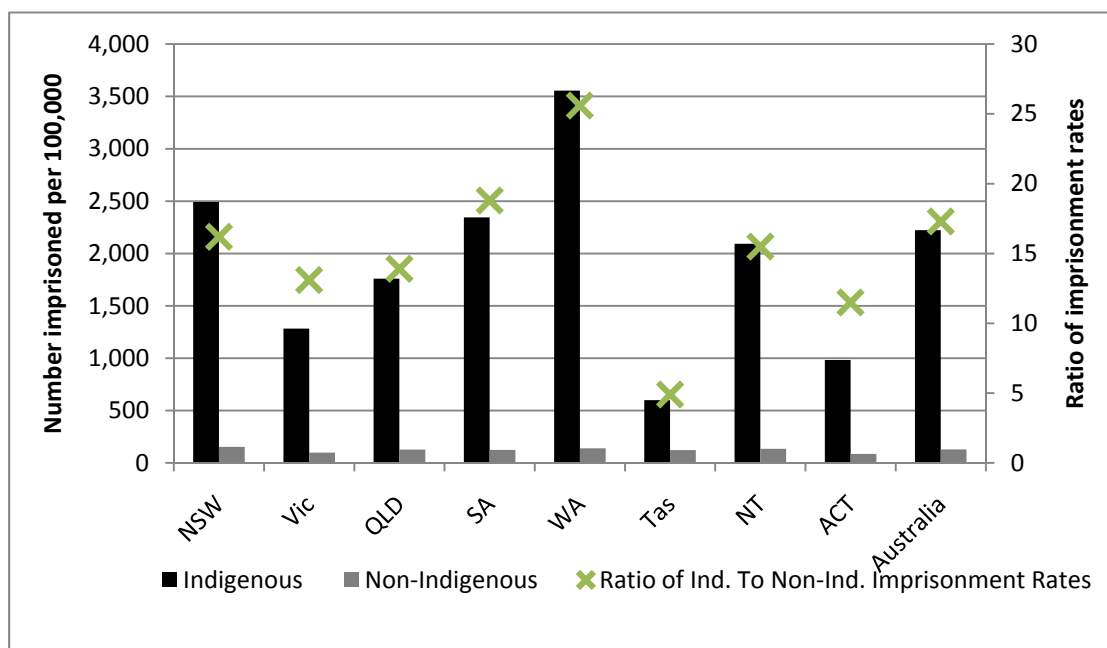
4.5 The committee would also like to acknowledge Ms Daisy Andrews of Karrayili Adult Education Centre for her welcome to country in Fitzroy Crossing and Mr Ken Colbung and members of the WAITCH project for the very warm welcome to country provided by the group at the committee's Perth hearing.

4.6 This chapter focuses on thematic issues that were raised consistently with the committee, including: the justice system and high rates of incarceration, municipal service delivery in remote communities, mental health, recent alcohol restrictions in the Kimberley and the prevalence of Foetal Alcohol Spectrum Disorder. These issues are discussed below.

Justice and the legal system

4.7 Western Australia has the highest adult Indigenous imprisonment rate in Australia, with 3556.3 per 100 000 people imprisoned in 2008.¹ Chart 4.1 compares Indigenous and non-Indigenous imprisonment rates across Australia.

Chart 4.1: Imprisonment rates by state/territory, 2008



Source: Australian Bureau of Statistics, *Prisoners in Australia, 2008*, catalogue no. 4517.0.

4.8 Chart 4.1 also shows the ratio of imprisonment rates in the Indigenous and non-Indigenous populations. The Indigenous imprisonment rate is 25.6 times higher than the non-Indigenous rate. This statistic does not take into account the younger age profile of the Indigenous population. As younger populations tend to have a higher rate of offending, the Australian Bureau of Statistics (ABS) also calculates an age-standardised statistic, which is more useful for comparing rates of imprisonment between Indigenous and non-Indigenous populations as it removes the bias towards imprisonment resulting from the younger age profile of the Indigenous population. The age-standardised ratio of imprisonment rates between the two populations in WA is 19.8.²

4.9 The Chief Justice of Western Australia, in a presentation to the Department of Corrective Services in 2009, set out a series of worrying statistics:³

- one in 15 Aboriginal men in WA was in prison in June 2008;

1 Australian Bureau of Statistics, *Prisoners in Australia, 2008*, catalogue no. 4517.0.

2 Australian Bureau of Statistics, *Prisoners in Australia, 2008*, catalogue no. 4517.0.

3 The Hon Wayne Martin, Chief Justice of Western Australia, *Corrective Services of Indigenous Offenders – Stopping the Revolving Door*, 17 September 2009, pp 1–5.

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- one in 160 Aboriginal women was in prison at that time;
 - Western Australia has the highest rate of detention for Aboriginal young people in Australia—approximately 700 per 100 000 in June 2007;
 - between 75 and 80 per cent of all young people detained in recent years were Aboriginal; and
 - Approximately 70 per cent of Aboriginal men leaving prison between 1 July 1998 and 30 June 2008 returned to prison by May 2009, compared to 40 per cent for non-Indigenous prisoners.

4.10 Appearing before the committee in Broome, the Aboriginal Legal Service of WA (ALSWA) elaborated further on recent juvenile detention statistics:

The statistics from last Friday indicate that 75 per cent of children in custody in WA are Aboriginal. That means 96 out of 131 children in custody at the moment are Aboriginal. The detention rate for Aboriginal children in WA is the highest in the country. It is double the national rate and 44 times higher than the non-Aboriginal rate. Superimposed over that, the recidivism rates for Aboriginal kids are absolutely staggering: 79 per cent for male Aboriginal juveniles and 64 per cent for female Aboriginal juveniles.⁴

4.11 The committee recognises that the high level of incarceration is not purely due to the justice system. It has its roots in poverty, lack of education and other socioeconomic factors affecting the Indigenous population. The committee received evidence from several organisations reflecting this view. Legal Aid WA, in their submission to the committee stated:

...the disproportionate number of Indigenous people in WA in custody, before the courts, and with children in State care is inextricably linked to health, housing, education and training and welfare problems in these communities. 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.⁵

4.12 ALSWA made the point that many juvenile offenders suffered from dysfunctional backgrounds making it more likely that they would offend:

...a lot of Aboriginal juvenile offenders are victims themselves. They are victims of dysfunctional family backgrounds, domestic violence, and exposure to alcohol and drug abuse by parents and other family members. They often suffer from serious physical illness or injury themselves, and

4 Mr Peter Collins, Aboriginal Legal Service of WA, *Committee Hansard*, 26 August 2009, p. 1.

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

they in turn become immersed in a system which is completely ill-equipped to assist them.⁶

4.13 The committee is of the view that the most obvious way to reduce incarceration rates is to create enduring improvements to the lives and living standards of Indigenous people. While recognising that the high incarceration rate is due to many social and environmental factors relating to the offenders themselves, the committee has also formed the view that the justice system itself could be improved in order to reduce the overly high rate of incarceration.

4.14 The evidence put before the committee suggests the need for a recalibration of the justice system, with more investment in both custodial and non-custodial programs that seek to address the causes of reoffending, rather than a reliance on the deterrent effect of imprisonment.

4.15 The committee would like to thank the WA government departments who engaged with the committee on issues of justice and corrective services. The committee formed a high opinion of officials who provided information to the committee during their WA hearings.

4.16 The following section considers issues raised by witnesses at the hearings in Western Australia. They are not in order of importance, but rather address each stage of involvement with the justice system.

Allegations of overpolicing

4.17 ALSWA was of the opinion that overpolicing in remote areas, particularly since the introduction of Multifunction Police Facilities (MFPF) was an issue. They called for more discretion to be exercised by officers in these areas:

We have a grave concern that permanent police presences in some of these communities means that Aboriginal people get charged with any number of minor offences, which brings them into contact with the system and, inevitably, leads to increased imprisonment rates.⁷

...the discretion that governs the decision to prosecute is structured in a set of rules called the [Director of Public Prosecutions] prosecution guidelines. ...They are rules that are reflected in a similar set of guidelines that are published by the police force. So the guidelines are well-known. The rules that should structure the exercise of a discretion as to whether or not to initiate a prosecution or whether or not to continue with it have been around for decades. It just seems that they are not being applied in practice. We are not asking for a serious crime not to be prosecuted but simply for the discretion at an early stage to be properly exercised so that inappropriate cases are not being brought before superior courts, particularly with young

6 Mr Peter Collins, Aboriginal Legal Service of WA, *Committee Hansard*, 26 August 2009, p. 5.

7 Mr Peter Collins, Aboriginal Legal Service of WA, *Committee Hansard*, 26 August 2009, p. 3.

people who, when you look at their culpability and the gravamen of their conduct, it just should not attract a criminal prosecution.⁸

4.18 Inspector Jim Cave, of the WA police, responded directly to these concerns, stating:

I heard this morning a concern raised by ALS in relation to the overpolicing in remote communities. The WA Police strongly reject this opinion and consider that the presence of police alongside a DCP officer working within the community can only benefit the community...

4.19 Inspector Cave particularly addressed concerns of overpolicing of traffic offences:

...Yes, we do police the communities, and that is mainly because of the serious and fatal crashes. The four main factors for those crashes are speeding, alcohol, not wearing a seatbelt and fatigue. We need to manage those; otherwise people are going to kill themselves. I reject the comment from Mr Collins that we are just picking on people for the sake of it.⁹

4.20 Acting Commander Darryl Gaunt emphasised that it was the policy of the WA police to use discretion where appropriate in remote communities:

With the remotes, one thing I hammer into the troops out there is that the focus out there is not to lock people up for driving under suspension or to book work orders on cars. That is not our focus.¹⁰

4.21 The committee recognises the responsibility of the police to maintain public safety. The committee encourages Western Australian police to ensure that the message of discretion advocated by the Acting Commander is well understood by officers in the field, and that appropriate training and support to police is provided in the application of guidelines that govern this discretion.

Recommendation 5

4.22 The committee recommends that the Commonwealth support the Western Australian Police in continuing to ensure that the message to use greater discretion in policing in remote communities is communicated to and well understood by officers in the field and that they have the appropriate guidelines, training and support to do so.

Driving offences

4.23 Legal Aid WA drew the committee's attention to the large number of Indigenous people in WA coming into contact with the justice system through driving

8 Mr Dominic Brunello, Aboriginal Legal Service of WA, *Committee Hansard*, 26 August 2009, p. 10.

9 Inspector Jim Cave, WA Police, *Committee Hansard*, 26 August 2009, p. 97.

10 Acting Commander Darryl Gaunt, WA Police, *Committee Hansard*, 9 October 2009, p. 120.

offences. According to a report released in 2007, approximately 30 per cent of the Indigenous prison population are there for offences relating to drink driving and drivers licenses.¹¹ The imprisonment rate for driving offences is 12.5 per cent for Indigenous people, compared with 2.9 per cent for non-Indigenous people.¹²

4.24 The following excerpt from an address by the Chief Justice of Western Australia describes the pattern of offending relating to drivers licenses:

There are significant structural issues at work which contribute to these statistics. The remoteness of many of the communities makes it extremely difficult for drivers licences to be obtained. Not uncommonly, because of the lack of alternative means of transport in the areas in which people live, young persons might be apprehended for driving without a licence before they are legally eligible to obtain a licence. Sometimes that might be because they had been directed to drive a vehicle by an older person who is intoxicated. The consequence of their conviction is of course that they are automatically disqualified from holding a licence for a period. Practical necessity might prompt them to drive unlawfully again during that period, with the result that another automatic disqualification follows. The result of this tragic cycle is often that Aboriginal people living in remote communities have no realistic prospect of obtaining a motor drivers licence in the foreseeable future, under the current legal regime. By the time they get to their 13th, or 23rd, or even 33rd conviction for driving without a licence, imprisonment seems the only appropriate penalty. By comparison to non-Aboriginal offenders who are in prison for driving offences, there are more Aboriginal offenders in prison for such offences who have never driven drunk or dangerously.¹³

4.25 Legal Aid WA recommended to the committee that in some situations there should be an amnesty around licenses, with ministerial discretion, in order to end a pattern of offending relating to licenses that results in imprisonment.¹⁴

4.26 A further problem related to driving offences is the application of fines. Given the low incomes of many offenders in remote communities, they have difficulty in paying fines. The application of a fine then leads directly to the offender being taken into custody when payment of the fine cannot be met.

...with the sorts of fines that are mandatorily imposed by the courts these days, people in these communities on CDEP or Centrelink do not have the capacity to pay. They do not pay and, eventually, they end up in custody for

11 *Indigenous Licensing and Fine Default: A Clean Slate*, Report presented on behalf of the Minister for Corrective Services, Margaret Quirk MLA, September 2007, p. 1.

12 *Indigenous Licensing and Fine Default: A Clean Slate*, Report presented on behalf of the Minister for Corrective Services, Margaret Quirk MLA, September 2007, p. 2.

13 The Hon Wayne Martin, Chief Justice of Western Australia, *Corrective Services of Indigenous Offenders – Stopping the Revolving Door*, 17 September 2009, pp 11–12

14 Mr Alexander Payne, Legal Aid WA, *Committee Hansard*, 9 October 2009, p. 3.

unpaid fines. Most of the Aboriginal women in custody in WA are in custody for unpaid fines.¹⁵

4.27 The Department of the Attorney-General in Western Australia informed the committee that a fine repayment scheme has been implemented in partnership with Centrelink that enables automated, gradual repayment of fines with the consent of the individual who is subject to the fine.¹⁶ The committee is pleased that this arrangement has been made available, but notes that continuing to impose fines on people in remote communities is likely to lead to a disproportionate number of offenders in custody.

4.28 The committee was pleased to hear that WA Police is making an effort to support greater education and driver awareness to reduce the likelihood of people having fines imposed against them, especially in relation to drivers licenses and driving offences.

The reality is that in some of those communities you would be lucky to find anyone with a drivers licence, and all you would do is perpetuate a problem that already exists. It is not our focus. Family violence and child abuse is our focus. Having said that, we will provide drivers licence education, particularly at Warburton. We run classes...in the court house. We do all that type of activity to help them get their licence. The major problem that occurs is not so much in Warburton; it is when they decide to drive to Laverton. The reality is that, once they go to a major town, they have to abide by the rules, because that is where Aboriginal people kill themselves. They kill themselves driving to those locations. Seat belt restraint is one of the big issues. They quite often do not wear seat belts. There is a large education push. What we did not want to do was lose the hearts and minds in the early days of this rollout to the point of nabbing people for what are seen as minor traffic offences when we are trying to develop their ability to normalise.¹⁷

4.29 Acting Commander Gaunt went on to state that although police in remote communities have a process in place to encourage people to get licenses and abide by road rules, there were significant problems associated with people driving in major towns.

As I tell all of the communities when I go and speak to them, there will be a point where we expect them to lift their standard—because that is why we are there. The state and the Commonwealth have made a significant investment in having us out there and the return on that investment needs to be that they have to raise the standard and their ability to get drivers licences and drive roadworthy cars and abide by normal road rules. What

15 Mr Peter Collins, Aboriginal Legal Service WA, *Committee Hansard*, 26 August 2009, p. 3.

16 Mr Andrew Marshall, Department of the Attorney General, *Committee Hansard*, 9 October 2009, pp 86–87.

17 Acting Commander Darryl Gaunt, WA Police, *Committee Hansard*, 9 October 2009, p. 121.

we do not do, though, is park at the stop sign at Warburton and grab them for driving through the stop sign, because it is counterproductive...

In the regional locations—the Hall Creeks, the Lavertons et cetera—they have to abide by the rules. It is a law-enforcement issue; it is where they kill themselves, and just as they are overrepresented in other areas they are also well overrepresented in fatal road crashes in those areas.¹⁸

Issues associated with bail

4.30 The committee heard evidence from a variety of witnesses about the difficulties associated with bail in regional and remote communities. Some witnesses felt that there was a lack of discretion in granting bail.

In 2005 I acted for a 15-year-old boy from a place called Onslow who had been in trouble in the past. He was charged with attempting to steal a \$2.30 ice-cream. He was refused police bail. He was refused bail by a JP in Onslow and ended up spending two weeks in custody before he was finally dealt with for attempting to steal a \$2.30 ice-cream.¹⁹

4.31 However, the committee recognises the difficulties faced by justice officials in remote communities in some circumstances.

Police have a duty of care to victims and juvenile offenders. It is difficult to contact a responsible adult to bail the child before he or she attends court.²⁰

4.32 This issue is particularly significant in light of the recent death of an Aboriginal elder who was denied bail after being charged with drink driving and died while being transported to the regional prison. The coronial inquest into the death found shortcomings in the understanding of the bail process by police and the Justice of the Peace in question. The coroner recommended that improvements be made to training for justice officials in remote areas to ensure a full understanding of their responsibilities with respect to the bail process.²¹

4.33 The case highlighted the problem of the justice system often necessitating transportation of offenders over long distances and away from family and community. ALSWA was particularly concerned for young people in the Kimberley who are taken into custody a long way from their home communities.

Those problems with overrepresentation and incarceration rates are compounded here because juvenile detention centres are in Perth. Kids who either are refused bail or are sentenced to terms of detention are transported all the way from the Kimberley to the two detention centres in Perth. They are incredibly damaging experiences for Aboriginal kids. In addition to that,

18 Acting Commander Darryl Gaunt, WA Police, *Committee Hansard*, 9 October 2009, p. 121.

19 Mr Peter Collins, Aboriginal Legal Service WA, *Committee Hansard*, 26 August 2009, p. 3.

20 Inspector Jim Cave, WA Police, *Committee Hansard*, 26 August 2009, p. 96.

21 Coroner of Western Australia, *Inquest into the Death of Mr Ward*, June 2009, pp 135–142.

kids who are sentenced or refused bail are sometimes held in police cells here in Kimberley police stations. We have had cases where 12- and 13-year-old children have spent over a week in a police cell before being transported south to juvenile detention centres. Some of the police cells here are appalling—totally ill-equipped to safely house children.²²

4.34 Legal Aid WA recommended that the *Bail Act 1982* (WA) should be amended to include consideration of the effects of transportation in the decision to grant bail.²³

4.35 The Department of the Attorney-General informed the committee that they are currently making changes to the Bail Act and establishing video conferencing facilities in Multifunction Police Facilities in an effort to improve access to justice in remote areas.²⁴

4.36 The committee will follow this review of the Bail Act and the impact any changes have on people living in regional and remote Indigenous communities.

Lack of innovative sentencing options in regional and remote areas

4.37 The lack of sentencing options in regional and remote areas of Western Australia appears to be a significant problem. Witnesses overwhelmingly pointed to a lack of community based sentencing options, including effective court orders, diversionary and rehabilitation programs or community service in remote areas. Where options did exist, they were under resourced and less effective than communities expected them to be.

...magistrates often do not have the same range of sentencing options in remote areas that they have in metropolitan areas, and even larger regional areas such as Kalgoorlie. That means that people might, for example, get a fine when they may require a supervisory order to address the underlying issue behind their offending, but that supervisory order is not available.

Even if they are put on orders, sometimes it is a really brief intervention by the community justice officers because they do not actually live in the community. It is a brief intervention when they go to the community on a monthly or bimonthly basis, and the top-up on supervision is often by phone. The counselling or program requirements for many orders are virtually nonexistent in those remote communities. Even the community service work is often not available in those areas, because of a lack of supervisors. Sometimes the work, even when it is available, is not really meaningful work that helps develop skills that might flow on to subsequent employment.

22 Mr Peter Collins, Aboriginal Legal Service WA, *Committee Hansard*, 26 August 2009, p. 2.

23 Mr Alexander Payne, Legal Aid WA, *Committee Hansard*, 9 October 2009, p. 8.

24 Mr Andrew Marshall, Department of the Attorney-General, *Committee Hansard*, 9 October 2009, p. 84.

That is a significant issue. It means that the underlying issues underlying the offending behaviour are not really being satisfactorily addressed.²⁵

4.38 This point was also made by ALSWA, using the example of Fitzroy Crossing:

Fitzroy Crossing...is one of the 26 large Aboriginal communities that is being targeted by the federal government with its new funding policy. It has one drug and alcohol counsellor for the whole town. There is no psychiatric or psychological diversion or rehabilitation program. There is no sex offence program. There is no victim offender mediation. There is a very limited capacity for the department of corrections or juvenile justice to put adults or juveniles on work orders, particularly females. So what it all means is that when a magistrate sitting in these jurisdictions is sentencing a person and trying to craft a fair and just community-based order, they have got no practical options which they can incorporate in those orders. The unfortunate consequence on many occasions is that magistrates become frustrated and turn to the next option in the line, which is a term of either suspended or immediate imprisonment, and that just increases incarceration rates.²⁶

4.39 The Department of Corrective Services was well aware of this issue, stating:

We have to be completely honest with the committee and say that remote delivery of programs is not happening in the short term due to lots of logistical problems and the fact that it is an expensive option and also that, in real terms, we do not have the staff or the skills to be able to deliver those programs.²⁷

4.40 The department informed the committee that it was beginning to increase the number of community programs, but that this was occurring from a very low base and remained concentrated in metropolitan areas. They were unable to run adult community programs in the Pilbara, the Kimberley or the Eastern Goldfields as the requisite psychologists and social workers were not there in sufficient numbers.²⁸

4.41 The department indicated that group programs in particular were logistically difficult to deliver in remote areas.

Generally, running a program involves eight to 10 people. Having those people in the same place at the same time within a remote community and then having the facilitators there is difficult. Some programs that we run quite intensively within the prison system are 460 hours. The reality is that

25 Mr Alexander Payne, Legal Aid WA, *Committee Hansard*, 9 October 2009, p. 3.

26 Mr Dominic Brunello, Aboriginal Legal Service WA, *Committee Hansard*, 26 August 2009, p. 9.

27 Ms Jacqueline Tang, Department of Corrective Services, *Committee Hansard*, 9 October 2009, p. 81.

28 Ms Jacqueline Tang, Department of Corrective Services, *Committee Hansard*, 9 October 2009, p. 81.

the integrity and the logistics of such an intensive program just do not happen.²⁹

4.42 The department also highlighted the cost and difficulty in attracting staff to work in regional and remote areas as central to the lack of community programs.

When people at public service levels, as in level 5 or level 6, are travelling out, apart from reimbursement of your accommodation and meals there is no other incentive to do that type of work than passion for the job. If you are travelling you are not paid an additional disadvantage allowance or anything for being away from your family for that period of time. With respect to program staff I have, we introduced in the last 12 months an Aboriginal facilitation unit where they are travelling throughout the state, largely in the north and across to Eastern Goldfields, delivering programs to offenders in custody. They can be away from their families for up to 20 weeks of any one year, but there is nothing that I can offer them as an incentive over and above their standard wage for a programs officer which is the same wage as they would get if they were delivering locally in Hakea or Casuarina prison.³⁰

4.43 This was in stark contrast to the incentive structure put in place by WA Police that offered officers a senior rank, 40 per cent salary loading in lieu of on-call and overtime payments, accommodation, an additional four weeks holiday per year and funding to take their family to the coast for a holiday twice per year.³¹ Similarly, the WA Department of Child Protection reported a 25 per cent package bonus including a vehicle, rent free accommodation and extra holidays for remote workers.³²

4.44 The committee is concerned that there are no corresponding incentives offered to staff of the Department of Corrective Services as compared with other Western Australian departments to attract and retain staff to perform challenging tasks in remote areas.

4.45 The committee notes that the appropriate remuneration of staff in remote communities is essential to the attraction and retention of a skilled workforce. The committee has found this to be the case in all remote communities that it has visited.

29 Ms Jacqueline Tang, Department of Corrective Services, *Committee Hansard*, 9 October 2009, p. 76.

30 Ms Jacqueline Tang, Department of Corrective Services, *Committee Hansard*, 9 October 2009, pp 78–79.

31 Acting Commander Darryl Gaunt, WA Police, *Committee Hansard*, 9 October 2009, pp 112–114.

32 Mr Terrence Murphy, Department for Child Protection, *Committee Hansard*, 9 October 2009, p. 58.

Recommendation 6

4.46 The committee recommends that all Commonwealth, state and territory government departments provide appropriate remuneration packages to staff in remote communities in order to attract and retain a skilled workforce.

4.47 The Department of the Attorney-General was also aware of calls to develop innovative sentencing options for regional and remote areas, stating:

We have currently got a review going of the state sentencing act, which is the primary act around the sentencing of offenders. It is a statutory review so it is looking at the existing act but, in the process, we are also putting together a paper around other innovative sentencing options. The key one is—we have had requests from our Chief Justice and other heads of jurisdiction—can we come up with, or has anybody come up with, a community based option that could work in regional and remote areas with a low overhead of supervision?³³

4.48 Non-custodial sentencing options may need to address actual causes of reoffending if they are to have an impact on imprisonment rates. Evidence presented to the committee by Dr Don Weatherburn, from the New South Wales Bureau of Crime Statistics and Research, suggested that unless measures were in place to address reoffending, non-custodial sentencing options are merely 'another step on the ladder...that a person goes up before ultimately ending in jail.'³⁴

If you want to reduce Aboriginal imprisonment and Aboriginal crime you really need to come up with alternatives to custody that are effective in reducing reoffending. Those programs, on the international evidence, have to address the underlying risk factors for involvement in crime. For Aboriginal adults the number one risk factor is drug and alcohol abuse; it is far more important than unemployment or financial stress or lack of social support. All of these factors are important, however drug and alcohol abuse stand out so far above the rest of the factors as predictors of adult Aboriginal involvement in crime that unless you do something about that you do not have too much hope of success.³⁵

4.49 Mr Jamie Elliot, of the Halls Creek People's Church described the dilemma faced by a friend who had had contact with the justice system and the need for diversionary programs to keep people in his situation from reoffending:

He goes through a stage where he works all the time. Then, after a while, things get tough and he gets back onto alcohol and goes straight back in again. He is at a stage in his life where he can only make one mistake and

33 Mr Andrew Marshall, Department of the Attorney General, *Committee Hansard*, 9 October 2009, p. 91.

34 Dr Don Weatherburn, NSW Bureau of Crime Statistics and Research, *Committee Hansard*, 15 October 2009, p. 22.

35 Dr Don Weatherburn, NSW Bureau of Crime Statistics and Research, *Committee Hansard*, 15 October 2009, p. 22.

that one mistake means that—bang!—he is straight back behind bars. There is very little margin for error right now. I thought: ‘What is there for him? He’s someone who is crying out for help but just can’t get it.’ I cannot find any really good program for young men or anyone in that situation.³⁶

4.50 Dr Weatherburn informed the committee that neglect and abuse were major contributing factors for juvenile offending. He informed the committee that an intensive program known as multisystemic therapy was being trialled in NSW. The program involves a team of people working with the individual and parents over a period of about six months, with intensive monitoring.³⁷

As a general rule you need to distinguish between programs that are designed to reduce juvenile reoffending and programs that are designed to reduce adult reoffending. You also need to distinguish between adults who are, for example, coming out of jail and who may have a heavy amphetamine or heroin dependence and where the appropriate response might be to place them on a methadone program—although I should say in passing that I understand a lot of Aboriginal people do not like methadone—or some form of treatment program to address the drug addiction and programs that might, for example, in a rural community do something to address the problems of spousal violence or family violence. I do not see it as a single magic bullet that fixes all problems, it is a matter of looking at the context, the resources available and the particular problem that you have at hand.³⁸

4.51 The committee is aware that the provision of services such as drug and alcohol rehabilitation or an intensive multisystemic therapy program in remote areas is extremely expensive. However, there is reliable evidence to suggest that incarceration is a much more expensive option over the long term.

4.52 For instance, the Law Reform Commission of Western Australia calculated that the annual cost of imprisonment for each adult in WA in 2007–08 was approximately \$100 000.³⁹ The same figure for the detention of a juvenile was \$173 000.⁴⁰ The Department of Corrective Services informed the committee that much of the annual cost of keeping an individual in prison was fixed.⁴¹ The marginal cost differential of moving an offender from imprisonment to a non-custodial program

36 Mr Jamie Elliot, Halls Creek People's Church, *Committee Hansard*, 25 August 2009, p. 43.

37 Dr Don Weatherburn, NSW Bureau of Crime Statistics and Research, *Committee Hansard*, 15 October 2009, p. 24.

38 Dr Don Weatherburn, NSW Bureau of Crime Statistics and Research, *Committee Hansard*, 15 October 2009, p. 24.

39 Law Reform Commission of WA, *Court Intervention Programs: Final Report*, June 2009, p. 11.

40 *Ibid.*, p. 11.

41 Ms Jacqueline Tang, Department of Corrective Services, *Committee Hansard*, 9 October 2009, p. 82.

is thus not a straight trade off in the short term, although it may be in the long term. The department informed the committee that in terms of this kind of cost-benefit analysis, 'the equations have not been done.'⁴²

4.53 The committee considers that there would be a tangible benefit in undertaking a cost-benefit analysis to determine whether a shift of funding from the prison system to non-custodial programs that address the underlying causes of offending would be cost effective and deliver better correctional outcomes. This would also have to take into account the long term social and economic benefits of lower numbers of Aboriginal people in WA prisons.

4.54 The committee is of the view that a reliance on imprisonment does little to address the underlying causes of offending and achieves little towards decreasing crime in remote communities. As Assistant Commissioner Tang told the committee at their Perth hearing:

Whether you are Aboriginal or non-Aboriginal and your circumstances are so poor or you are living in such poverty, imprisonment clearly cannot be a deterrent.⁴³

Recommendation 7

4.55 The committee recommends that the Western Australian government consider conducting a comprehensive analysis of non-custodial sentencing options to reduce the unacceptably high incarceration rates in regional and remote Indigenous communities, with particular attention to the social and economic costs and benefits of alternatives and the factors driving significantly high rates of reoffending.

4.56 The committee notes the existence of initiatives of the WA government such as Juvenile Justice Teams (JJT) that arrange meetings with the offender, a responsible adult and the victim of the offence. The committee commends the WA government on the implementation of such a program that seeks to intervene at an early stage of offending by young people. The committee notes however, the comments of Inspector Jim Cave concerning the lack of capacity of this program:

There has been a backlog of JJT meetings across the state and across the entire Kimberley. At present there are 162 JJT matters that are outstanding in the West Kimberley and 67 for the East Kimberley, which puts us in a very difficult situation. Juvenile offenders who have not appeared before the JJT are still offending, and the magistrates refer all offences back to the JJT until they have passed on that process, so in fact they do not get dealt with until they attend the JJT.⁴⁴

42 Mr Neil Fong, Department of Corrective Services, *Committee Hansard*, 9 October 2009, p. 82.

43 Ms Jacqueline Tang, Department of Corrective Services, *Committee Hansard*, 9 October 2009, p. 83.

44 Inspector Jim Cave, WA Police, *Committee Hansard*, 26 August 2009, p. 96.

4.57 The committee is also pleased to note that the WA government provides an Indigenous Diversion Program (IDP) in the Kimberley through the Kimberley Community Drug Service Team. The committee was advised that:

IDP Diversion Officers travel on the Magistrate's Circuit and service all related courts. From the base in Broome the West Kimberley IDP position services Derby, Fitzroy Crossing, Broome, Bidyadanga and Dampier Peninsular. The East Kimberley IDP position, based in Kununurra, services Kununurra, Wyndham, Kalumburu, Oombulgurri, Balgo, Halls Creek and Warmun.

The Indigenous Diversion Officers are court based and provide immediate assessment and referrals to treatment programs. Offenders are referred to IDP via magistrates, police and various other court stakeholders including legal representatives. Self referral is also acceptable. Once referred to IDP, the individual is assessed by the Indigenous Diversion Officer and referred to suitable alcohol and drug services. IDP Officers are responsible for providing treatment reports from agencies back to magistrates for sentencing.⁴⁵

4.58 Obviously for any initiative to be successful, it must be met with adequate resourcing. Dr Weatherburn made the comment that this was an area that governments often found difficult. To get results, programs needed to be large in scale. However, it can be difficult for a government to make large scale investments without evidence of results.

Across the country you will find programs that have been introduced that are quite effective but which have no capacity to produce a material reduction in crime because they are too small. That constrains politicians as they are not able to claim success in reducing crime rates because the measures they have taken win them votes in the short run but do not have any lasting capacity to make a measurable difference to public safety. The one thing that does is locking hundreds of people up every year. Well, if we put as much resources into post-release programs for people coming out of jail or even a fraction of the resources, you would see measurable effects on crime.⁴⁶

4.59 The committee is concerned that much needed programs such as the Juvenile Justice Teams and Indigenous Diversion Program discussed above, fall within the category of programs that Dr Weatherburn is referring to; that is they are small in scale and may not have an immediate measurable impact on reducing offending and recidivism.

4.60 Given the weight of evidence put to the committee on the need for these programs and the importance of reducing Indigenous incarceration rates, the

45 Correspondence to committee from WA government, received 12 October 2009.

46 Dr Don Weatherburn, NSW Bureau of Crime Statistics and Research, *Committee Hansard*, 15 October 2009, pp 31–32.

committee considers that these programs should be continuously evaluated for impact, and strengthened to ensure that individuals and communities are being supported to arrest the cycle of offending behaviour.

Lack of rehabilitation programs in custody

4.61 Statistics on the extremely high number of Indigenous people in prison are presented at the start of this chapter. The rate of recidivism by Indigenous prisoners who have served custodial sentences is also extremely high. For adults, the recidivism rate is almost 70 per cent for men and 55 per cent for women. For non-Indigenous men and women, the rates are significantly lower at approximately 40 per cent and 30 per cent respectively.⁴⁷ The extremely high rates of recidivism suggest that the custodial environment is doing little to deter reoffending, particularly for Indigenous prisoners.

4.62 The committee heard from the WA Department of Corrective Services that education and vocational training operated in each prison in the state.⁴⁸ The department has also moved to subcontract the delivery of some services in regional prisons such as drug and alcohol rehabilitation and domestic violence programs, although the committee has not received evidence as to the effectiveness of this.⁴⁹

4.63 The committee notes a recent inspection report by the Inspector of Custodial Services of Broome Prison, a facility with a majority Aboriginal population, found that:

...there is an almost complete absence of culturally appropriate programs that address offending behaviour for Aboriginal prisoners. One consequence of this is the higher rate of recidivism (rate of return to custody or community corrections) among Aboriginal prisoners, which incidentally, is highest at Broome Prison⁵⁰

4.64 One positive innovation is the expansion of work camps that operate as minimum security facilities to regional areas. The Department of Corrective Services informed the committee that these minimum security facilities would allow prisoners to work in communities while receiving on the job training. In addition to developing work skills, the program would enable prisoners to maintain a connection to home communities during their sentence. The department intends to redevelop the Wyndham facility and construct new facilities in the Wheatbelt and at Warburton.⁵¹

47 The Hon Wayne Martin, Chief Justice of Western Australia, *Corrective Services of Indigenous Offenders – Stopping the Revolving Door*, 17 September 2009, pp 4–5.

48 Ms Jacqueline Tang, Department of Corrective Services, *Committee Hansard*, 9 October 2009, p. 80.

49 Ms Jacqueline Tang, Department of Corrective Services, *Committee Hansard*, 9 October 2009, p. 82.

50 Office of the Inspector of Custodial Services, *Report No. 56*, November 2008, p. v.

51 Mr Neil Fong, Department of Corrective Services, *Committee Hansard*, 9 October 2009, p. 83.

4.65 The committee looks forward to following the progress of these facilities.

Recommendation 8

4.66 The committee recommends that the Western Australian government consider undertaking an audit of the substance and scale of rehabilitation programs and post-custodial release programs to address the unacceptably high rate of Indigenous recidivism in the state.

Recommendation 9

4.67 The committee recommends that the Western Australian government consider developing a comprehensive, culturally appropriate strategy to address Indigenous incarceration rates and recidivism that is based on sound international and domestic evidence.

Municipal services

4.68 At committee hearings held in the Kimberley and at a subsequent hearing in Perth, the committee encountered widespread confusion about the roles and responsibilities of organisations in delivering municipal services to remote Indigenous communities. In metropolitan and even regional Australia, this role would fall to local government. However, the unique situation of many remote communities, which fall outside of local government areas, presents existing local governments in these areas with a funding dilemma if they are to provide services. Shires in the Kimberley do not take a uniform approach to dealing with these communities and the communities themselves were often unclear about which organisations were responsible for providing particular services. The situation is further complicated by the roles of both state and Commonwealth governments in funding arrangements. In the words of the Director-General of the Department of Indigenous Affairs: 'To be honest, it is a confused place at the moment.'⁵²

4.69 The committee found significant deficiencies in the provision of rubbish tips, fire fighting facilities and road maintenance. These issues are addressed below.

4.70 The general confusion appears to arise from the Bilateral Agreement on Indigenous Affairs between the Commonwealth and Western Australian governments and signed in 2006. Under this agreement, municipal services, which had previously been funded by the Commonwealth, were to be 'regularised' and handed over to state and local governments:

The Governments agree as a priority to work together to improve the delivery of municipal services to Indigenous communities in Western Australia. To this end, the Governments will work cooperatively to progress the transfer of activities currently undertaken through the Australian Government's municipal services funding. It is envisaged that this will

52 Mr Patrick Walker, Department of Indigenous Affairs, *Committee Hansard*, 9 October 2009, p. 101.

involve a progressive transfer of responsibility and agreed levels of funding from the Australian Government to the Western Australian Government and increased involvement of local governments in service delivery to Indigenous communities.

4.71 The Commonwealth and WA governments agreed that transfers of responsibility would not result in an overall reduction in effort by either party, and the agreement acknowledged that increased involvement of local governments required the development of mechanisms to augment the revenue of local governments.⁵³ The Western Australian Local Government Association (WALGA) was critical of the agreement, on the grounds that as a bilateral agreement, the decision to hand over greater responsibility to local governments had been made without due consultation with local governments themselves.⁵⁴

4.72 Several shires that gave evidence to the committee held a similar view, expressing concern that they were being asked to take on liabilities and services in the absence of agreed funding and responsibility:

I will go back to the bilateral agreement, which was developed and signed off by the federal government and the state government without any consultation with local government and certainly without any consultation with any of the communities...

I acknowledge that it is now being handled under the COAG agreement in a different format, but the issues arising are very similar... What is the definition of municipal services? Who is providing these services currently? Is it FaHCSIA, the Department of Indigenous Affairs or the Department of Housing? Who is providing these services? In fact, what services are required? No-one did an audit; no-one asked. What services are being provided by whom and how are they being funded? That was a question we raised.⁵⁵

4.73 One exception was the Shire of Halls Creek, which considered that it had a duty to provide services to all communities within its borders.⁵⁶ The Shire had undertaken a business plan assessing what the provision of services might cost and suggesting a model for its delivery.

4.74 The committee asked the Western Australian government for a response to the Shire of Halls Creek business plan, titled *Regularising Local Government Services in Halls Creek Shire*. The government responded stating that the Halls Creek study and a similar study by the Shire of Derby/West Kimberley were being used to 'inform the

53 Bilateral Agreement on Indigenous Affairs between the Commonwealth of Australia and the State of Western Australia 2006–2010, s. 3.4.

54 Mr William McLennan and Ms Jodie Holbrook, Western Australian Local Government Association, *Committee Hansard*, 9 October 2009, p. 124.

55 Mr Graeme Campbell, Shire of Broome, *Committee Hansard*, 26 August 2009, p. 58.

56 Mr Warren Olsen, Shire of Halls Creek, *Committee Hansard*, 24 August 2009, p. 3.

continuing work of progressing the normalisation of local government services to Indigenous communities under the National Indigenous Reform Agreement.⁵⁷

4.75 The net result of the confusion arising from the 2006 agreement appears to be a reduction in the quality of municipal services. The more recent COAG National Partnership Agreement on Remote Indigenous Housing contains a provision for a report by December 2009 on a proposal for:

- clearer roles and responsibilities and funding with respect to municipal services and ongoing maintenance of infrastructure and essential services in remote areas.;
- a timeframe for implementation of new arrangements and for these arrangements to be in place from 1 July 2012.⁵⁸

4.76 The committee looks forward to the release of the report and will follow developments with interest in the next committee report in 2010. The committee is concerned that the 2012 implementation date may mean that no progress is made in the next two years. Given the poor condition of municipal services that the committee encountered in the Kimberley, the committee considers this to be an urgent priority.

4.77 The committee is also concerned that local governments consider that they are not engaged in the COAG process, despite being asked to play an integral role. Although the president of the Australian Local Government Association (ALGA) is a member of COAG and a party to COAG decisions, this does not appear to be translating into effective communication with or involvement of local governments in Western Australia.

Recommendation 10

4.78 The committee recommends that COAG increase the level of consultation and engagement with local governments in formulating its strategy to deliver cost-effective and appropriate municipal services to remote communities and develop an explicit communication strategy to ensure that local government in Western Australia is aware of its responsibilities.

4.79 Evidence received by the committee on the state of municipal services in remote communities suggests that there has been a decline in services following the bilateral agreement. The committee also found confusion on behalf of local organisations regarding where responsibilities for municipal services now lay.

Mrs Muir—A little bit of the confusion for us is...the funding moves around between service providers and there is no communication with us, for instance, so we do not actually know who holds the bucket of money that looks after the tips or who holds the bucket money that looks after

57 Correspondence to committee from WA government, received 12 October 2009.

58 Council of Australian Governments, *National Partnership Agreement on Remote Indigenous Housing*, p. 6.

sewage ponds and those sorts of things. Then there is a breakdown because, while our team do their work, they do not know what the pathway is to get those services done. That has been a significant problem for us, especially over the last two years, because funding has been moving around between service providers but nobody seems to know who is—

Senator SIEWERT—Why does it keep moving around?

Mrs Muir—The government seems to be moving things around but nobody tells us where the money is and who is actually doing the job. As you were saying, we might go to the [Indigenous Coordination Centre (ICC)] and complain, thinking the ICC is responsible for a certain thing. I had a meeting with a [Centre for Appropriate Technology (CAT)] lady last week and she clarified something for me that I thought had been in place for the last 18 months. She said, ‘No. CAT has had no responsibility for that over the last 18 months.’ Yet, we very clearly thought that they did.⁵⁹

4.80 In correspondence to the committee, the Centre for Applied Technology (CAT), a service provider based in the Kimberley, informed the committee that funding for municipal services was provided by the Commonwealth Community Housing and Infrastructure Program (CHIP) until recently. CHIP funding was then administered by the WA Department of Housing and Works (DHW). Where previously the funding had covered rubbish tip, internal road, firebreak and airstrip maintenance, the funding has now been restricted to power, sewerage treatment and water supply.⁶⁰

Centre for Appropriate Technology...currently provide municipal services to 48 remote aboriginal communities in the Kimberley under a FaHCSIA funding agreement. CAT have provided a similar service for many years. Over the past two–three years, the FaHCSIA funded [CHIP] program has been administered by the WA State's Department of Housing and Works (DHW).

Funding for Rubbish Tip Maintenance, Internal Road Maintenance, Firebreaks Maintenance and Airstrip Maintenance from the [CHIP] funding for the past few years through DHW has ceased. When questioned regarding the funding for the above maintenance activities the response has been that their focus is on housing and essential services (power, sewerage treatment and water supply) only.

These maintenance activities, which have not been funded, have resulted in the infrastructure coming into disrepair and requires considerable funding to restore them to a serviceable condition.⁶¹

59 Ms Patricia Muir, Nindilingarri Cultural Health Services, *Committee Hansard*, 24 August 2009, pp 54–55.

60 Correspondence to committee from the Centre for Appropriate Technology, received 26 August 2009.

61 *Ibid.*

4.81 In an answer to a question on notice about rubbish tip maintenance provided to the committee by DHW, the department stated that they were responsible for the maintenance of essential services (water, waste water and power) under the Remote Area Essential Service Program (RAESP).

There are 93 RAESP communities where this service is provided, generally based on population size. There is provision for replacement of failed essential service infrastructure in non-RAESP communities. The Department of Housing is not responsible for the provision of municipal services.⁶²

4.82 Mamabulanjin Aboriginal Corporation, a service provider appearing before the committee in Broome, was of the understanding that the municipal services program had stalled as a result of the bilateral agreement.

It is the same with municipal funding. It is the same with the federal FaHCSIA department. It is proven now that local government and the state government will not take the housing allocation off the feds in WA because it was never funded correctly. That has been proven because local government is saying, 'No, we're not going to take on that role,' and the state is saying, 'No, we're not going to take that money because you never funded the program properly.' So the municipal program has had to be put on hold for the last 2½ years, or even for three years, I think, because it was supposed to be handed over three years ago to the state and it still has not been handed over.⁶³

4.83 The committee is concerned that the bilateral agreement and subsequent developments have resulted in a situation where no level of government appears to taking responsibility for municipal services in remote Indigenous communities.

4.84 The sections below detail evidence provided to the committee on the poor state of three specific municipal services.

Rubbish tips

4.85 A number of witnesses attested to the sorry state of rubbish tips in small Indigenous communities in the Kimberley. There was some confusion in the communities themselves as to who was responsible for the funding and maintenance of rubbish tips. Kurungal Council, the representative body of Wangkatjungka, Ngumpan and Kupartiya communities, informed the committee that CAT handled the funding arrangements for municipal services such as rubbish tips.⁶⁴

62 Correspondence to committee from WA government, received 12 October 2009.

63 Mr Neil Gower, Mamabulanjin Aboriginal Corporation, *Committee Hansard*, 26 August 2009, p. 55.

64 Mrs Rhonda Wilcomes, Kurungal Council, *Committee Hansard*, 24 August 2009, p. 31.

4.86 As mentioned above, CAT no longer receive regular funding to undertake rubbish tip maintenance.

4.87 Complicating matters further for Kurungal Council, changes to Community Development Employment Projects (CDEP) funding has left the Council with less funding to pay the local workforce to undertake maintenance work such as fencing around rubbish tips.⁶⁵

4.88 The Shire of Derby/West Kimberley informed the committee that the Shire inspects tips on quarterly basis, however as the tips are not gazetted, they are not required to comply with legislation and corresponding standards that are required of communities that fall within gazetted areas.⁶⁶ For example, the Shire of Halls Creek informed the committee that the *Health Act 1911* (WA) did not apply to the land that many Indigenous communities are located on.⁶⁷ The WA government confirmed that as the Health Act does not currently bind the Crown, the Act does not apply to the many communities that are situated on Crown land.⁶⁸

4.89 Nindilingarri Cultural Health Services explained that under the former Aboriginal and Torres Strait Islander Commission (ATSIC), individual communities used to receive funding to manage their own tips, with a local Aboriginal organisation contracted to provide the service.⁶⁹ Karrayili Adult Education Centre was of the view that the new arrangements precluded local employment, stating:

There is no ongoing rubbish tip maintenance. There is no ongoing funding; it is sporadic, haphazard and uncoordinated, and people are not given the opportunity to be involved in the selection of people who do those jobs. There are plenty of good grader drivers and loader drivers within the valley who could be employed to do this work themselves.⁷⁰

4.90 The Shire of Halls Creek explained that community maintenance of the unsupervised tips was a major problem.

They have a level area, are fully fenced, have a good trench and have signs that say, 'Dump your putrescible waste in the trench and your green waste here and your old fridges over here, and tyres.' Unfortunately, nobody is doing any of that and that is the problem. They have such good tips that, if

65 Mrs Rhonda Wilcomes, Kurungal Council, *Committee Hansard*, 24 August 2009, p. 36.

66 Shire of Derby/West Kimberley, answer to question on notice, 24 August 2009 (received 10 September 2009).

67 Mr Warren Olsen, Shire of Halls Creek, *Committee Hansard*, 25 August 2009, p. 2.

68 Correspondence to committee from WA government, received 12 October 2009.

69 Mr Patrick Davies, Nindilingarri Cultural Health Services, *Committee Hansard*, 24 August 2009, p. 54.

70 Ms Tamela Vestergaard, Karrayili Adult Education Centre, *Committee Hansard*, 24 August 2009, p. 77.

they were sorting the refuse, the putrescible waste trenches for example would last for years.⁷¹

4.91 The committee notes that in addition to more effective provision of municipal services, successful management of tips will also require community education and support for their ongoing maintenance.

4.92 The WA Department of Environment and Conservation (DEC) informed the committee that waste management in the remote communities fell under the auspices of the *Environmental Protection (Rural Landfill) Regulations 2002*.

The regulations apply to landfill sites that receive more than 20 tonnes of putrescible waste per year. Landfill sites in this category and not exceeding 5000 tonnes per year of putrescible waste are required to be registered with DEC, be managed appropriately, be fenced effectively and subject to other requirements of the regulations.

It is estimated by the DEC that each person in a remote setting generates around 900kg of solid waste per year. The proportion of putrescible waste varies (25-45%), although it should be noted that in many remote settings most household waste would be disposed rather than recycled. The DEC entry point of 20 tonnes of putrescible waste would seem to imply that communities with a population of or in excess of 50 people would generate enough putrescible waste per annum to require a prescribed landfill site registered with DEC.⁷²

4.93 The department advised that the management and maintenance of landfill sites that were not registered with DEC was ad-hoc in nature.

The management and maintenance of landfill sites other than those operated by local governments in WA or private contractors registered or licensed through DEC is an ad-hoc approach. The involvement of key personalities in local government, private sector contractors and Aboriginal organizations is the driving force for much of the management of landfill sites in remote communities. Dedicated local people recognize the need to do something about landfill sites and get things done by whatever means and resources they can muster. This is assisted by the occasional funding from the Department of Housing or FaHCSIA to pay contractors to attend to crises when identified by environmental health practitioners working with Aboriginal communities, personnel from some participating local governments or community members.⁷³

4.94 DEC informed the committee that as the Health Act did not apply to communities on crown land, public health standards were not applied to those communities' rubbish tips. However, the Western Australian Department of Health

71 Mr Warren Olsen, Shire of Halls Creek, *Committee Hansard*, 25 August 2009, p. 8.

72 Correspondence to committee from WA government, received 12 October 2009.

73 Ibid.

funded approximately 60 Environmental Health Officers (EHOs) and Aboriginal Environmental Health Workers (AEHWs) across the state.

The Aboriginal Environmental Health workforce provides advice and assistance to remote Aboriginal communities for all environmental health affecting services (water, waste water, power, solid waste disposal, pest control, dog health, dust suppression and emergency management). The advice includes the technical understanding of management of these factors but it should be noted that there is no access to machinery to effect many of the changes. This is the responsibility of the infrastructure providing government departments. EHO's and AEHW's that identify significant problems with management of infrastructure including landfill sites can and do report them to the regional contractors and, in the lack of a response, to the government departments funding programs.

With respect to solid waste disposal, the difficulty is that DEC do not build, manage or fund landfill sites. The AEH workforce must appeal to Department of Health, FaHCSIA, local governments and any regional contractors to effect remedies.⁷⁴

4.95 The committee is strongly of the opinion that a more direct government chain of responsibility is needed to ensure appropriate environmental health standards in remote communities.

Fire fighting capacity

4.96 The committee was concerned by reports of a lack of fire fighting equipment in remote communities. The committee heard of two recent fires in remote communities that highlighted the dangerous lack of any chain of responsibility for emergencies in remote areas.

Last week there was a fire in Yiyili. I have had a number of reports from that. We did not actually learn about it until it was all over but apparently they rang [the Fire and Emergency Services Authority (FESA)] and FESA said to ring 000, so they rang 000 and thought that some sort of fire unit would be dispatched. They went up to the highway to wait for it and after a while they gave up. They rang the police in Halls Creek, who promised to follow it up for them. Presumably as a consequence of that they got a call from a senior FESA officer to say that no fire unit had been dispatched nor would one be dispatched and that it was a local government problem.⁷⁵

4.97 The lack of equipment and training in the communities themselves was no less disturbing:

We have fire hydrants at Wangkatjungka but no hoses, so if there is ever a fire we virtually have to aim the fire hydrant and hope it reaches the fire. We asked for fire trucks. There, again, CAT tried their hardest to get

74 Correspondence to committee from WA government, received 12 October 2009.

75 Mr Warren Olsen, Shire of Halls Creek, *Committee Hansard*, 25 August 2009, p. 10.

funding. If Kupartiya ever caught on fire, we would never get there in time to put it out. We have had a couple of fires at Wangkatjungka, but we were lucky enough that Christmas Creek, the station next to us, came out and helped the guys put it out with their little trailer. But it was not a huge fire. If ever anything happened that was bad, we would never put it out.⁷⁶

4.98 The committee considers that the potential for a disaster to occur in one of these communities is unacceptably high.

Road grading

4.99 One of the major expenses of shires in remote areas is the maintenance of roads. In Western Australia, there are approximately 9500 km of access roads serving 287 communities. Two thousand nine hundred kilometres of these roads are not serviced by local government.⁷⁷ These roads are ungazetted private roads. WALGA was concerned that the poor condition of most of these roads would be a significant liability for local government if it agreed to take responsibility for their maintenance under the bilateral agreement. WALGA informed the committee that to upgrade these roads to an acceptable standard would require \$110 million over 10 years.⁷⁸

4.100 The approach taken to road maintenance by each shire varied. One shire graded pastoral roads to the gates of pastoral properties. Where an Indigenous community lay beyond the gate, they would then grade the extra distance to that community.⁷⁹ Another shire would only grade gazetted roads due to concern about public liability.⁸⁰

4.101 The Shire of Halls Creek pointed to the economic benefit of well maintained roads. This benefit included increased tourist visitation through to better access for tradespeople and service providers. The Shire expressed its frustration that the existing state government funding for road maintenance would not give them the flexibility or scale of resources necessary to make long term improvements to the road network.⁸¹

Recommendation 11

4.102 As a matter of urgency, the committee recommends that all levels of government clarify who is to provide municipal services to remote Indigenous communities and arrange for the adequate resourcing of these services.

76 Ms Rhonda Wilcomes, Kurungal Council, *Committee Hansard*, 24 August 2009, p. 32.

77 Mr William Mitchell, WA Local Government Association, *Committee Hansard*, 9 October 2009, p. 122.

78 Mr William Mitchell, WA Local Government Association, *Committee Hansard*, 9 October 2009, p. 122.

79 Mr Andrew Twaddle, Shire of Derby/West Kimberley, *Committee Hansard*, 24 August 2009, p. 41.

80 Mr Graeme Campbell, Shire of Broome, *Committee Hansard*, 26 August 2009, p. 60.

81 Mr Warren Olsen, Shire of Halls Creek, *Committee Hansard*, 25 August 2009, pp 3–4.

Mental Health

4.103 The committee heard that there is a strong link between mental and physical health. Mr Darrell Henry, a psychologist working in communities in both the north and south of WA, expanded upon this link, stating:

We cannot make any real headway, in my view, in the physical health of our people without addressing this. I am sure that you are aware, but even in an area like diabetes, the research is there: the pathways of stress and distress and the neurological and endocrine system correlates of that and its effect on diabetes are well known. Yet we are struggling just in that one area. Unless we have a powerful therapeutic process around that as an issue you cannot get people who are well...

...when you look at the great wheels that run through our communities—wheels in terms of disturbance and hurt—there are family violence, child sexual abuse and neglect, suicide, the endless grieving, the dispossession and powerlessness, the multileveled layers of trauma that exist for our people.⁸²

4.104 Mr Henry informed the committee that there was a need for therapeutic programs to address this trauma, in addition to existing mental health services that tended to focus on serious diagnosed psychiatric conditions.⁸³

I have just come from a conference of Australian Indigenous doctors in Brisbane and the No. 1 priority they are putting forward, even though they are all medicos, is mental health—the deep need for social and emotional wellbeing programs.⁸⁴

4.105 The committee heard that Warmun Community, in the Kimberley, had employed Mr Henry to visit once a month in order to start trying to resolve some of the underlying issues in the community related to mental health.⁸⁵

4.106 The committee has previously commented on the lack of mental health services in Western Australia and in particular, the Kimberley, in its first report in 2008. The call for more mental health services in remote communities was repeated at public hearings in the Kimberley in 2009. The women's shelter in Halls Creek expressed a desire for such services for women and children at their facility:

A large number of people here require counselling, and I have had a lot of people coming to my doorstep saying, 'Will you counsel me? I have this issue.' Just like people go to the doctor's surgery up the road; I am wondering if there could possibly be a counselling service where people could go if they need help with anything. There are various counselling

82 Mr Darrell Henry, *Committee Hansard*, 8 October 2009, p. 34.

83 Mr Darrell Henry, *Committee Hansard*, 8 October 2009, pp 34–35.

84 Mr Darrell Henry, *Committee Hansard*, 8 October 2009, p. 34.

85 Mr Chris Clare, *Committee Hansard*, 25 August 2009, p. 14.

services but, for example, our women would not necessarily go up to the alcohol centre, because there are men there who are family men, and if they have just been in domestic violence situation they do not want to go up there. There are a few blockages. I think that a child psychologist is a real need...because we have children in, and they often get swept under the carpet because we are dealing with the parents' needs. The children often just go along with the package. It would be great if a child psychologist were to come.⁸⁶

4.107 The Commissioner for Children and Young People, Ms Michelle Scott, was deeply concerned by the lack of mental health services for children in the Kimberley in particular:

Just to give you one very simple example...in a community as large as the Kimberley community, there is not one child psychologist employed by mental health services for the whole of the Kimberley region, not one, despite the trauma and complex social issues which those children and their families experience.⁸⁷

4.108 The committee heard from several witnesses about ideas for therapeutic mental health programs that were based on connecting individuals to traditional culture, identity and country. One such model was the WAITCH project, a project to construct a holistic health learning facility that would be incorporated into a significant dreaming site. The project would build a traditional healing network based in Perth that would provide therapeutic healing and education in traditional medicine, counselling and other health areas. Participants from across WA would be trained in Perth before returning to their communities to pass on the knowledge. They would be kept in touch with the project through video conferencing technology where possible.⁸⁸

Alcohol restrictions

4.109 In March 2009, the Director of Liquor Licensing imposed restrictions on the sale of takeaway alcohol from outlets across the Kimberley. The sale of liquor with an alcohol content of more than six per cent in packages larger than one litre, and beer in glass containers larger than 400 millilitres is now prohibited. In effect, this curtails the sale of cask wine and large bottles of beer.

4.110 In addition, the sale of takeaway alcohol with a strength of greater than 2.7 per cent was restricted in Fitzroy Crossing on 2 October, 2007 and in Halls Creek on 18 May, 2009. In effect, this prohibited the takeaway sale of anything stronger than

86 Mrs Dale Reichel, Ngaringga Ngurra Aboriginal Corporation Safe House, *Committee Hansard*, 25 August 2009, p. 93.

87 Ms Michelle Scott, Commissioner for Children and Young People, *Committee Hansard*, 9 October 2009, p. 25.

88 Mr Vasudeva Barnao, WAITCH project, *Committee Hansard*, 9 October 2009, p. 15.

light beer. Stronger alcohol is still served within licensed premises in these communities.

4.111 A twelve month study into the effects of the Fitzroy Crossing alcohol restrictions by the University of Notre Dame was published in June 2009. The report found continuing health and social benefits arising from the restrictions and a need for increased support services to take advantage of the window of opportunity that the restrictions had created.⁸⁹ The committee's observations support these findings.

Police statistics

4.112 The Notre Dame report included quantitative data from the police station in Fitzroy Crossing. In comparing the year prior to the restriction to the year following its implementation, the police reported an 18 per cent decrease in the average number of tasks attended per month and a 28 per cent reduction in terms of alcohol related tasks.⁹⁰

4.113 The WA police presented data comparing the 14 weeks prior to the more recent Halls Creek restriction to the 14 weeks after its implementation:

I can tell you that arrests are actually down 40 per cent, the number of charges is down 50 per cent, domestic violence offences are down 39 per cent, nondomestic assaults are down 53 per cent, drink-driving is down 70 per cent, antisocial behaviour is down 27 per cent, reported offences are down 22 per cent, overtime is down 53 per cent and tasking jobs are down 46 per cent.⁹¹

4.114 In addition to these statistics, several witnesses mentioned that the restrictions had led to a restored sense of order in their towns:

Just the sheer noise level that used to happen when I first came here—you could not go to sleep at night without hearing screaming and arguing and that awful stuff of children screaming in the background. I was forever ringing the police saying, 'You've got to go and do something.' But I think the police humoured me at that point because it was always me who was on the phone again. That stuff has changed a lot.⁹²

89 University of Notre Dame, *Fitzroy Valley Alcohol Restriction Report*, July 2009, p. 10.

90 University of Notre Dame, *Fitzroy Valley Alcohol Restriction Report*, July 2009, p. 11.

91 Inspector Jim Cave, WA Police, *Committee Hansard*, 26 August 2009, p. 92.

92 Ms Christine Gray, Marninwarntikura Women's Resource Centre, *Committee Hansard*, 24 August 2009, p. 57.

Hospital admissions

4.115 In Fitzroy Crossing, the hospital noted a 36 per cent reduction in alcohol related emergency department presentations per month following the imposition of alcohol restrictions.⁹³ As noted in the Notre Dame report:

Since the imposition of the restriction there has been a significant reduction in patients presenting [to the Fitzroy Crossing Hospital Emergency Department] with alcohol related injuries, down from the stated maximum of 40 per night to perhaps a few alcohol related cases per night, and sometimes none. Staff report much greater job satisfaction through increased safety, both in the hospital and when on call-outs to communities. Staff workloads have reduced in the acute treatment of alcohol related injuries enabling staff to extend their skills into community health and preventative health care.⁹⁴

4.116 Dr David Shepherd presented similar statistics for Halls Creek for the 12 weeks following the restrictions, stating:

...there has been a 40 per cent reduction in rates of kids' admission to hospital and a 25 per cent overall reduction in the number of admissions to hospital. The coders do not tell us but I can tell you that there has been a dramatic reduction in the amount of after-hours callouts for the doctors and nurses, which were predominantly alcohol related injuries prior to the grog restriction...

... In the 12 weeks before the restrictions were brought in we had 57 presentations that required surgical intervention of some sort or another. In the six weeks after the restrictions were brought in we had seven cases.⁹⁵

4.117 The Western Australia Country Health Services (WACHS) noted that a positive unintended consequence of the restrictions was improved staff retention at Fitzroy Crossing Hospital.

In the times when there was a lot of alcohol being consumed, people felt they were just stitching up and supporting an ongoing melee. Now they feel as if they are making a contribution towards a health gain. That is really what attracts people to work in these places.⁹⁶

Other health and community outcomes

4.118 The committee heard that, in addition to reduced emergency department presentations, the restrictions at Fitzroy Crossing had encouraged greater attention to healthcare in the community.

93 University of Notre Dame, *Fitzroy Valley Alcohol Restriction Report*, July 2009, p. 26.

94 University of Notre Dame, *Fitzroy Valley Alcohol Restriction Report*, July 2009, p. 24.

95 Dr David Shepherd, *Committee Hansard*, 25 August 2009, p. 78.

96 Mr Bert Dorgelo, WA Country Health Service, *Committee Hansard*, 24 August 2009, p. 14.

The other outcome is that the community is more interested in health and there is an earlier intervention profile occurring. So the uptake of medications to do with chronic disease and staying with those medications is occurring now. In earlier days, we were seeing a far lower compliance and therefore a progression of disease. Chronic disease refers to diagnosed mental health as well as diabetes and the more classic description of chronic disease. These are indicators, but we are seeing a significantly positive trend.⁹⁷

4.119 The women's shelter in Fitzroy Crossing saw a decrease in client numbers following the restriction there, but numbers gradually increased over time. However, the women had less injuries now:

We are seeing not a great lessening of the numbers at the moment. We did initially, but those numbers have come up again. But the injuries are different. They are quite a lot less. We are not seeing the same horrific degree of injuries that women were coming in with. Women are leaving earlier—as soon as there is grog around they are gone and they are into the shelter and they support each other.⁹⁸

4.120 Dr Shepherd also mentioned that with the reduction in drinking, he expected an increase in the number of mental health presentations due to increased drug use and also because the increased levels of sobriety in the community would unmask mental health conditions that were previously blamed on alcohol consumption.⁹⁹

4.121 The Notre Dame report also found evidence that children were better supervised, sleeping better and attending school more regularly, suggesting positive educational outcomes from the alcohol restrictions.¹⁰⁰

4.122 Ms Kathleen Bates, of the Halls Creek People's Church, told the committee of a new sense of hope in the community that had seen improved care of children and a new found desire to improve their lives in young parents:

I have been talking to some of the younger ones who used to just spend every weekend drinking and not care about their kids or look after them properly, because the grandmothers are the ones who usually care for the kids who are around. But just this week I heard that some of the young women are getting together and want to go camping out. They are asking us for a tent so they can go out and camp with their kids out bush. It is really something good that is happening since the grog stopped. We would like to help these people like that and help them pull themselves together. Now

97 Mr Bert Dorgelo, WA Country Health Service, *Committee Hansard*, 24 August 2009, p. 14.

98 Ms Christine Gray, Marninwarntikura Women's Resource Centre, *Committee Hansard*, 24 August 2009, p. 57.

99 Dr David Shepherd, *Committee Hansard*, 25 August 2009, p. 85.

100 University of Notre Dame, *Fitzroy Valley Alcohol Restriction Report*, July 2009, p. 10.

they are able to think, to do things in their home and to look after their schoolchildren and other people.¹⁰¹

4.123 Yura Yungi Aboriginal Medical Services (YYAMS) noted a decline in the number of female clients aged 14–45 identifying as regular drinkers since the introduction of restrictions in Halls Creek. However, the incidence of dangerous levels of drinking amongst those that did identify as regular drinkers appeared to have increased. YYAMS thought it was too early to make any conclusions from their statistics to date.¹⁰²

4.124 Mrs Olive Knight, from Marninwarntikura Women's Resource Centre, spoke of the need for measures such as alcohol restrictions to be initiatives coming from the community:

Mrs Knight—The intervention that recently happened with alcohol here ... came from the grassroots. It came from a bush meeting where the women felt that enough was enough because we were the sufferers. Our children suffered and we suffered through domestic violence. We had to say, 'Enough is enough, so let us intervene in this situation.' I know that it was not a clear-cut choice for a lot of people. But it was a choice that came freely from our heart.

CHAIR—So an intervention to you means that someone else comes and does it rather than you doing it yourselves?

Mrs Knight—That is right. When someone else comes in and says, 'We ought to do it this way or that way,' and they begin to impose their paternalistic attitudes and approaches on us it creates a victim mentality amongst us as Aboriginal people, that is wrong intervention.¹⁰³

Drinking at licensed venues

4.125 The committee heard from some witnesses that the restriction of takeaway alcohol had resulted in increased drinking at licensed premises.

It has taken them to the pub—away from the home and away from their kids. And they are spending more money. They are spending more money over the bar than they would buying half a carton at the takeaway shop. So it has just made it worse, I reckon.¹⁰⁴

101 Ms Kathleen Bates, Halls Creek People's Church, *Committee Hansard*, 25 August 2009, p. 37.

102 Mr Christopher Loessl, Yura Yungi Aboriginal Medical Services, *Committee Hansard*, 25 August 2009, p. 69.

103 Ms Olive Knight, Marninwarntikura Women's Resource Centre, *Committee Hansard*, 25 August 2009, p. 71.

104 Mrs Millie Hills, Halls Creek Aboriginal Corporation, *Committee Hansard*, 25 August 2009, p. 49.

4.126 The women's shelter in Halls Creek observed that after just 14 weeks, alcohol consumption was on the rise, perhaps due to 'grog-running' but also due to increased drinking at the pub.

We think the reason is that the alcohol is back, whether or not it is through people bringing it back to Kununurra. I have also heard from different people in the community, 'Oh, we just buy light beer now and then we go and top up at the pub to get drunk.' That is the cheaper way to do it, unfortunately.¹⁰⁵

Importation of alcohol from out of town

4.127 There was considerable evidence indicating that residents in Fitzroy Crossing and Halls Creek are travelling to other towns to purchase alcohol and either drinking there or bringing it back to their community. The committee found that there seemed to be pattern whereby alcohol consumption decreased dramatically immediately following the restrictions, before gradually increasing again, albeit to a level below that prior to restrictions. For instance, the Halls Creek Sobering-Up Shelter reported the following pattern of events:

We have had about an 80 per cent reduction in numbers admitted to the sobering-up shelter since the restrictions kicked in which has been a great turnaround. There has been a slight increase in the last month where it would appear people are gradually getting supply lines for alcohol a bit more in place. We went from, say, five to 15 a night on any given night before the restrictions and are down to one to 1½ per night on average. In the last month that has gone up to about two or 2½ on average.¹⁰⁶

4.128 Indeed, client numbers for both the Sobering-Up Shelter and the Night Patrol had diminished so much, the staff, in conjunction with the Western Australian Drug and Alcohol Office were considering changing the service to more of a rehabilitation hub.¹⁰⁷ The committee strongly encourages this development.

4.129 The Ngaringga Ngurra Aboriginal Corporation Safe House also reported a similar pattern in their client numbers:

We did notice, according to statistics, that our numbers dropped remarkably when those restrictions came in. So it has had a very positive impact in regard to fewer D[omestic] V[iolence] clients. For the first month I was employed there were hardly any clients there due to alcohol related domestic violence. In July the numbers increased slightly. In August they

105 Mrs Dale Reichel, Ngaringga Ngurra Aboriginal Corporation Safehouse, *Committee Hansard*, 25 August 2009, p. 96.

106 Mr Robert Reichel, Halls Creek People's Church, *Committee Hansard*, 25 August 2009, p. 40.

107 Mr Robert Reichel, Halls Creek People's Church, *Committee Hansard*, 25 August 2009, p. 42.

have increased again. I do not really know the reasons for that except that people have been able to obtain full-strength alcohol.¹⁰⁸

4.130 Western Australia Police confirmed that they had noticed an increase in the number of cars transporting alcohol to Halls Creek:

At the moment we are running an operation to target sly-groggers. To do that, we patrol the highway between Halls Creek and Kununurra and Wyndham. We have been stopping a number of cars that are in fact purchasing alcohol at Kununurra or Wyndham and then returning to Halls Creek. We have not charged anybody at this point with sly-grogging, because we have had insufficient evidence, but quite clearly people are travelling to Kununurra and Wyndham, purchasing alcohol and bringing it back into the town. And they seem to be more organised, yes.¹⁰⁹

4.131 There was also strong evidence indicating that people in communities like Balgo, who had previously purchased alcohol in Halls Creek, were now travelling across the Northern Territory border to purchase alcohol.¹¹⁰

Relocation of drinking population to other communities

4.132 It was argued by some witnesses that the alcohol restrictions had merely pushed problematic drinking to other communities not covered by similar restrictions. Some argued that the decrease in police arrests and hospital presentations were more the result of a migration of the problem drinkers. Yurra Yungi Aboriginal Medical Service was of the opinion that many of their clients had shifted to other towns.¹¹¹

4.133 At the hearing in Broome, the committee heard some anecdotal evidence that people were travelling from Fitzroy Crossing and Halls Creek to circumvent the bans:

There have been a lot of people coming into town. It is like somebody said once: at certain times you will get a lot of people coming into Broome anyway. But if you drive around the town there are a lot of people wandering the streets and I wonder where they are sleeping, I really do.¹¹²

We have seen that problem come to Broome definitely from the Fitzroy mob and even the local mob. We know who our mob are around town and who is from out of town—different people and stuff. But restrictions or dry

108 Mrs Dale Reichel, Ngarangga Ngurra Aboriginal Corporation Safehouse, *Committee Hansard*, 25 August 2009, p. 92.

109 Inspector Jim Cave, WA Police, *Committee Hansard*, 26 August 2009, p. 101.

110 Father Matthew Digges, Catholic Diocese of Broome, *Committee Hansard*, 26 August 2009, p. 71.

111 Ms Virginia O'Neill, Yura Yungi Aboriginal Medical Service, *Committee Hansard*, 25 August 2009, p. 61.

112 Mr Bob Mahony, Nirrumbuk Skills Centre, *Committee Hansard*, 26 August 2009, p. 41.

communities do not address the problem they just push it somewhere else.¹¹³

4.134 Western Australia police statistics have not indicated that there is any large scale migration of Halls Creek residents, although itinerant drinkers from smaller communities may have returned to those communities:

Community members from Balgo, Billiluna and Mulan visited Halls Creek and, while there, drank alcohol from the liquor outlets. Since the liquor restrictions, some community members have returned home, whilst others have travelled to Kununurra and Broome. There is an increasing transient movement to those towns, but that has not increased the amount of offending to any great extent. Since 8 June 2009, Kununurra police have kept records with the origins of offenders and since that time there have been 306 people arrested, of which 194 came from Kununurra, 32 from Halls Creek, 23 from Kalumburu, 18 from Warmun, one from Balgo, six from Broome and five from Fitzroy Crossing. Of the 306 arrests in Kununurra, only 10.6 per cent are Halls Creek residents, which would be considered normal for a transient people.¹¹⁴

4.135 The night patrol service in Broome had not observed a rise in Fitzroy Crossing or Halls Creek people using their service as a result of the restrictions.¹¹⁵

4.136 Finally, the Notre Dame report into the Fitzroy Crossing restrictions did not find any significant increase in Fitzroy Crossing residents presenting at emergency departments in hospitals in Broome, Derby or Halls Creek (prior to Halls Creek restrictions).¹¹⁶

4.137 The Chairman of the Liquor Commission of Western Australia expressed the view that, to the extent that the migration of drinkers had occurred, this was not such a bad thing as it could lead to economies of scale in rehabilitation services in regional centres:

If you can move the main root of the problem to one place or a succession of places—and I feel sorry for the people in Wyndham, Broome, Derby, Geraldton and those coastal cities and towns that will have to bear the brunt of this, no doubt, as a wave of prohibitions and dry areas pushes the danger drinkers out into those places— but if they are concentrated in those big population centres, then in my view action can be taken by the Indigenous people themselves who run some very good programs in Kalgoorlie, Geraldton and Broome. If you resource them, they can look after these people and do something for them. They cannot do anything for them when

113 Mr William Clements, Nirrumbuk Skills Centre, *Committee Hansard*, 26 August 2009, p.42.

114 Inspector Jim Cave, WA Police, *Committee Hansard*, 26 August 2009, p. 93.

115 Mr Thomas King, Mamabulanjin Aboriginal Corporation, *Committee Hansard*, 26 August 2009, p. 46.

116 University of Notre Dame, *Fitzroy Valley Alcohol Restriction Report*, July 2009, p. 9.

they are stuck out Halls Creek, Fitzroy Crossing and a lot of these remote communities.¹¹⁷

4.138 The committee is concerned about the impact of individuals moving to or purchasing alcohol in places where there are no restrictions. There are two significant points that arise from this fact. The most important is the need for support, rehabilitation and diversionary programs that take advantage of the restrictions to make progress on the underlying issues of alcohol addiction, mental health, employment and education opportunities. Secondly, it may support the need for a regional approach to alcohol management that would seek to ameliorate the shifting of problem drinking from community to community. These points are discussed below.

Increased consumption of other drugs

4.139 The committee heard evidence suggesting that following the restrictions on alcohol, the consumption of marijuana in particular had increased.

...we have seen an increase in ganja recently. I remember the question that you asked Warren. I have only heard anecdotally. With people in Halls Creek that I know and respect I check out how they feel the liquor laws are going, and they are very positive about what has happened as a result of the new liquor laws. But they have said to me—and remember that this is anecdotal—that they are seeing a major upsurge in the use of cannabis.¹¹⁸

4.140 Dr David Shepherd informed the committee that he expected that the use of illicit drugs may increase and that he had already noticed this to an extent.¹¹⁹

4.141 The Notre Dame report found anecdotal evidence of higher drug use in Fitzroy Crossing but no concrete evidence to back the claim.¹²⁰

The need for diversionary programs and a regional plan

4.142 The committee is firmly of the view that alcohol restrictions alone will not deliver a permanent solution to alcohol abuse in remote communities.

Alcohol bans in some circumstances have worked but I think some caution needs to be exercised before anyone gets too excited about them. In my experience some of my clients have been extremely creative and determined in circumventing them...

... while alcohol bans are laudable in many ways, I suppose the flipside is that the utility of them is always going to be limited if there are not the

117 Mr James Freemantle, Liquor Commission of WA, *Committee Hansard*, 9 October 2009, p. 36.

118 Mr Chris Clare, Warmun Community, *Committee Hansard*, 25 August 2009, p. 22.

119 Dr David Shepherd, *Committee Hansard*, 25 August 2009, p. 85.

120 University of Notre Dame, *Fitzroy Valley Alcohol Restriction Report*, July 2009, p. 61.

complementary programs on the ground to deal with issues surrounding alcohol abuse.¹²¹

4.143 While the improvements to a range of indicators are impressive, the committee considers that the restrictions provide breathing space only and must be followed up as a matter of urgency with support, diversion and rehabilitation programs that seek to break drug and alcohol dependency. The Commissioner for Children and Young People, Ms Michelle Scott, voiced a similar concern:

...alcohol restrictions alone are insufficient. We need a comprehensive suite of services and programs that supplement, complement, reinforce and build capacity in the community. A child psychologist is a critical ingredient when you have families who are traumatised. Parenting programs are critical to that. Safe houses are critical to that. Positive programs for kids—whether they are before school, after school or holiday programs—are part of the suite of programs that you need, as are alcohol and drug programs and employment programs. From my point of view, as commissioner, on the ground that systemic approach is absent and there needs to be much better cooperation between the state and federal governments in delivering those sorts of reforms.¹²²

4.144 The committee is concerned that the level of service required is not generally available and where services are present, they are under resourced. For example, the committee heard the following from Nindilingarri Cultural Health Services in Fitzroy Crossing:

Mrs Muir—Nindilingarri Cultural Health Services have a drug and alcohol service. We are the only one in town. We get \$350,000 a year to deliver health promotion, disease prevention and all of the alcohol and drug services here, in a valley that has around 50 communities spread over a 150 kilometre radius. We currently have [3½] people working in that service. Obviously there is not much left in the way of resources once we pay wages, accommodation, transport and things like that. And that is all that there is.

Mr Davies—Prior to that that [rehabilitation service] building was a sobering-up shelter. That was a recommendation from the deaths in custody report, as we all know. I think it is the same budget that we are playing with right now. It was at the insistence of local people here in Nindilingarri that we changed that service because it was just catering for a handful of people. It was like having a revolving door; it was like a hotel. We wanted counselling services and we wanted staff looking at developing rehabilitation services because they were needed. It is only in its infancy stage too and that service is very stretched. The sobering-up shelter is still operating on the same budget.

121 Mr Peter Collins, Aboriginal Legal Service WA, *Committee Hansard*, 26 August 2009, p. 7.

122 Ms Michelle Scott, Commissioner for Children and Young People, *Committee Hansard*, 9 October 2009, p. 25.

Senator SIEWERT—So there has been no increase in the budget since before the restrictions?

Mrs Muir—There has been no increase at all despite us canvassing the drug and alcohol office consistently.¹²³

4.145 Mr Jamie Elliot, of the Halls Creek People's Church highlighted the need not just for clinical, but social diversionary programs for young people that would insulate them from returning to alcohol dependency:

I am working on incorporating a body called the Halls Creek sport and community association. That is about taking advantage of the opportunity that we have now that alcohol does not play a major part in our community. We need to start, like Auntie Kathleen said, lifting ourselves up and providing these activities so we can start being active. If alcohol comes back in some form or if people go somewhere where there is alcohol, they will be healthy and strong enough to say: 'I've been through that. I've started this sort of life now. I'm not going to go back to that way.'¹²⁴

4.146 Mrs Dale Reichel, manager of the women's shelter in Halls Creek informed the committee that residents needed to find entertainment that did not revolve around alcohol:

..the attitude of some people is that this town is no fun anymore because there is no alcohol. So I think that support needs to be in place to try and make some fun in town to bring the community together, not necessarily with drunkenness.¹²⁵

4.147 One witness promoted the introduction of entertainment options to encourage the responsible consumption of alcohol as a subsidiary to other activities.

I personally think there could be canteens in communities in a social setting where people can see that it can be used as a good social thing. It could be mixed with activities like movies and people playing darts in a friendly atmosphere rather than a whole mob of people sitting down and drinking until the grog has run out and then they get into hits and stuff.¹²⁶

4.148 Ms Kathleen Bates, also from the Halls Creek People's Church expressed a desire for a diversionary program that would take both young and old away from the town onto country where they could rebuild self-esteem and learn life skills.

Our parents had a station and we used to do a lot of horse riding. I would like to see a place just like our home was when I was a child. It would be

123 Mrs Patricia Muir and Mr Patrick Davies, Nindilingarri Cultural Health Services, *Committee Hansard*, 24 August 2009, pp 64–65.

124 Mr Jamie Elliot, Halls Creek People's Church, *Committee Hansard*, 25 August 2009, p. 38.

125 Mrs Dale Reichel, Ngarringa Ngurra Aboriginal Corporation Safe House, *Committee Hansard*, 25 August 2009, p. 96.

126 Mr William Clements, Nirrumbuk Skills Centre, *Committee Hansard*, 26 August 2009, p.42.

way out of town where people could go and learn things again. They could learn their skills again. A lot of people are hopeless and useless. They are drug addicts and after grog and after living on grog for so many years they have no hope. They are just walking around with their heads down. Maybe we need some funding to start off this place somewhere, wherever it is possible, where people can start living again...

...If we have a place out of town somewhere, people can go there and learn how to do things again without the grog and how to build up their self-esteem. Just the other day one of the young girls, one of my nieces, said to me, 'I wish there was a place where we could go where we can just build up our self-esteem.'¹²⁷

4.149 One such existing program is the Kimberley Aboriginal Law and Culture Centre's (KALACC) Yiriman youth diversionary program.

The basis of Yiriman is that the trouble with Indigenous youth today is their disconnection with culture, their disconnection with their elders and their leaders and their loss of identity. They do not know who they are and in the absence of a strong sense of identity they turn to drugs and alcohol and, when under the influence of drugs and alcohol, they come into contact with the justice system¹²⁸

4.150 This program, with its intensive case management and incorporation of traditional culture and identity may provide a useful example for agencies and organisations of the types of programs suggested by Dr Don Weatherburn referred to in paragraph 4.44 earlier in this chapter.

4.151 The committee is mindful of the evidence suggesting that alcohol is being brought in from outside the restricted communities, that there has been some relocation of drinkers to other communities. This, taken with the evidence above on the need for rehabilitation and diversionary programs suggests that a comprehensive regional plan is required to tackle alcohol abuse in the Kimberley.

4.152 This is a point made strongly by KALACC in their submission and comments to the committee:

...this organisation strongly supports alcohol restrictions, but you would have to think that the state government thinks that alcohol restrictions in and of themselves are a magic bullet and a solution to all the woes and all the ills in Aboriginal communities, and clearly they are not. We were aware then that on 7 November last year the Queensland government, at the cost of \$109 million, instigated a Queensland Indigenous communities alcohol management plan. On 19 November last year, we wrote to the state and Commonwealth governments saying that Western Australia, and the Kimberley, in particular needs a whole range of support programs and

127 Mrs Kathleen Bates, Halls Creek People's Church, *Committee Hansard*, 25.5.09, pp 37 and 42.

128 Mr Wes Morris, Kimberley Aboriginal Law and Culture Centre, *Committee Hansard*, 24 August 2009, p. 92.

mechanisms to support and to build on the positive gains that have come as a result of those alcohol restrictions.¹²⁹

4.153 The committee is of the opinion that a regional alcohol management plan that incorporates alcohol and drug rehabilitation and support services is a necessary step that will build on the restrictions already in place. The recommendation of such services also ties in to the committee's findings in relation to the WA justice system listed above.

4.154 In addition to an emphasis on rehabilitation and diversionary programs, a strategy that introduced harmonised liquor sales across the region would address the problems of migration of drinkers and 'sly grogging'. The committee is, however, also mindful that the restrictions in Fitzroy Crossing and Halls Creek were introduced at the invitation of many community members. A regional plan that imposed restrictions without community consultation and leadership may not be as effective.

4.155 The committee has been advised by the WA government that a Kimberley Alcohol Management Plan is close to being finalised and is just one part of a "broader, comprehensive and coordinated approach".¹³⁰ The committee understands that the plan will deal with action on the following five areas:¹³¹

- Prevention and education;
- Community capacity building and action;
- Policing and legislation;
- Monitoring, evaluation and communication; and
- Treatment and support services.

4.156 The WA government anticipates that a longer term comprehensive plan will be developed to "control alcohol availability, reduce alcohol demand, reduce harms associated with alcohol and other drug use and improve access to treatment and support".¹³²

Recommendation 12

4.157 The committee recommends that the Commonwealth work with the Western Australian government to support the development of an explicit plan to ensure that alcohol restrictions in regional and remote communities, including Fitzroy Crossing and Halls Creek, be supported by adequate rehabilitation and community support services to address alcohol addiction and problem drinking.

129 Mr Wes Morris, Kimberley Aboriginal Law and Culture Centre, *Committee Hansard*, 24 August 2009, p. 89.

130 Correspondence to committee from WA government, received 12 October 2009.

131 Ibid.

132 Ibid.

4.158 The committee further recommends that the plan include a consistent approach to alcohol management that includes effective community consultation and decision making.

Youth diversionary programs

4.159 The discussion above on justice issues and alcohol restrictions highlights the need for diversionary programs for offenders and people struggling with substance abuse issues in remote communities. The committee is of the view that youth diversionary services are essential and need to be adequately resourced. The committee was therefore dismayed to hear at its Broome hearing that funding for youth diversionary programs in Balgo had ceased and that petrol sniffing by young people in the community had recommenced. The committee visited Balgo in August 2008 and had undertaken to support the community in applying for funding for its youth service.¹³³

Father Digges—I am not sure what facilitated that, but the key to stopping sniffing is that the police cannot do that; you need a coordinated and sustained program of intervention by trained youth workers. They have had that for the last three years. Interestingly, the efforts of people at that community to obtain government funding for such a program were not successful, and private funding was obtained for the last three years. The Department of Community Development came on board at the eleventh hour to provide a small amount of funding—less than four per cent of the total value of the program.

Senator SIEWERT—But there is no funding left now.

Father Digges—No.

4.160 Alcohol restrictions in Halls Creek had exacerbated the situation as some community members were now travelling across the Northern Territory border to obtain alcohol from the roadhouse in Rabbit Flat. As committee has previously reported, the roadhouse in Rabbit Flat refuses to stock (non-sniffable) Opal fuel.¹³⁴

4.161 This situation illustrates the need to adequately resource diversionary programs for young people in remote communities, to insulate them against the dangers of substance abuse. Where the funding of such programs is stop-start in nature, the effectiveness of the service is severely compromised. The history of youth services in the region around Balgo are an obvious example:

For nine years there was a youth service operating there that battled for the first three years to get any funding. When funding was provided, it was provided on an ad hoc basis on three separate occasions by appeals of community people direct to politicians, really at times of great crisis. One I

133 Committee meeting notes, 21 August 2008.

134 Senate Select Committee on Regional and Remote Indigenous Communities, *Report No 2*, p. 121.

seem to remember was directly after the attempted suicide of three young men in one night. That service stopped and started, and of course the problem with services in remote communities that stop and start is that the forward momentum that has built up over a long time by people who have struggled to make a base, struggled to get people on board, struggled to survive in that community, which is often one not of their own culture, and then they move out of the community and the forward momentum is lost. When you restart the service you are starting from scratch again...When you have services that are financed for two years and then they stop, it is really setting agencies and setting communities up to fail. What I have noted is that many people just opt out and they give up. Interestingly, the funding for that service at Balgo stopped again on 30 June. Last night, just as I was getting my thoughts together for today's hearing, I was told that there were 16 people at that time sniffing in the community, six of whom sniff every day.¹³⁵

4.162 The need for security of funding to ensure the effectiveness of programs in remote communities is examined further in chapter 5.

Recommendation 13

4.163 The committee recommends that the Commonwealth and Western Australian governments work together to ensure that adequate and long term funding and support for the youth service in Balgo is provided.

Foetal Alcohol Spectrum Disorder

4.164 The committee was keen to inquire further into the prevalence of Foetal Alcohol Spectrum Disorder (FASD) at their hearings in Western Australia after being very concerned about the issue as described to them during their 2008 visit to the Kimberley. The committee heard from a variety of witnesses that awareness of FASD was growing, but that a lot more needed to be done in order to cater for children and adults affected by the disorder.

4.165 FASD relates to birth defects resulting from the consumption of alcohol by the mother during pregnancy. It is a broad diagnostic framework which covers a wide variety of physical, mental and developmental responses to exposure to alcohol while in the womb. Significant exposure to alcohol during pregnancy can cause a broad range of responses from more subtle attention deficit problems to severe facial distortion and inhibited mental and physical development. FASD is the umbrella term used to cover these issues.

4.166 Foetal Alcohol Syndrome (FAS) sits within the framework of FASD, at the most severe end. FAS is defined as 'a suite of abnormal characteristics including deficiencies in growth, abnormal morphology (especially in the face), and central nervous system problems including microcephaly, mental retardation, and behavioural

135 Fr Matthew Digges, Catholic Diocese of Broome, *Committee Hansard*, 26 August 2009, p. 71.

hyperactivity.’¹³⁶ There are a number of characterisations which present in FAS affected children and adults, including internal and external physical abnormalities and behavioural problems.

4.167 At the milder end of the spectrum, children and adults may be diagnosed with Alcohol-related Neurodevelopmental Disorder (ARND). ARND babies can appear to be healthy when born, but evidence of long term brain damage will become apparent later in life. They present with Central Nervous System problems but without recognisable facial distortion.¹³⁷ Children with ARND experience developmental delays, learning problems, impulsiveness, problems getting along with others, hyperactivity and problems controlling their behaviour. FASD affected children and adults appear to be particularly susceptible to behavioural and psychological disturbances throughout their life.¹³⁸

4.168 Dr David Shepherd, a doctor at the hospital in Halls Creek, informed the committee that he believed around 30 per cent of children in the region suffered from some symptoms of FASD, while 50 per cent of the children he treated at the hospital had symptoms.¹³⁹

4.169 In Fitzroy Crossing, local organisations are collecting data on birth metrics before and after alcohol restriction are in place.¹⁴⁰ The aim is to track birth cohorts into the future to determine the effects of the restriction on the prevalence of FASD. WA Country Health Service elaborated on the purpose of the research, stating:

...we were also aware that there was the huge potential of a dual impact through both drinking in pregnancy and also children being affected in early childhood by violence. The strategies and the investigation are quite deliberate to pick up the impact of violence as well as of foetal alcohol syndrome.¹⁴¹

4.170 The committee commends this endeavour and encourages governments to support research into FASD in Australia. Mr Patrick Davies of Nindilingarri Cultural

136 May M, ‘Disturbing Behaviour: Neurotoxic Effects in Children’, *Environmental Health Perspectives*, Vol 108, No 6, June 2000, pp 266–267.

137 Sampson, P, Streissguth, A, Bookstein, F and Barr, H, ‘On Categorizations in Analyses of Alcohol Teratogenesis’, *Environmental Health Perspectives*, Vol 108, Supplement 3, June 2000, p. 421.

138 Ibid, p. 422.

139 Dr David Shepherd, *Committee Hansard*, 25 August 2009, p. 80.

140 Mr Bert Dorgelo, WA Country Health Service, *Committee Hansard*, 24 August 2009, pp 16–17.

141 Mr Bert Dorgelo, WA Country Health Service, *Committee Hansard*, 24 August 2009, p. 17.

Health Services spoke of the need for an accurate assessment of the extent of the damage caused by FASD in order to provide an adequate level of support.¹⁴²

4.171 Mrs Olive Knight, from Marninwarntikura Women's Resource Centre, told the committee of the need to adapt education methods for the large proportion of children who suffered from FASD:

...there has to be a sea change where the education begins to be more flexible and cater for children of this nature. One of the things I have noticed beginning to emerge is that psychologists and other people have noticed a lot of behavioural problems in children of FASD. These behavioural problems have gone unnoticed in the past and there is a high level of incarceration within our prison systems.

Unfortunately I get very emotional about FASD because it has incarcerated a lot of my people and seen them gaoled without being noticed, and all of these things have gone unnoticed. Australia is behind the times and has not seen this very fact. Overseas, the United States and other people have gone ahead, studied FASD and begun to research it, but Australia has been lacking in all the research. I am not sure why this is so but while it has been happening our people continue to flood the prisons because of unrecognised psychological behaviours, possibly through excessive drinking previously.¹⁴³

4.172 Mrs Knight's statement has particular relevance to the committee given the discussion of the need to address the underlying causes of offending in Western Australia reported above.

4.173 The Commissioner for Children and Young People, Ms Michelle Scott, agreed that FASD was not given enough emphasis in Australia and elaborated on efforts by the state government in Western Australia:

Immediately after [a] visit to Fitzroy, I met with the director-general about [the FASD] issue and also had conversations with the Telethon Institute, who are also doing work. The health department has a health advisory network which is developing a model of care. The department for communities here is active to some extent on this issue. However, what was missing for me was a concerted effort and also just very practical advice to parents or guardians who might be caring for a child who has foetal alcohol spectrum disorder.¹⁴⁴

142 Mr Patrick Davies, Nindilingarri Cultural Health Services, *Committee Hansard*, 24 August 2009, p. 62.

143 Mrs Olive Knight, Marninwarntikura Women's Resource Centre, *Committee Hansard*, 24 August 2009, p. 58.

144 Ms Michelle Scott, Commissioner for Children and Young People, *Committee Hansard*, 9 October 2009, p. 28.

4.174 Mrs Knight informed the committee that the education department in WA was slowly adapting to the needs of FASD children through the provision of specialised workers and school psychologists. However, she saw that there was still a long way to go in terms of providing an education environment that could cater for children affected by the disorder. One of her personal recommendations was the use of on country and open learning for the children.¹⁴⁵

4.175 Dr Shepherd also raised the special needs of children affected by FASD in education.

There might be slight things you can do. The most important one is that those kids need different teaching methods. They need much stricter boundaries. They do not understand 'one, two, three—time out' because by the second time they have forgotten what the first one was for. There are some strategies around that that I think should be implemented.¹⁴⁶

4.176 The committee understands that FASD is not recognised on the national disability register and it is therefore difficult to get the requisite assistance for schools and carers to adequately support children with FASD. This was confirmed by Nindilingarri Cultural Health Services:

...we cannot gain assistance for the school and families like Olive's who are dealing with those sorts of children. Because it is not a recognised disability, that assistance is not out there. In terms of how well children here do at school, it has been put out by Kimberley Population Health Unit that something like 40 per cent of the children here are affected by FASD or early life trauma. Those children's ability to learn is severely inhibited by the disability they carry with them.¹⁴⁷

4.177 In Fitzroy Crossing, Mrs Millie Hills spoke to the committee about the need for the community to be aware of FASD and to counter it together:

We are in the process of getting a load of women together to come up with ways to deal with foetal alcohol syndrome. That is something we need to do ourselves. We do not need the government to tell us that; we need to make it our own business to work on foetal alcohol syndrome, to talk to the women if they are drinking when they are pregnant¹⁴⁸

4.178 Mrs Hills informed the committee that the various services and community groups in Halls Creek were meeting together in order to develop a community

145 Mrs Olive Knight, Marninwarntikura Women's Resource Centre, *Committee Hansard*, 24 August 2009, p. 62.

146 Dr David Shepherd, *Committee Hansard*, 25 August 2009, p. 80.

147 Ms Patricia Muir, Nindilingarri Cultural Health Services, *Committee Hansard*, 24 August 2009, p. 63.

148 Mrs Millie Hills, Halls Creek Aboriginal Corporation, *Committee Hansard*, 25 August 2009, p. 49.

strategy.¹⁴⁹ Yura Yungi Aboriginal Medical Service told the committee that they educated expectant mothers about the dangers of FASD with pictures and pamphlets with some success.¹⁵⁰

4.179 The high levels of suspected FASD which are being witnessed in regional and remote Indigenous communities mean that these communities have requirements specific to the issues surrounding the disorder. Individuals with FASD, whether infants, children, adolescents or adults, require structured primary care and various appropriate therapies to form a protective factor against severe secondary disability. The requirements are practical and immediate, and, if met, are likely to have a positive impact on the future of the FASD individuals as well as the broader community. Appropriate care for those already affected with the disorder is needed, as is education about the risks of maternal alcoholism. Prevention of further instances is urgently required.

4.180 The provision of assessment by specialists or trained FASD health professionals and an efficient diagnosis is necessary as a first priority service to towns with suspected FASD cases, such as Halls Creek and Fitzroy Crossing. Primary health care is needed for infants and children who may have severe physical health dysfunctions affecting a range of organs, muscles, as well as general physical functionality.

4.181 In order to limit the severity of secondary disability which results in behavioural problems, structured support treatments are required. The services provided to children with autism provide a good foundation, but certain services are not required in FASD patients and do not need to be provided. Also, in relation to the wide range of patient responses to prenatal alcohol exposure, individually tailored treatments should be provided.

4.182 Educational resources, teachers trained to cope with FASD students and schools equipped to deal with these children are a necessity when treating children with the disorder. The learning difficulties of FASD children require special education and understanding.

4.183 The committee considers that a focus on providing support rather than laying blame on mothers for consuming alcohol during pregnancy is necessary in order to break the generational cycle of FASD in Indigenous communities, as affected children and adolescents require specifically structured behavioural modification therapy as well as health care.

149 Mrs Millie Hills, Halls Creek Aboriginal Corporation, *Committee Hansard*, 25 August 2009, p. 59.

150 Ms Valma Banks, Yura Yungi Aboriginal Medical Service, *Committee Hansard*, 25 August 2009, p. 65.

Recommendation 14

4.184 The committee recommends that the Commonwealth considers the development of a communication strategy to provide simple, practical advice to parents and guardians caring for a child with Foetal Alcohol Spectrum Disorder, and that the status of FASD as a recognised disability is clarified to ensure that parents, caregivers, schools and communities are able to provide adequate support to children with FASD.

Housing

4.185 The lack of housing in regional and remote Indigenous communities remains a significant problem. The health and education problems that arise from overcrowded houses are well known.

Fifteen to 20 people can be in a house, kids included. It is causing abuse and a lot of sickness in the houses. They are put into substandard houses, houses that are in a poor condition.¹⁵¹

The main issues here in town really are housing, housing and housing. In Kevin Rudd's apology speech he made mention of the fact that Australia is the only developed country that has rates of trichoma that are ridiculous, and it is the same with middle ear infections and rheumatic heart disease. These things are nonexistent in Europe and America. We know that they are simply caused by poor sanitation and overcrowding.¹⁵²

4.186 The committee has reported on housing issues in its first two reports. In particular, chapter 4 of the first report listed housing as the number one issue raised during site visits to the Kimberley in 2008.¹⁵³

4.187 The committee heard from a range of witnesses that the lack of housing in remote communities was a major obstacle to the provision of services in those communities. In Fitzroy Crossing, as in Halls Creek, many witnesses told the committee that the lack of housing was a major barrier to recruiting and retaining staff,

Staff housing is the limiting factor to do with adding to services. Services could be easily funded, but staff housing is the limiting factor.¹⁵⁴

This is my last week working in support of the mobile playgroup because I do not have anywhere to live.¹⁵⁵

151 Ms Joan Bedford, Ngaringga Ngurra Aboriginal Corporation Safehouse, *Committee Hansard*, 25 August 2009, p. 93.

152 Dr David Shepherd, *Committee Hansard*, 25 August 2009, p. 75.

153 Senate Select Committee on Regional and Remote Indigenous Communities, Report No. 1, p. 23.

154 Mr Bert Dorgelo, WA Country Health Service, *Committee Hansard*, 24 August 2009, p. 20.

Not only are community members suffering because of a lack of housing; service providers are as well because we are at capacity. Even if all of our positions were filled we could not take on an additional staff member because we could not house them.¹⁵⁶

4.188 The housing shortage also limited the possibility of new services in the town:

Next year we will have two lawyers that have been allocated to us through the Attorney-General's Department. They will be here full-time if we can get housing. Attorney-General's are saying, 'If we can't get housing'— and they have investigated; they reckon they have tried everything—they might have to be located in Derby or Broome.' That is ridiculous, because they will come in for a few days, the same as we have now, and all the action happens after they have gone.¹⁵⁷

4.189 In addition, local staff were often in substandard or unsuitable housing. Providing accommodation to staff from out of town was potentially perceived as unfair by the local staff.

Local people ask us that too: how come you are looking for housing for everyone else and it is not for us? We absolutely agree with that. There is no housing available to offer anybody.¹⁵⁸

4.190 For locals in public housing, gaining employment with a government agency or other organisation may have the effect of disqualifying them from remaining in that public housing. The committee heard that this acts a significant barrier for recruitment by the Department of Corrective Services:

...most Aboriginal people in regional areas reside in public housing. With the change in policy if you are earning a particular amount of money, you lose that public housing. I think the committee would be aware that the availability of housing in remote areas is almost non-existent and what is available is extremely expensive particularly in the mining areas. So not only are we expecting people to come and work for us for not much reward, but we also penalise them by removing their public housing from them. It is a very big problem for us.¹⁵⁹

4.191 The committee was advised that eligibility for employees in WA government housing was governed by the *Government Employees' Housing Act 1964* (WA) (GEH

155 Ms Helen Fitzgerald, Marninwarntikura Women's Resource Centre, *Committee Hansard*, 24 August 2009, p. 24.

156 Mrs Patricia Muir, Nindilingarri Cultural Health Service, *Committee Hansard*, 24 August 2009, p. 64.

157 Ms Christine Gray, Marninwarntikura Women's Resource Centre, *Committee Hansard*, 24 August 2009, p. 66.

158 Ms Christine Gray, Marninwarntikura Women's Resource Centre, *Committee Hansard*, 24 August 2009, p. 27.

159 Mr Neil Fong, Department of Corrective Services, *Committee Hansard*, 9 October 2009, p. 76.

Act) and the Government Regional Officers Housing (GROH) policy. The GROH policy provides that employees who have been recruited locally are not eligible for accommodation, unless special circumstances exist which are supported by the employing agency and do not impede GROH's ability to fulfil its primary objective, which is to target government resources to house government employees relocating to country WA.¹⁶⁰

4.192 The committee was advised by the WA government that allocation of accommodation is at agency discretion, and may be provided subject to the following guidelines:¹⁶¹

- when the employing agency is experiencing difficulty in attracting and retaining appropriate staff, which is affecting core business;
- as a short term tenancy to meet an emergency situation; or
- when a client agency is bound under an Industrial Agreement to provide an employee with accommodation.

4.193 However, accommodation will not be provided when the locally appointed employee or the employee's partner or spouse owns accommodation in which they might reasonably reside (as prescribed under section 28 of the GEH Act) within commuter proximity (50km radius) to the employee's place of work.¹⁶²

4.194 Land tenure was another issue raised by witnesses. Mr Warren Olsen, Chief Executive Officer of the Shire of Halls Creek, informed the committee that land tenure affected the potential for housing and depot construction that might enable service delivery:

There is another thing about the lack of land tenure which affects the communities themselves. The Balgo community has no tenure at all over of the land which it occupies; they are essentially squatting on Aboriginal Lands Trust land out there. In the project that we recently did to look at a business plan for trying to provide local government services to those communities, one of the issues was that there was no land available. There is no land available to establish a depot, for example, or an office or to provide staff housing or any of those things, which I guess kind of limits your options for how you are going to go about that.¹⁶³

4.195 The committee notes that water and other service provision also affected the ability of governments to develop housing in remote communities. For example, the

160 Correspondence to committee from WA government, received 12 November 2009.

161 Ibid.

162 Ibid.

163 Mr Warren Olsen, Shire of Halls Creek, *Committee Hansard*, 25 August 2009, p. 2.

future growth of the town of Halls Creek was limited to approximately 100 houses because of the availability of water.¹⁶⁴

4.196 The committee notes that the provision of housing is a core element of the COAG agenda for Indigenous Affairs and will closely follow how additional housing is progressing in regional and remote communities throughout Western Australia in their subsequent reports. The committee was advised by the WA government that the Department of Planning and Infrastructure is currently developing a document titled *Planning for Aboriginal Communities Guideline for the Provision of Housing and Infrastructure to Remote Indigenous Communities in Western Australia*. The WA government intends for all future capital works to be "prioritised to communities that can provide a high standard of living for residents and which maximise the returns to government and community residents from future investment."¹⁶⁵

4.197 The committee understands that the Remote Aboriginal Communities Policy Framework is currently being finalised by the Department of Indigenous Affairs in WA to provide for the determination of investment priorities against a set of assessment criteria.¹⁶⁶

4.198 The WA government also advised that in order for the housing program to be progressed in remote Indigenous communities a set of factors has to be satisfied. These include:¹⁶⁷

- Land Tenure – To be eligible for capital funding provided by the Commonwealth Government under the National Partnership Agreement on Remote Indigenous Housing, communities must have suitable land tenure arrangements that enable access to and control of the housing assets by the State.
- Housing Management – the community must have agreed to a suitable housing management arrangement with the Department of Housing.
- Native Title issues need to have been resolved (or be capable of resolution in a timely manner).
- The community must have a demonstrated housing need.
- The Commonwealth and State Government have agreed to target the priority locations agreed by COAG under the National Partnership Agreement on Remote Service Delivery.

4.199 The committee looks forward to reporting further in their next report on how these policies are being operationalised in WA.

164 Correspondence to committee from WA government, received 12 November 2009.

165 Correspondence to committee from WA government, received 12 November 2009.

166 Ibid.

167 Ibid.

Employment initiatives

4.200 At the three hearings in the Kimberley, the committee noted evidence by some witnesses that training and education opportunities were not translating into employment outcomes following graduation.

...the government wants everybody to be trained. We have a lot of people out there who have so many certificates and still do not have a job.¹⁶⁸

...we have four training organisations in town as it is. Everyone is getting trained but no-one is getting new jobs.¹⁶⁹

4.201 Mr Patrick Davies, of Nindilingarri Cultural Health Services, informed the committee that despite ongoing training of environmental health workers, there was no guarantee of employment upon graduation, despite the need for a larger workforce in the communities.

Mr Davies—...There is a great opportunity in environmental health work in the communities—looking after sewerage ponds, the water supplies, the septic tanks and the housing. The overcrowding is causing all this extra stress and wear and tear on hardware in the houses. You need that constant maintenance in place. Who better to do it than the Aboriginal health workers who live in the community? We need to engage them and employ them properly. They have been training them for over 20 years in the Pilbara and the Kimberley in this state... If you are going to talk about environmental health training anywhere in this state, it was happening here in the Fitzroy Valley in a big way. We had 20 to 30 students training every time we went out training in the bush, and none of them have been employed.

Senator SIEWERT—That is the problem. None of them have been employed. There is no funding for employment.

Mr Davies—Yes. We are training our young ones, but training them for what? They are training for another job? That does not work in anybody's language.¹⁷⁰

4.202 Karrayili Adult Education Centre informed the committee of disillusionment amongst Indigenous communities that efforts in training and education did not seem to be leading to promised employment opportunities within communities. Rather, an outside workforce continued to take contracts for work within the community.

168 Mrs Caroline Sibosado, Lombadina Aboriginal Corporation, *Committee Hansard*, 26 August 2009, p. 78.

169 Mrs Millie Hills, Halls Creek Aboriginal Corporation, *Committee Hansard*, 25 August 2009, p. 50

170 Mr Patrick Davies, Nindilingarri Cultural Health Services, *Committee Hansard*, 24 August 2009, p. 53.

Increasingly, the ability for the community to have input and to control what is happening is being diminished because of the different and increasing administrative demands of different programs... [O]ne of the things that really brought it to the forefront for me the other day was when William came into my office to talk to me. He had just been out at his community, Gilarong, and he said: 'This government's confusing me. There are people coming from everywhere. What's happening?' He said: 'Back in the 1980s we were told, "You get the training and you'll be able to run your own organisation." That is getting increasingly difficult to do. It is further away.'¹⁷¹

We teach people basic plumbing tasks, but there are no jobs at the end. The department of housing and works issues job orders all the time for plumbing repairs, but our trainees cannot access that employment. There are many jobs that we could have at the end of this training that are not happening.¹⁷²

4.203 Nirrumbuk Aboriginal Corporation was of the opinion that existing targets for Aboriginal employment by service providers needed to be enforced to be effective.

If you go to the communities a lot of the work is done by outsiders. They rip in, rip out and there are no jobs. We are talking about preferred suppliers which can be done. I know a lot of the stuff now has 20 per cent Aboriginal involvement. That needs to be enforced, not just given lip service to, because it has always been there but it has never been done.¹⁷³

4.204 Karrayili Adult Education Centre emphasised the importance of mentorship as a useful tool to manage the transition from a training environment to normal employment.

I think there needs to be a shift in the training or education paradigm in going from the start with the individuals through to the training with the mentoring which is all part of the whole. You do not have a trainer separate to a mentor, separate to employment and following a case management person. So you have multiskilled people like the old-fashioned community workers used to be where you provide the social support alongside the training and the follow through and mentoring. On-the-job training is also effective therefore mentoring and support should be included in it.¹⁷⁴

4.205 The committee were therefore impressed by an apprenticeship program, incorporating mentorship, run by the Plumbers Trade Employment Union (PTEU) in

171 Ms Caroline Davey, Karrayili Adult Education Centre, *Committee Hansard*, 24 August 2009, p. 73.

172 Ms Tamela Vestergaard, Karrayili Adult Education Centre, *Committee Hansard*, 24 August 2009, p. 77.

173 Mr Bob Mahony, Nirrumbuk Aboriginal Corporation, *Committee Hansard*, 26 August 2009, p. 43.

174 Ms Caroline Davey, Karrayili Adult Education Centre, *Committee Hansard*, 24 August 2009, p. 79.

Melbourne for young people in Western Australian, the Northern Territory and Victorian Aboriginal Communities. A graduate of the program, Ms Tehani Mahony appeared before the committee in Broome.¹⁷⁵

4.206 Under the terms of the program, apprentices undertook their training in Melbourne with accommodation support and mentorship provided by the PTEU and private businesses involved in the program. Ms Mahony informed the committee that a company, NUDJ Plumbing Service, had been created through a partnership by Nirrumbuk Aboriginal Corporation, the PTEU, Cooke and Dowsett Plumbing and the Jarlmadangah community.¹⁷⁶ The company was set up to take in apprentices from the PTEU training program ensuring that apprentices would have employment available for them in their home communities. The committee considers that the holistic approach to both training and employment adopted by this program is an excellent model.

4.207 The committee would also like to see positive programs such as this one being included in the case studies proposed under COAG's National Integrated Strategy for Closing the Gap in Indigenous Disadvantage discussed in chapter two of this report.

175 Ms Tehani Mahony, NUDJ Plumbing, *Committee Hansard*, 26 August 2009, pp 33–35.

176 Ms Tehani Mahony, NUDJ Plumbing Services, *Committee Hansard*, 26 August 2009, p. 34.

Chapter 5

New South Wales

5.1 New South Wales (NSW) has Australia's largest Aboriginal population, with approximately 150 000 Aboriginal residents. Forty three per cent of this population live in major cities, 33 per cent in inner regional areas, 18.4 per cent in outer regional areas and 5.1 per cent in remote or very remote areas.¹

5.2 The committee heard that the Aboriginal population of New South Wales grew by six per cent between 2001 and 2006. The Aboriginal populations of regional centres such as Broken Hill, Dubbo and Tamworth have grown at rates of between 30–50 per cent at the same time as non-Aboriginal populations have remained steady or even decreased.² The Department of Aboriginal Affairs are projecting an Aboriginal population in the state of about 200 000 by 2021.³

5.3 The committee conducted site visits to Broken Hill, Cobar and Dubbo in November, 2008. A formal hearing was held in Sydney on 15 October 2009. This chapter reports on the evidence collected on these occasions and from various submissions from individuals and organisations in New South Wales.

5.4 As the committee was only able to conduct one formal hearing in NSW so far, it has been unable to form a comprehensive view of the state of regional and remote Indigenous communities in New South Wales. The committee has made observations in this chapter in regard to the NSW government's strategic policy, the justice system, maternal health, sexual abuse, and issues associated with government funding models that are shared with Western Australia.

Strategic policy: Two Ways Together

5.5 Two Ways Together is a 10 year plan (2003–2012) developed by the NSW government under which government agencies and Aboriginal communities commit to work in partnership to improve standards of living for Aboriginal people. It includes seven priority areas: health, education, economic development, justice, families and young people, culture and heritage and housing and infrastructure.

1 Ms Jody Broun, Department of Aboriginal Affairs, *Committee Hansard*, 15 October 2009, p. 88.

2 Ms Jody Broun, Department of Aboriginal Affairs, *Committee Hansard*, 15 October 2009, p. 88.

3 Ms Jody Broun, Department of Aboriginal Affairs, *Committee Hansard*, 15 October 2009, p. 89.

5.6 Ms Jodie Broun, CEO of the lead agency for implementation of Two Ways Together, the Department of Aboriginal Affairs, informed the committee of the guiding principle of the policy:

It is really about government working closely with Aboriginal communities. That is the principle and philosophy of it. It is about working in partnership with Aboriginal communities and recognising that Aboriginal people know best the needs of their community, and that there is not a one-size-fits-all. We are coming up with different solutions for different communities.⁴

5.7 The committee is supportive of any plan which seeks to use a community's own knowledge to inform policies that affect that community. Unfortunately the committee did not receive enough evidence on the effectiveness of Two Ways Together to be able to express a view about the effectiveness of the plan, but notes that this process appears to enjoy broad support.

5.8 The New South Wales Reconciliation Council (NSWRC) was supportive of the Two Ways Together policy, stating:

The plan is a firm commitment to work with Aboriginal communities rather than for Aboriginal communities – a stark contrast to the approach recently adopted by the Federal Government under the NTER. Genuine partnership and the full participation of Indigenous people in the design, implementation and monitoring of government policy and service delivery is essential for improving community well-being.⁵

5.9 However, the NSWRC noted in their submission that a 2008 NSW Legislative Council inquiry, *Overcoming Indigenous Disadvantage in NSW*, found that a genuine partnership between the NSW Government and Aboriginal communities was yet to be realised.⁶

Justice system

5.10 Indigenous offenders represent over 20 per cent of all offenders in custody and 18 per cent of community based offenders.⁷ In 2008, the imprisonment rate of the Indigenous population in NSW was approximately 2 500 imprisoned per 100 000 people.⁸ This compared to a non-Indigenous rate of approximately 150 per 100 000. When the bias towards imprisonment that arises from the younger age profile of the Indigenous population is accounted for, the Indigenous imprisonment rate is 12.5 times higher than the non-Indigenous rate.⁹ The Indigenous imprisonment rate in

4 Ms Jodie Broun, Department of Aboriginal Affairs, *Committee Hansard*, 15 October 2009, p. 90.

5 New South Wales Reconciliation Council, *Submission 61*, p. 4.

6 New South Wales Reconciliation Council, *Submission 61*, p. 4.

7 Department of Corrective Services, *Submission 68*, p. 1.

8 Australian Bureau of Statistics, *Prisoners in Australia, 2008*. Catalogue no. 4517.0.

NSW is the second highest in the nation after Western Australia (see Chart 4.1 in chapter four).

5.11 A paper released in 2008 by the NSW Bureau of Crime Statistics and Research found that the adult Indigenous imprisonment rate rose by almost 50 per cent between 2001 and 2008 in NSW.¹⁰ The paper found that the increase was due to more Indigenous defendants being refused bail, longer remand periods, more Indigenous offenders receiving prison sentences and longer prison sentences.

The growth in the sentenced prisoner population appears to be due, in the main, to an increase in the proportion of Indigenous offenders given a prison sentence and the length of the prison terms imposed. There has been no overall increase in the number of Indigenous adults convicted but there was an increase in the number convicted specifically of offences against justice procedures. These results suggest that the substantial increase in the number of Indigenous people in prison is due mainly to changes in the criminal justice system's response to offending rather than changes in offending itself.¹¹

5.12 Mr Luke Grant, Assistant Commissioner for the Department of Corrective Services, spoke of an overemphasis on imprisonment arising from poorly informed community perceptions regarding the justice system.

There has been a recent review of public perceptions around sentencing in New South Wales. The Sentencing Council commissioned the review and the Bureau of Crime Statistics completed it. They asked people about their satisfaction with the level of sentences for particular types of offences. They found that the community suggested—something of the order of 70 per cent of people—that sentences were not long enough...

...The people who thought that sentences were too short had no idea how long they were. The people who were less educated and who relied upon the television as their source of information about the justice system were people who basically were expressing an ignorant view. There was a fundamental supposition that imprisonment keeps people safe...

...What do not go hand in hand with that are the negative effects of incarceration. If you remove someone from their community and their family, irrespective of whether their family is an antisocial family or not, their means of social support and employment, you have to spend an enormous amount of money just mitigating those effects before you can

9 Australian Bureau of Statistics, *Prisoners in Australia, 2008*, Catalogue no. 4517.0.

10 Jacqueline Fitzgerald, 'Why Are Indigenous Imprisonment Rates Rising?', Issue Paper no. 41, NSW Bureau of Crime Statistics and Research, August 2009, p. 1.

11 Jacqueline Fitzgerald, 'Why Are Indigenous Imprisonment Rates Rising?', Issue Paper no. 41, NSW Bureau of Crime Statistics and Research, August 2009, p. 6.

actually do anything about changing a person's behaviour. Incarceration of itself has a criminogenic effect.¹²

5.13 The committee has discussed issues of justice and imprisonment at length in chapter four of this report in the context of Western Australia. In that chapter, the committee called for greater investment in programs that would address the underlying causes of offending and reoffending. This included a recommendation to further investigate the cost effectiveness of various rehabilitation programs given the high cost and negative effects on recidivism resulting from imprisonment.

5.14 The NSW Department of Corrective Services is aware of the high cost of imprisonment and the scope for both saving money and delivering better outcomes, but has not undertaken a comprehensive cost-benefit analysis of the situation.

We do not really have an organised program of doing cost-benefit analyses for programs. Individual programs are assessed on that basis. When an evaluation is being conducted of a particular program, the cost implications are considered. However, the bottom line, which is a fairly self-explanatory one, is that prisons cost over \$200 a day. It is almost impossible to dream up a community based option that would cost you more than that per day for each person. You are talking about \$1,500 a week you could spend on each person and have a cheaper option than a prison based program...

...The cost-benefit stuff is something that really is quite poorly done nationally. In terms of correctional outcomes, we focus on recidivism as our major measure—recidivism at what cost. In terms of the costings, if you are comparing it to the cost of an alternative sanction or the cost to victims, court processing, policing and so on, this is something that has not been done particularly well.¹³

5.15 The committee considers that there is a need for national research into this critical area. In addition, the public perception that increased imprisonment will lead to greater public safety and lower rates of offending needs to be challenged.

5.16 During a visit to Dubbo, the Dubbo City Council spoke to the committee about recent actions taken in the city in response to increasing rates of crime and consequent national media attention. Since 2003 crime has dropped dramatically and the Council attributes this to addressing problems such as poor education, low socio-economic status and unemployment. Taking this approach was against the original wishes of the community who wanted tougher laws and an increased police presence.¹⁴

12 Mr Luke Grant, Department of Corrective Services, *Committee Hansard*, 15 October 2009, p. 78.

13 Mr Luke Grant, Department of Corrective Services, *Committee Hansard*, 15 October 2009, p. 86.

14 Committee meeting notes, 18 November 2008.

5.17 One witness suggested that politicians needed to show leadership on the issue in order to better inform and win over voters:

I think governments need to take a far more considered view of what the public really thinks and there are many circumstances in which people who are initially opposed to an idea can be brought around to an idea if they have a persuasive politician or minister providing the arguments. There was a time, for example, when I was younger that people thought that we ought to have tariffs everywhere, people thought we should never have an immigration program whenever the unemployment rose. Everybody was hotly opposed to it. We wanted walls around Australia and we did not want migrants coming in but over time, as a result of leadership shown by both sides of politics, people came to see the advantages for Australia of immigration programs, of reducing tariffs and so on. I think the same story can be said of law and order. You cannot persuade the public overnight to think that we should let everybody out of jail—personally I would be opposed to it—but you can persuade them that there are circumstances in which we can do better than put someone in jail and it is a matter of persisting with the argument, especially amongst opinion leaders.¹⁵

5.18 The committee considers this an extremely important issue and will follow developments in the field closely. As was discussed in chapter two, the committee is gravely concerned about the very high levels of Indigenous people coming into contact with the criminal justice system, and considers that the Commonwealth, states and territories should take a greater role in driving reforms in this area that are based on sound evidence, not popular and misinformed opinion.

Maternal Health

5.19 During the visit to Dubbo, the committee heard from members of the Murdi Paaki Regional Assembly about a problem with accommodation and support services when women travelled to Dubbo in order to give birth. The lack of support was leading to mothers delaying their travel to the point that some were giving birth en route.¹⁶

5.20 The committee asked Housing NSW whether there were any plans to improve the supply of short-term accommodation for services such as maternal health. In response, Housing NSW informed the committee that they were aware of the issue and were in discussions with the Commonwealth Department of Family, Housing, Community Services and Indigenous Affairs (FaHCSIA).

It is an area though that we recognise needs some work and we have been having some discussions with FaHCSIA about how we might build in some opportunities for short-term accommodation, particularly for birthing reasons, into the Remote Indigenous Housing Partnership. We have not

15 Dr Don Weatherburn, NSW Bureau of Crime Statistics and Research, *Committee Hansard*, 15 October, p. 31.

16 Committee meeting notes, 17 November 2008.

proposed anything in the first two years of the program, but we are certainly having ongoing discussions with FaHCSIA about what we might build into the subsequent years of the program.¹⁷

5.21 Housing NSW also informed the committee that they funded a program providing short-term accommodation, working with non-government housing organisations and community housing providers.¹⁸

Sexual assault

5.22 The Women's Legal Service (WLS) informed the committee of the difficulty associated with women reporting instances of sexual assault in small communities. Confidentiality is a major issue in communities where people know one another and the sense of shame felt by women in these communities is an impediment to reporting sexual assault.¹⁹

5.23 The committee heard that peer pressure within a community can often result in women not making statements to police.

Quite often the practice is that the charge is dropped if the victim does not appear. I think that is a problem because I have noticed a perception amongst our client groups for using language like, 'I have decided not to charge him', or, 'I think I should charge him for that', when deciding whether or not to report domestic or sexual violence as if it is the victim's responsibility to make the decision as to whether or not that is a crime that should be reported and prosecuted. That perception feeds into the perception in the community which is that it is the victim's fault if a prosecution proceeds, whereas actually a crime is a crime and it is for the police to police and for the courts to judge and the victim is a witness in that situation.²⁰

5.24 The resources available in each town can also play a major factor in how comfortable a woman can feel in reporting sexual abuse. The WLS informed the committee that no one was currently available to administer a rape investigation procedure in Bourke at the time of the hearing. Clients of the WLS were under the impression that reporting a sexual assault would necessitate lengthy travel to other centres.

At the moment victims know that they have to travel to Dubbo, Orange or Bathurst sometimes after being raped. That is an absolutely unacceptable thing to go through. And they receive transport one way but then have to

17 Mr Michael Allen, Housing NSW, *Committee Hansard*, 15 October 2009, p. 99.

18 Mr Michael Allen, Housing NSW, *Committee Hansard*, 15 October 2009, p. 100.

19 Ms Donna Hensen, Women's Legal Services, *Committee Hansard*, 15 October 2009, p. 15.

20 Ms Natascha Rohr, Women's Legal Services, *Committee Hansard*. 15 October 2009, p. 16.

make their own way home again. This impacts hugely on whether they are going to report it or not.²¹

5.25 The committee wrote to the Director-General of NSW Health to clarify whether a qualified person was available in Bourke to undertake this testing, and if so how long this had been the case. The committee has not yet received a reply to this request and intends to follow up this issue its next report in 2010.

5.26 The committee is very concerned about the prospect of places like Bourke not having a person qualified to perform this procedure after a rape is reported as it will deter people from reporting sexual assault if they know that in order for the requisite evidence to be collected, they have to undergo a long journey to another town.

Funding arrangements

5.27 A common issue raised with the committee by groups in both New South Wales and Western Australia was the difficulty caused by funding arrangements for service delivery currently put in place by governments. Given the commonality of issues between the states that the committee has observed, the discussion about funding in this chapter is not restricted to New South Wales, but will also use evidence from Western Australia.

5.28 Problems with government funding structures can be categorised under three main points. Firstly, many witnesses voiced a need for greater flexibility in funding arrangements. Secondly many witnesses informed the committee that short term funding often set up a pilot programs or initiatives to fail, or severely impacted on the efficiency of a program. Lastly, witnesses from a range of services attested to the burden placed on their organisations by the excessive reporting required by government departments. These three issues are discussed below.

Flexibility

5.29 The need for greater flexibility from governments was discussed in chapter two of this report. The chapter included comments by witnesses who were critical of the centralised structure of governments and problems with consultation and communication with communities. Many witnesses in both New South Wales and Western Australia informed the committee that the inflexible nature of government funding and the centralised decision making that determined funding criteria and allocation often prevented local organisations from running the programs they knew the community needed.

5.30 The Wheatbelt Development Commission (WDC) in WA raised this point, stating:

Any government funding by nature of accountability has to have guidelines and criteria. I think you heard a bit this morning that the decision making

21 Ms Donna Hensen, Women's Legal Services, *Committee Hansard*, 15 October 2009, p. 15.

and criteria are established by people who are a long way away from where the problem is. The public sector is relatively centralised nowadays, as are the banks and other major organisations. It is very difficult for local people to influence the selection criteria and what the money is made available for. You end up putting applications in for...but it is not really what you want the money for, but you still have to equip and spend the money anyway. So I think that, somehow, we need to get some flexibility into funding.²²

5.31 The WDC gave a recent example of how funding sources were often mismatched to what was actually needed on the ground:

It is fairly common. Here is one interesting example. We went to Perth at one stage...because we had spoken to some local Indigenous people and we decided that land based activity and getting groups of people work-ready for land based activity was what we wanted to do. We went in and had a look at all the funding sources for that. One of the federal groups had recognised that they were not putting much money into the wheat belt and wanted to talk to us about funding. We told them what we wanted to do and they said, 'Our money is not for that. Have you got anything to do with art? There is a lot of money for arts.'²³

5.32 The geography of the Wheatbelt region was also unsuited to the delivery of programs as intended by various funding sources:

The difference between us and, for example, the Kimberley is that in the Kimberley you may have 200, 500 or 600 Aboriginal people in a discrete community that are all the same group. We can have one family in this town, one in this town and one in that town. The funding models and the project models are based around a central point, which works in Geraldton and Albany and those sorts of places, but that will only work for the people in that one town. So there is a lack of flexibility in the way the service is delivered.²⁴

5.33 The Kimberly Language Resource Centre informed the committee of the difficulty they had in finding funding for an Indigenous language program for children due to the lack of any flexibility for such programs or potential funding sources:

To apply for funding, we have to have a product at the end of it—a book, a dictionary. That is not how we want to go. We want to be able to take our kids out bush and immerse them in the language so they are hearing it and picking it up. There is really no product at the end of that. For us to be able

22 Mr Grant Arthur, Wheatbelt Development Commission, *Committee Hansard*, 8 October 2009, p. 51.

23 Mr Grant Arthur, Wheatbelt Development Commission, *Committee Hansard*, 8 October 2009, pp 53–54.

24 Mr Grant Arthur, Wheatbelt Development Commission, *Committee Hansard*, 8 October 2009, pp 54–55.

to get funding to do something like that—we call it teaching on country—it is very hard. There are no criteria that fit this.²⁵

The main issue is when the submission rounds are open and you are writing your criteria that are set down in wherever—Canberra, Perth—on how your project fits into the conditions that they are giving the funding out of, we would not usually fit those criteria. What they see in Canberra as the criteria for this year, whatever they may be—documentation, archiving—are not what we need. We need to be able to take our kids out bush to teach them and that does not fit. It is not a high ranking against the criteria that they are giving out the money on. So we do not get the money.²⁶

5.34 The committee notes that sound investment requires the best possible information in order to direct funds to the areas with the greatest benefit to the communities. Generally, community based organisations and service delivers and the communities themselves are the holders of this information. They are naturally more aware of what is required by a community than those in a central government policy-making environment. It is thus essential that government funding mechanisms are able to capture the information held by those at the ground level. The evidence before the committee suggests that this is not currently the situation and that greater flexibility will be required in order to maximise the efficient allocation of government funding.

5.35 The committee is therefore encouraged by the New South Wales Government Partnership Communities Program, part of the Two Ways Together strategic plan.

5.36 Ms Jodie Broun of the NSW Department of Aboriginal Affairs explained the motivation of the strategic plan to the committee at the hearing in Sydney.

It is really about government working closely with Aboriginal communities. That is the principle and philosophy of it. It is about working in partnership with Aboriginal communities and recognising that Aboriginal people know best the needs of their community, and that there is not a one-size-fits-all. We are coming up with different solutions for different communities.²⁷

5.37 Genuine partnerships with communities will enable those with the best information to ensure funding decisions are informed and efficient.

Security of Funding

5.38 Another major issue referenced by witnesses in New South Wales and Western Australia was the need for long term funding. The committee takes long term funding to mean at least three years, but ideally, five to ten years. Many witnesses told

25 Ms Vikki Butters, Kimberley Language Resource Centre, *Committee Hansard*, 25 August 2009, p. 25.

26 Ms Vikki Butters, Kimberley Language Resource Centre, *Committee Hansard*, 25 August 2009, p. 26.

27 Ms Jodie Broun, Department of Aboriginal Affairs, *Committee Hansard*, 15 October 2009, p. 90.

the committee it took time for any service to find their feet and develop relationships with the community, meaning the first six months to a year may not yield any results.

...if a service is funded for a year or funded for two years, you have the same situation that we find with our teachers in our 12 remote area schools, that the first year is spent by people trying to embed themselves in the community and the second year is often useful, if people have learned something in the first year. When you have services that are financed for two years and then they stop, it is really setting agencies and setting communities up to fail.²⁸

5.39 The Association of Children's Welfare Agencies also highlighted the difficulty of a new service succeeding given a funding window of three years or less.

Anybody who worked in regional or remote Australia would know that three years is just enough time to build relationships and for anything to start working. By the time we start seeing good outcomes that is when the funding stops and something else comes up or other parallel programs come onboard and people experience myriad programs that do not necessarily connect with each other and they are not necessarily coordinated. Hence, we see patches of outcomes rather than a consistent outcome across the board, and that is why we do not see sustainable changes or sustainable outcomes.²⁹

5.40 Similarly, a limited funding duration often resulted in the last few months of a service being occupied with negotiations for new funding. The net result is an inefficient use of funds resulting from short-term funding and a higher likelihood of a program failing.

...how long does it take for you to be a local in remote communities? If you think about a three-year contract, in my view that is a service contract. It really should be a partnership. People in their heads think that it is a three year piece of work, but the reality is that in small towns or communities it takes people six to eight months to be able to have the relationships and to be able to start functioning well enough. That is just how it is. It takes time to be accepted. It takes time to know who to go to and not to go to, how this works, how that works and how to influence that. I am being generous, but I suspect from my experience that it is around six to eight months before people will start giving you that because they see that you are still there for a start. That has brought your three years down to 2½ years. If it is a three-year contract and the end is ambiguous and fuzzy about what is going to happen, you are spending the last six months trying to position yourself to get something else. Your three years, in effect, has probably come down to between 18 months or two years of effective operation.³⁰

28 Fr Matthew Digges, Catholic Diocese of Broome, *Committee Hansard*, 26 August 2009, p. 71.

29 Ms Sylvia Ghaly, Association of Children's Welfare Agencies, *Committee Hansard*, 15 October 2009, p. 5.

30 Mr Phillip Leslie, Mission Australia, *Committee Hansard*, 15 October 2009, p. 46.

5.41 The Wheatbelt Development Commission spoke of the corrosive effect on community morale resulting from programs stopping and starting due to unsecured funding arrangements.

...we have refused to get involved with other communities in our region...unless we can get three years funding, because the cycle of working with Indigenous people is that you constantly run a project that runs out of money and then you have to wait for five years and start again. The people get excited and then they are let down, get excited and are let down. We have said that unless we get some funding that will carry us through to when it is a success, instead of failure after failure, we are not interested.³¹

5.42 UnitingCare also emphasised the need to develop trusting relationships with communities, stating that secure long term funding is needed in order to develop this trust.

...what we need are service delivery models that are long term in their approach, that can provide space for flexible and innovative service delivery, and for building trust and long-term relationships with families and communities. I am sure it will not escape you that the key words in those sentences are 'long-term', 'flexible' and 'trust'. Short-term funding arrangements or programs that are frequently implemented as pilot programs only cannot achieve meaningful engagement with regional and remote Indigenous communities. This is particularly true of communities where there is intergenerational experience of social exclusion and isolation.³²

5.43 The committee heard a similar story in Fitzroy Crossing where Nindilingarri Cultural Health Services informed the committee of the disruption caused by policy and funding changes in Canberra and Perth. This was particularly frustrating to the organisation as it took them time to communicate each policy to the community as a whole.

Government funding and changes throw us out of whack. It can take you up to two years to get that kind of understanding here right across the valley and the communities. Just when you are getting that understanding on the ground and getting something happening, another government comes in, shifts the goalposts and we say, 'Guess what, team? We've got to kick the other way now.' That just throws the whole process of trying to establish anything in this valley right out of whack. It takes the wind out of the sails of the people who work hard out in the bush. It takes the wind out of the

31 Mr Grant Arthur, Wheatbelt Development Commission, *Committee Hansard*, 8 October 2009, p. 57.

32 Ms Jane Woodruff, UnitingCare Children, Young People and Families, *Committee Hansard*, 15 October 2009, p. 65.

sails of the community, I am sure. We are tired of it. We want longer term planning and funding of programs and projects.³³

5.44 The committee recognises that part of the logic behind short term funding is the need for governments to ensure that they are funding successful enterprises. If a program or service is not successful, continual funding can be a waste of government resources. However, this creates a dilemma. Governments may refuse to continue to fund new programs without indicators that the program is a success. However, a program may fail as the funding has not been of a sufficient duration to allow the program to efficiently operate.

5.45 Mission Australia suggested a model whereby funding was committed for 10 years with a regular reporting period to monitor progress and a secure governance structure in place.

Mr Leslie—If it was a partnership agreement rather than a service agreement where every three months you send in another report detailing what you did with this, that and the other, you have a genuine partnership where governance includes members from the community, the organisation and the funder who actually govern it properly and it is long term and that is built into it, in my view that would be a better way to go.

Senator MOORE—On a three-year time frame?

Ms Hampshire—No, not in a three-year time frame. A 10-year funding agreement does not mean that you just account at the end of the 10 years. There are easy ways to build in accountability as you go, but you have some level of certainty at the start-up that you are there for 10 years. That is not only important for us. It is actually much more important for the community because they say, ‘You’re going to stick around’, and as Mr Leslie said, this is significant.³⁴

5.46 The committee recognises the dilemma faced by governments and the tension between the need for accountability and efficient use of these funds on one hand, with the need to provide an appropriate structural and resource framework which supports programs to succeed. However, the committee considers that longer term funding, particularly in relation to existing services that have relationships with communities, and with government agencies should be prioritised by governments.

Overburden

5.47 A report by the Cooperative Research Centre for Aboriginal Health released in August 2009 titled *The Overburden Report: Contracting for Indigenous health services* (the *Overburden Report*) found that Aboriginal Controlled Community

33 Mr Patrick Davies, Nindilingarri Cultural Health Services, *Committee Hansard*, 24 August 2009, p. 52.

34 Ms Anne Hampshire & Mr Phillip Leslie, Mission Australia, *Committee Hansard*, 15 October 2009, pp 46–47.

Health Services are 'funded in more complex ways, and from more sources, than equivalent mainstream health care organisations, and that this is a barrier to providing responsive care, and brings heavy overhead costs.'³⁵

Our study confirms the complexity and fragmentation of funding, and the heavy burden of acquiring, managing, reporting and acquitting funding contracts for both providers and funders. This problem affects Indigenous organisations across many portfolio areas (housing, land, education etc.) and is widely recognised.³⁶

5.48 The committee's observations in New South Wales and Western Australia are consistent with the findings of the Overburden Report. For instance, the Kimberley Aboriginal Medical Services Council informed the committee that they administered approximately 60 funding grants and that they had to report quarterly on most of them, taking several staff members two weeks to accomplish.³⁷

5.49 Nindilingarri Cultural Health Services suffered from a similar problem, complaining that the size of the grant did not seem to have any bearing on the amount of reporting required.

Mrs Muir—We have a big mob of grants that are all onerous in their reporting requirements—just little bits here, there and everywhere to do little bits of anything and everything. But you still have to do the same level of reporting, regardless of whether you get \$300,000 out of them or whether you get half a million dollars, \$800,000 or \$900,000 out of them. So, yes, we have multiple grants and we have to report on them all, which is really onerous for the staff³⁸

5.50 The problem was not limited to the non-government sector, as Western Australian Country Health informed the committee:

As with all grants, there is time taken in putting a submission together and meeting the deadlines of the grants coming up and that is fairly standard. There is a fair amount of reporting tied up with relatively small grants. Whether the grants are for \$1.6 million or for \$100,000 there seems to be the same level of reporting required³⁹

5.51 Ironically, attempts by the Commonwealth to reduce reporting requirements caused Nindilingarri to have to report twice due to late communication of the change:

35 Cooperative Research Centre for Aboriginal Health, *New research shows complexity of Indigenous health funding an impediment to success*, Press release, 17 August 2009.

36 Cooperative Research Centre for Aboriginal Health, *The Overburden Report: Contracting for Indigenous health services (short summary)*, August 2009, p. 2.

37 Ms Lynette Masuda, Kimberley Aboriginal Medical Services Council, *Committee Hansard*, 26 August 2009, p. 30.

38 Mrs Patricia Muir, Nindilingarri Cultural Health Services, *Committee Hansard*, 24 August 2009, p. 68.

39 Mr Sean Conlan, Western Australian Country Health Service, *Committee Hansard*, p. 12.

...obviously through COAG there have been significant changes in the reporting on the [Office for Aboriginal and Torres Strait Islander Health (OATSIH)] funding. Our OATSIH report was due in on 15 August, and I sent our report through on 11 August, only to receive an email back from our project officer to say, 'Your funding reporting requirements have changed; you will no longer be reporting this way.' Attached was a letter, dated 11 August, to advise us of the change in the reporting.

Senator MOORE—With a due date of 15 August?

Mrs Muir—The due date was the 15th, and it was sent in on the 11th. It was a response letter, mind you.

Senator MOORE—Can we get a copy of that?

Mrs Muir—You certainly can. She said that these letters should have arrived; however, the letter from Canberra arrived two days later, which was the 14th—the day before the report was due. That is terrible, because I believe we are now expected to do that reporting again in a different form.

Senator MOORE—And you went through blood to get yours in by 11 August.

Mrs Muir—Absolutely.⁴⁰

5.52 The committee commends The Overburden Report to the Commonwealth, state and territory governments and encourages governments to be mindful of the burden imposed on organisations by reporting requirements.

Senator the Hon Nigel Scullion

Chair

40 Mrs Patricia Muir, Nindilingarri Cultural Health Services, *Committee Hansard*, 24 August 2009, p. 69.

Appendix 1

List of Public Submissions received since the committee's second report of 2009

Sub No:	Submission
4b	Australian Association of Social Workers
37b	Kimberley Aboriginal Law and Culture Centre (WA)
37c	Kimberley Aboriginal Law and Culture Centre (WA)
93	Wheatbelt Development Commission
94	BoysTown (QLD)
95	Minjerribah Moorgumpin Elders-in-Council Aboriginal Corporation (QLD)
96	Sister Alma Cabassi rsj (WA)
97	Djarindjin Aboriginal Corporation (WA)
98	West Australian Indigenous Traditional Culture and Healing (WAITCH Project) (WA)
99	Wangkatjunga Community (WA)
100	Indigenous Education Alliance (QLD)
101	Kaiadilt Aboriginal Corporation (QLD)
102	Leedal Pty Ltd (WA)
103	Waluwarra Aboriginal Corporation (QLD)
104	Western Australian (WA) Police
105	Narrogin Aboriginal Community Reference Group
106	South West Aboriginal Medical Service
107	KEEDAC
108	Dr Rosalie Schultz
109	Housing NSW
110	Secretariat of National Aboriginal and Islander Child Care Submission

Additional Information received since the committee's second report of 2009

Key additional information provided to the inquiry

- Attachment to Submission 97- *Provided by Djarindjin Aboriginal Corporation (WA) Friday 21 August 2009*
- Additional information addressing evidence gathered at hearings held in the Kimberley on 24, 25 and 26 August 2009 - *Provided by Centre for Appropriate Technology Wednesday 2 September 2009*
- Statement of clarification by the Shire of Halls Creek for a public hearing on 25 August 2009
- Statement of clarification by the Department of Health WA for a public hearing on 8 October 2009
- Statement of clarification by the WAITCH Project for a public hearing on 9 October 2009

Answers to Questions on Notice

- **Second Report June 2009**

Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery

Minister for Families, Housing, Community Services and Indigenous Affairs

Minister for Indigenous Affairs

- **Hearing 24 August 2009**

Fitzroy Valley Health Services

Shire of Derby and West Kimberley

- **Hearing 25 August 2009**

Shire of Halls Creek

Halls Creek People's Church

Warmun Community

- **Hearing 26 August 2009**
Nirrumbuk Aboriginal Corporation
- **Hearing 9 October 2009**
Department of Housing WA

Tabled Documents

- **Hearing 9 October 2009**
 - Offender Services Directorate, Department of Corrective Services
- **Hearing 15 October 2009**
 - Outcomes Hierarchy: Pathways to strong families and healthy, happy children, Mission Australia
 - Case Studies, UnitingCare Children, Young People & Families

Appendix 2

Witnesses who appeared before the committee at public hearings

Monday 24 August 2009

Karrayili Adult Education Centre, Fitzroy Crossing WA

Committee Members in attendance

Senator Scullion (Chair)

Senator Adams

Senator Siewert

Senator Moore

Witnesses

Fitzroy Futures Governing Committee

Mr Joe Ross

Western Australia Country Health Service

Mr Bert Dorgelo

Ms Genevieve Hawkes

Marninwarntikura Women's Resource Centre, Mobile Playgroup Unit

Ms Helen Fitzgerald

Ms Christine Gray

Kurungal Council

Ms Rhonda Wilcomes

Mr Gerrard Lawford

Shire of Derby/West Kimberley

Ms Elsia Archer

Mr Shane Burge

Ms Annette Kogolo

Mr Andrew Twaddle

Nindilingarri Cultural Health Services

Mr Patrick Davies

Ms Trish Muir

Marninwarntikura Women's Resource Centre

Ms Christine Gray

Ms Olive Knight

Marra Worra Worra Inc.

Mr Harry Yungabun

Karrayili Adult Education Centre

Ms Carolyn Davey

Ms Irene Jimbidie

Mr William Shaw

Ms Tamela Vestergaard

Mr Philip Hams (private capacity)

Kimberley Aboriginal Law and Culture Centre

Mr Joe Brown

Mr Neil Carter

Mr Matt Dawson

Mr Wes Morris

Leedal Pty Ltd

Mr Patrick Green

Mr John Rodrigues

Tuesday 25 August 2009

Halls Creek Recreation Centre, Halls Creek WA

Committee Members in attendance

Senator Scullion (Chair)

Senator Adams

Senator Siewert

Senator Moore

Witnesses

Shire of Halls Creek

Mr Warren Olsen

Warmun Community (Turkey Creek) Inc.

Mr Chris Clare

Kimberley Language Resource Centre

Mrs Patsy Bedford

Ms Vikki Butters

Ms Siobhan Casson

Ms Olive Knight

Mr Stewart Morton

Yarliyl Art Centre

Ms Bonnie Deegan
Ms Thelma McGinty
Ms Lulu Trancollino

Ms Jane Butters (private capacity)

Halls Creek People's Church

Mr Henry Ahchoo
Mr Jamie Elliot
Mrs Kathleen Bates
Pastor Jonathan Bates
Ms Laura Florisson
Mr Robert Reichel

Halls Creek Aboriginal Corporation

Ms Mildred Hills

Kimberley Aboriginal Medical Services Council

Ms Valma Banks
Ms Eva Johnson

Yura Yungi Aboriginal Medical Services

Mr Chris Loessl
Ms Virginia O'Neil
Mr Franky Sampi

Dr David Shepherd (private capacity)

Taylor's Store

Mr Stephen Barnes

Ngaringga Ngurra Aboriginal Corporation Safehouse

Ms Joan Bedford
Mrs Dale Reichel

Wednesday 26 August 2009

Nirrumbuk Skills Centre, Broome WA

Committee Members in attendance

Senator Scullion (Chair)
Senator Adams
Senator Siewert
Senator Moore

Witnesses

Aboriginal Legal Service of Western Australia

Mr Dominic Brunello

Mr Peter Collins

Kimberley Land Council

Mr Tom Birch

Mr Nolan Hunter

Kimberley Aboriginal Medical Services Council

Ms Maxine Armstrong

Ms Lynette Masuda

Nirrumbuk Skills Centre

Mr William Clements

Mr Bob Mahony

Ms Tehani Mahony

Mamabulanjin Aboriginal Corporation

Mr Neil Gower

Mr Thomas King

Shire of Broome

Mr Graeme Campbell

Mr Kenneth Donohoe

Catholic Diocese of Broome

Father Matthew Digges

Lombadina Aboriginal Corporation

Ms Caroline Sibosado

Western Australia Police

Inspector Garry Annetts

Inspector James Cave

Thursday 8 October 2009

Narrogin Town Hall, Narrogin WA

Committee Members in attendance

Senator Johnston (Acting Chair)

Senator Pratt (Acting Deputy Chair)

Senator Siewert

Senator Adams

Witnesses

WA Country Health Service

Mr Sean Conlan, Acting Director of Wheatbelt Population Health

Mr Tim Free, Regional Director

Mr Paul Seats, Operations Manager Southern Wheatbelt

Ms Alison Woods, Acting Manager, Wheatbelt Aboriginal Health Service

Ms Dee Hollett, Acting Manager, Southern Wheatbelt Primary Health Service

Ms Meredith Freebairn, Team Leader, Great Southern Mental Health Service

South West Aboriginal Medical Service

Mr Quenten Jackson, Health Service Manager

Mr Paul Snellgrove, Social Worker

Mr Darryl Kickett (private capacity)

Associate Professor Ted Wilkes (private capacity)

Mr Darrell Henry (private capacity)

Narrogin Police

Senior Sergeant Martin Voyez

Inspector David Picton-King

Wheatbelt Development Commission

Mr Grant Arthur

Mr Graham Ellis-Smith

Narrogin Aboriginal Reference Group

Ms Priscilla Kickett

Mr Basil Kickett

Narrogin Elders Group

Mr Les Eades, Elders Group

Mrs Murrel Bolton, Elders Group

Kooraminning Aboriginal Corporation

Mr Murray Riley

Mr Dean Colbung

District Education Office

Ms Erica McGuire

Friday 9 October 2009

Legislative Council Committee Office, Perth WA

Committee Members in attendance

Senator Johnston (Acting Chair)

Senator Pratt (Acting Deputy Chair)

Senator Siewert

Senator Adams

Witnesses

Legal Aid WA

Mr Lex Payne, Director Regional

Ms Anna O'Connor, Lawyer, Acting Solicitor in Charge of the Goldfields Regional Office

Mr Malcolm Bradshaw, Director Business Services

WAITCH project

Ms Kadambii Barnao

Mr Vasudeva Barnao

Elder Ken Colbung Nundjan Djiridjakin

Mr Dennis Simmons Kaiber

Ms Tracy Gilbert

Mr Shannon Kearing

Commissioner for Children and Young People

Ms Michelle Scott, Commissioner

Liquor Commission

Mr Jim Fremantle, Chairman

Department for Child Protection

Mr Terrence Murphy, Director General

Mr Ross Councillor, Manager Consulting Services

Desert Knowledge Australia

The Hon Fred Chaney AO, Chair

Department of Corrective Services

Mr Neil Fong, Assistant Commissioner

Ms Jacqueline Tang, Deputy Commissioner, Offender Management and Professional Development

Department of the Attorney General

Mr Andrew Marshall, Manager, Research and Analysis

Department of Indigenous Affairs

Mr Patrick Walker, Director General

Ms Noela Taylor, Executive Director, Policy and Reform

Mr Duncan Ord, Executive Director, North

WA Police

Acting Commander Darryl Gaunt

Mr Robert Skesteris, Executive Manager of Indigenous and Community Diversity Unit

Detective Inspector Steve George

Detective Inspector Darren Seivwright

Western Australian Local Government Association (WALGA)

Mr Bill Mitchell, President

Ms Jody Holbrook, Policy Manager Community

Thursday 15 October 2009

Masonic Centre, Sydney NSW

Committee Members in attendance

Senator Scullion (Chair)

Senator Moore (Acting Deputy Chair)

Senator Adams

Senator Payne

Witnesses**Association of Children's Welfare Agencies (NSW)**

Ms Sylvia Ghaly, Manager of Policy and Membership

Women's Legal Service NSW

Ms Donna Hensen, Coordinator of the Indigenous Women's Program

Ms Natascha Rohr, Acting Supervisor, Solicitor of Women's Legal Resource Centre

NSW Bureau of Crime Statistics and Research

Dr Don Weatherburn, Director

Mission Australia (NSW)

Ms Anne Hampshire, National Manager, Research & Social Policy

Mr Phillip Leslie, State Director for the NT

TAFE NSW (NSW)

Ms Kathy Rankin, General Manager, Training and Education Support

Mr Paul Callaghan, Institute Director, New England Institute of TAFE

Mr Tony Dreise, Director Aboriginal Learning Partnerships, North Coast Institute,

UnitingCare Children, Young People & Families Services (NSW)

Ms Jane Woodruff, Direct of Uniting Care Children, Young People and Families

Ms Rita Perkons, Director of Social Justice, partnerships and communication
Ms Liz Price, Acting Manager of Orana Far West Area
Ms Servena McIntyre, Manager of Child Family Team

NSW Department of Corrective Services (NSW)

Mr Luke Grant, Assistant Commissioner, Offender Services and Programs
Ms Rhonda Booby, Executive Director, Offender Services and Programs
Ms Susan Wojciechowski, Senior Project Officer

Department of Aboriginal Affairs

Ms Jody Broun, Director-General

Housing NSW

Mr Mike Allen, Chief Executive

Appendix 3

NT government schools in prescribed areas of the NT with an Australian government funded school nutrition program in place at 2 November 2009 (0=59)

Alcoota School	Kalkaringi School	Peppimenarti School
Alcoota School	Laramba School	Pigeon Hole School
Alpurrurulam School	Lajamanu School	Pularumpi School
Amoonguna School	Mamaruni School	Ramingining School
Ampilatwatja School	Maningrida School	Robinson River School
Angurugu School	Manyallaluk School	Shepherdson College
Areyonga School	Milikapiti School	Stirling School
Barunga School	Milingimbi School	Ti Tree School
Belyuen School	Milyakburra School	Titjikala School
Bulman School	Minyerri School	Umbakumba School
Canteen Creek School	Mt Allan School	Wallace Rockhole School
Docker River School	Murray Downs School	Walungurru School
Epenarra School	Mutjitjulu School	Warruwi School
Finke School	Neutral Junction School	Watiyawanu School
Gapuwiyak School	Nganmariyanga School	Willowra School
Gunbalanya School	Ngukurr School	Woolianna School
Haasts Bluff School	Ntaria School	Wugularr School
Harts Range School	Numbulwar School	Yarralin School
Imanpa School	Nyirripi School	Yuendumu School
Jilkminggan School	Papunya School	

NT catholic education office schools in prescribed areas of the NT with an Australian government funded school nutrition program in place at 2 November 2009 (0=5)

Ltyentye Apurte CEC
Murrupurtiyanuwu
OLSH Thamarrur
St Francis Xavier's School
Xavier CEC

