

**Submission**  
to  
**Senate Select Committee**  
on  
**Regional and Remote Indigenous Communities**

Inquiry into:

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

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**Submitters:** Laynhapuy Homelands Association Inc. on behalf of our members  
- Traditional Owners of the Laynhapuy, Djalkarripyungu and  
Miyarkapuyngu regions of North East Arnhem Land

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## Background of Laynhapuy Homelands Assoc Inc.

### *History, Members & Legal Basis*

Laynhapuy Homelands Association Inc, also known as Laynha, is a member based association of the Yolngu from the Laynhapuy, Djalkirripuyngu and Miyarrkapuyngu areas of north east Arnhem Land. The clans that make up this membership include;

Gupa Djapu	Wangurri	Wunungmurra	Manggalili
Dhudi Djapu	Djambarrpuyngu	Dhalwangu	Marrakulu
Rirratjingu	Gupa Gumatj	Gumana	Golumala
Gupapuyngu	Burarrwanga	Dhalwangu	Marrangu
Däti'wuy	Gumatj	Munyuku	
Ngaymil	Yarrwidi	Djarrwark	
Warramiri	Gumatj	Madarrpa	

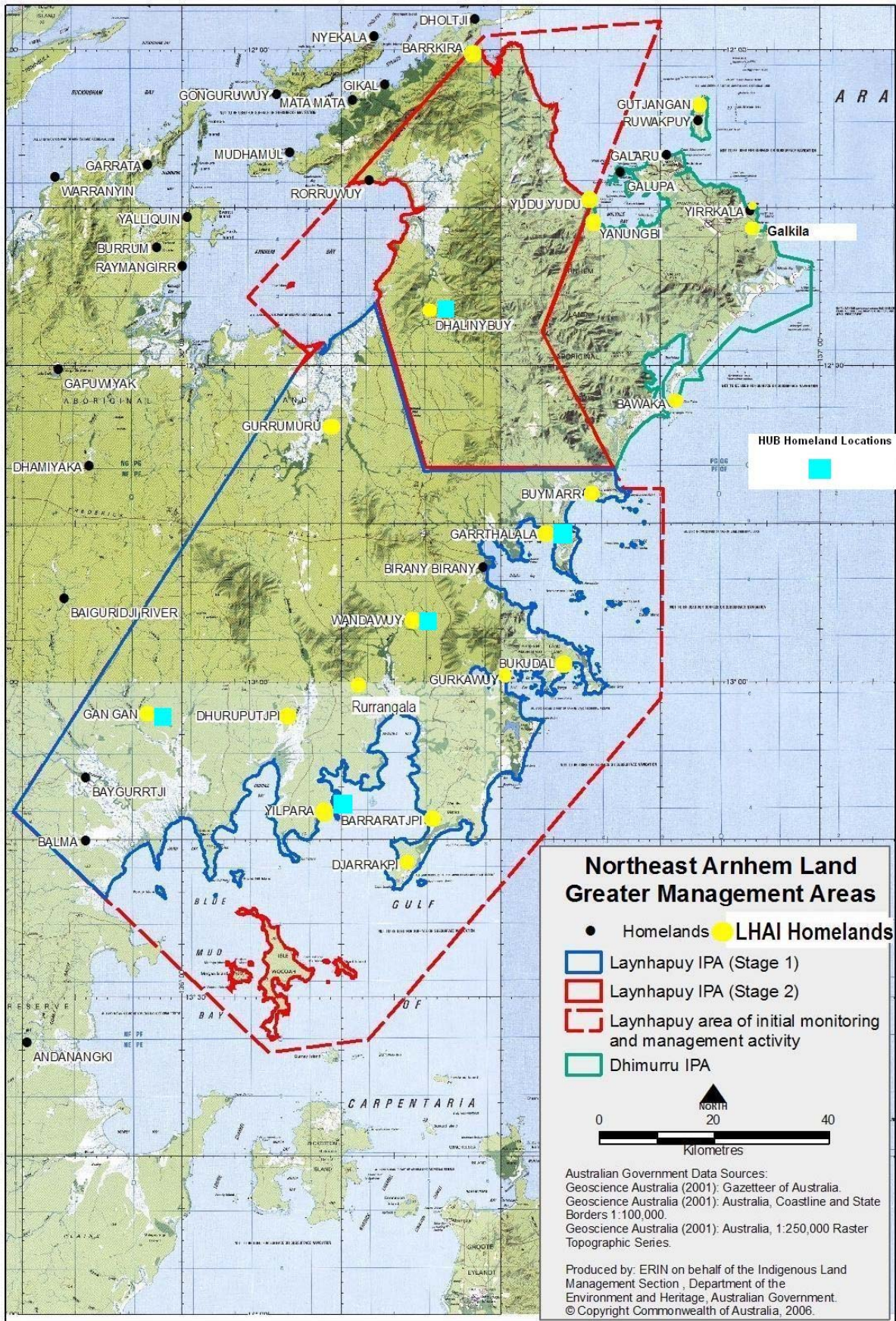
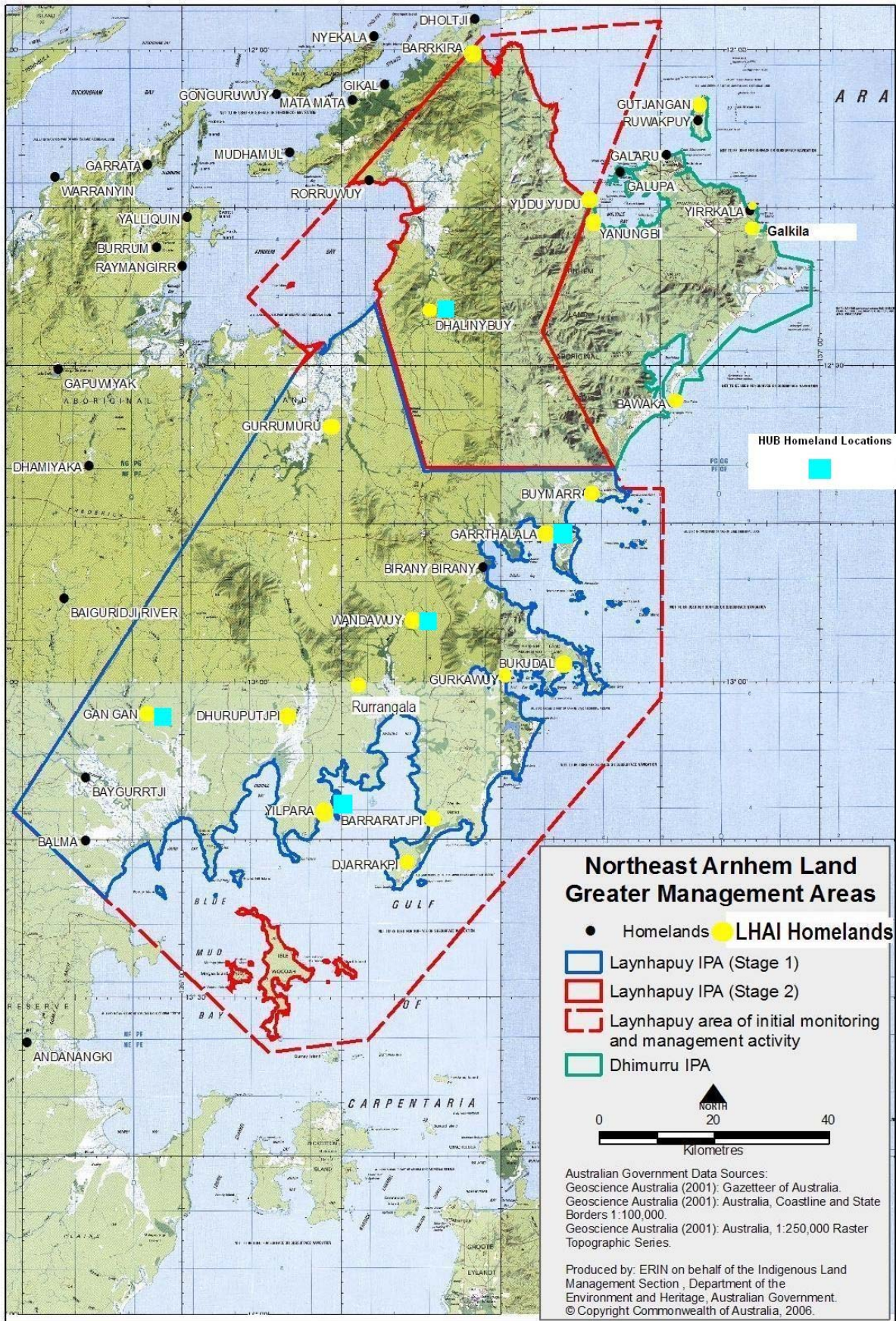
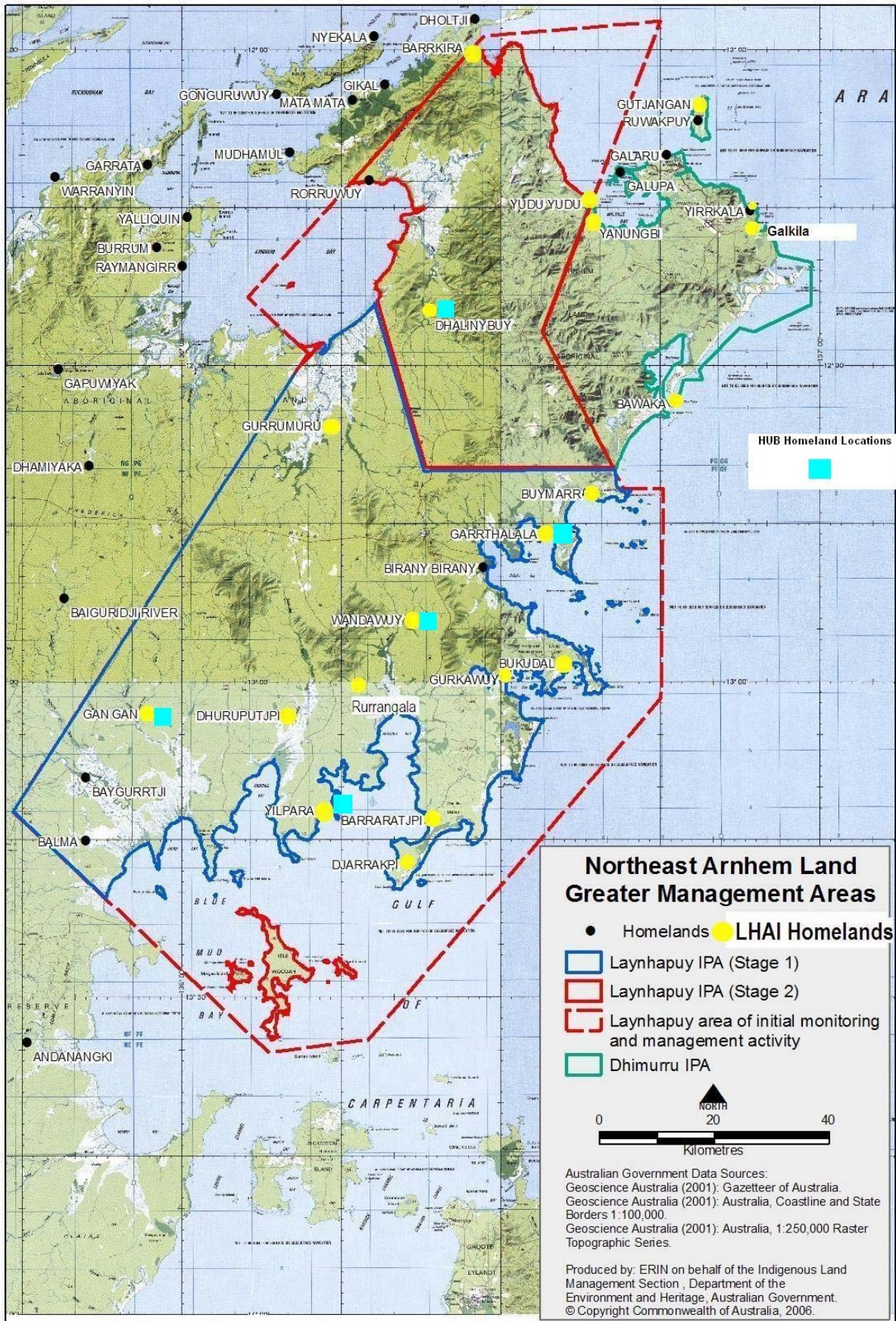
In the decades prior to 1970, the Yolngu people in the East Arnhem region had been congregated in various missions, the most easterly of which was Yirrkala on the Gove Peninsula. In April 1972, partly in response to the establishment of the nearby mining town of Nhulunbuy, senior Aboriginal leaders resolved, with their extended families, to move back to their traditional clan lands and sea country over an extensive area to the south-west.

Starting in the early 1970's and working together with the assistance of a development worker from the Mission, the Yolngu cleared their airstrips mainly by hand, and built their early houses using homeland timber and the residents' own labour under the supervision of qualified builders. In 1985, in order to further their wish to live on their country and develop their homeland communities through the provision of service and infrastructure etc., they established **Laynhapuy Homelands Association Inc. (LHAI)**.

The Association continues to exist because of the strength and benefit Yolngu of the Homelands gain from working together and speaking with one voice to achieve their common objectives.

There are currently 19 homelands of varying size that are associated with and receive support services from the Laynhapuy Homelands Association Inc. These homelands have a collective population of up to 800 residents during the dry season and about 600-700 during the wet. The homelands include:

Barraratjpi	Djarrakpi	Rurrangala
Barrkira	Galkila	Wandawuy
Bawaka	Gangan	Yangunbi
Bukudal	Garrthalala	Yilpara
Buymarr	Gurkawuy	Yudu Yudu
Dhalinbuy	Gurumuru	
Dhuruputjpi	Gutjangan	



LHAI is incorporated under the Northern Territory *Associations Act*. It is a not for profit organisation and has tax status as a Public Benevolent Institution, is income tax exempt, registered for GST and is a Tax Deductible Gift Recipient.

The Association consists of general members, an annually elected Board of Directors that governs the organization, and staff employed by that Board of Directors.

The Laynhapuy homelands are on Aboriginal land held as inalienable freehold title by the Arnhem Land Aboriginal Lands Trust established under the Commonwealth's *Aboriginal Land Rights Act (Northern Territory) 1976*. The Association has no statutory or other powers in relation to land use, planning or services.

## **Organisation Structure and Business Goals**

LHAI is organisationally structured around the vision of its founders and strategic priorities.

### ***The Old People's Vision for the Yolngu of the Homelands:***

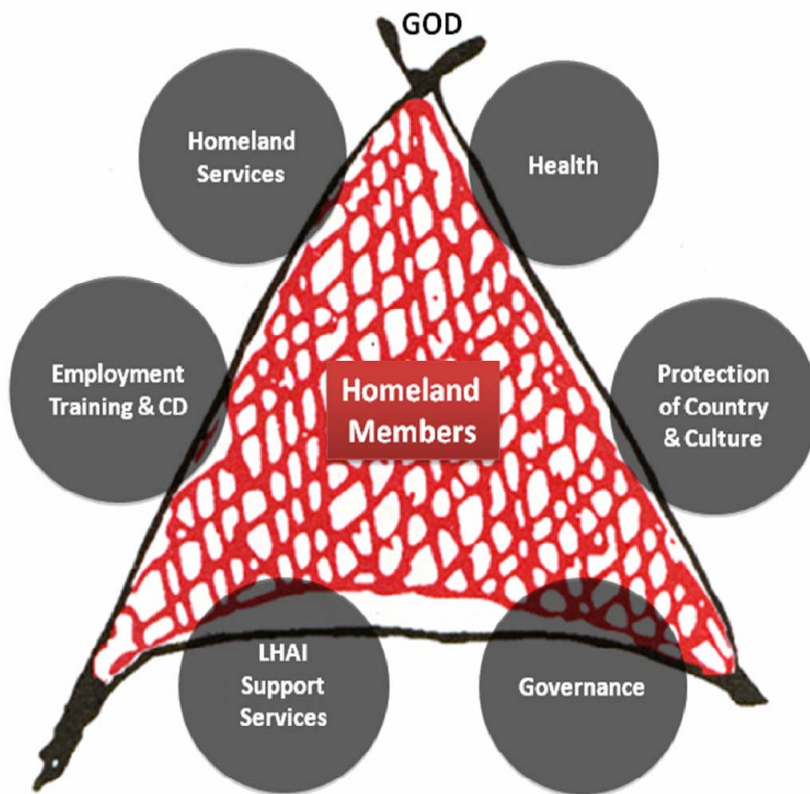
*To determine our own future, to manage our own affairs, to become self sufficient so the homeland mala can continue to live in peace and harmony*

The old people have charged Laynhapuy Homelands Association Incorporated (LHAI) with the responsibility to provide the structure and support for the development of homeland facilities and service, to maintain the land, the culture and the wanga (homeland centre) for future generations of homeland mala and support them in the achievement of self sufficiency in the management and determination of our future. And to do this by recruiting highly skilled employees with commitment and respect or Yolngu culture who are willing to train and assist Homeland mala to achieve the necessary skills, knowledge and competencies to bring about their vision.

### ***Purpose & Mission:***

1. To support the Yolngu members of the Homeland communities serviced by the Association through programs that deliver:
  - Maintenance and protection of country and culture
  - Employment, training and economic development opportunities
  - Good standards of communications and infrastructure in homelands; and
  - Good health, social welfare, community development and educational outcomes.
2. To promote, in all of its work, the common good and benefit of its members

## LHAI Core Business



LHAI is structured to provide services to support members in the following areas:

1. Protection of Country & Culture
2. Health
3. Homeland Services
4. Employment, Training & Community Development

Governance and Corporate Services

## Services

The Association has a Resource Centre which administers a range of services to the Homeland communities. The Resource Centre is based at Yirrkala, 20 km by sealed road from the regional centre of Nhulunbuy, and 7 km from Gove Airport.

Some of the services provided by LHAI include the Community Development Employment Program (CDEP) and training coordination, community and Age & Disability Care Service, Laynhapuy Health Service, essential services maintenance, housing management, Indigenous natural resource management, and development support for homelands.

There are fifteen airstrips, 96 houses, as well as bores, tanks and power supply systems that are maintained. There are also five homeland offices, and 9 homeland clinics or clinic rooms. The Association is also responsible for 540km of minor roads connecting homelands to the major regional road, the Central Arnhem Road. LHAI has a building construction and maintenance and civil works section and mechanical workshop to support its operations.

Since early 2004, five of the Homelands have conducted their day to day business from Community Offices situated in the homelands. These offices are supported by satellite connections and generators and have access to modern communications (phone, fax, internet) and to computer and information technology.

Primary school education is delivered to 5 homelands by the NT Education Department through the Yirrkala Homelands Schools headquartered in Yirrkala. Secondary School Education is carried out at one homeland (Garrthalala) for all Homeland secondary school students. Junior and senior secondary students board at the school alternate weeks.

In 1987 Laynhapuy Aviation Pty Ltd was established, and the Association began providing logistical support and passenger transport by air to our homelands with a helicopter service. This was followed by the commencement of a fixed wing aircraft operation in 1989. It is now a major provider of air charter services to remote communities and homelands throughout the East Arnhem region.

A very important development in the Association's work was the auspicing of the Indigenous Protected Area project in 2001 and the subsequent establishment, in 2003, of the Yirrkala Ranger program in response to traditional owners desire to manage their country and to deal with threats to cultural and environmental values. The Laynhapuy IPA Stage 1 was formally declared in September 2006, and the first Ranger Station at Yilpara was completed in 2007.

The map over the page shows the Laynhapuy Homelands Assoc Inc region and the location of the nineteen Laynhapuy Homelands and the boundaries of the Laynhapuy Indigenous Protected Area.

### ***Staffing***

With 28 new indigenous Ranger positions imminent, 75% of all salaried staff positions at LHAI will be held by local Yolngu people. Yolngu hold positions at various levels throughout the organisation, including CEO.

Additionally LHAI manages a further 285 CDEP participants.

## **LHAI Response to the Terms of the Inquiry.**

Laynhapuy Homelands Association speaks only for the Yolngu of our affiliated homelands.

We are aware, however, that many of the views expressed in this submission are shared by other Yolngu of the East Arnhem Land region.

The contention of LHAI is that the Northern Territory Emergency Response has in fact made the situation for homeland Yolngu somewhat worse rather than better.

LHAI takes a broad view of what constituted the 'intervention', which includes:

- The principal legislative measures associated with the NTER including
  - income management
  - alcohol prohibitions
  - publicly funded computers and control of restricted publications/materials.
  - appointment of government business managers
  - five year community leases
  - suspension of provisions of the Racial Discrimination Act.
- the proposed changes to the Aboriginal Land access permit system
- the proposed scrapping of the Community Development Employment Program (CDEP)
- the *Memorandum of Understanding between the Australian and Territory Governments on the Indigenous Housing, Accommodation and Related Services* in the wake of the intervention, including the transfer of responsibility for municipal, essential services and infrastructure funding for homelands from the Commonwealth to the Territory.
- the inter-meshing of Australian Government programs including the intervention with the establishment of the super Shires, and consequent appropriation of the resources of Community Councils and demolition of existing social capital through the winding up of these member owned community based associations.
- The ongoing pressures within Australian government policy towards 'mainstreaming', and corresponding failure of Government to accept both the desire and the human, civil, political and cultural rights of Yolngu people to choose to develop differently and to maintain their culture.
- The ongoing failure of Government to understand the massive gap in the cultural, social, and conceptual/linguistic world views they are expecting Yolngu people to jump to join the mainstream.
- the public denigration of traditional culture and the life of our communities by politicians, media, and political and social commentators in both the lead up to the intervention, and subsequently, as justification.
- the banning of kava.

- the further marginalisation of local and regional Indigenous voices in determining solutions for community needs, and their further subordination to new layers of non-indigenous bureaucracy and the opinions of non-Traditional outsiders who do not share our links to culture, law, language and country – who, continually assert they know what is best for us.
- The ongoing vagueness and ‘double talk’ by the Australian and Territory Governments regarding the long term future of community land and how the transition from 5 year to 99 year leases will be put into effect so the investment in new housing can be secured. Much has been said about new housing but little about security of tenure or just terms compensation.

LHAI does not deny that there may have been some remote communities where a strong centralised approach was required to respond to significant problems of social breakdown and violence, usually associated with the sale of alcohol by non-Indigenous businesses, and perhaps petrol sniffing.

LHAI regards the intervention as itself being fundamentally discriminatory as it has sought to treat all remotely located indigenous people as ‘all the same’ (and different from non-indigenous people) without regard to the conduct and attributes of individuals or families, or the characteristics and circumstances of particular communities. One size does not fit all ! The intervention was not an ‘evidence based’ approach to public policy, and failed and continues to fail to listen seriously to the many competent and committed Indigenous community members and workers and their non-Indigenous colleagues on the ground, who are best placed to understand the problems and identify workable solutions.

A partnership with local communities to identify and promote local solutions will work best. Local communities and organisation achieve a great deal with minimal resources. It is unknown what a local approach could achieve with the level of resources that are being thrown at an expanded bureaucracy and top down response under the intervention.

### **Understanding the Homeland Context**

First and foremost it needs to be understood that many of the social problems used to justify the intervention are not in evidence in the Laynhapuy homelands. Homelands are a very different social context to the major communities.

- Laynhapuy homelands have always been alcohol free.
- Alcohol related violence and anti-social behaviour is virtually non-existent.
- Gambling is not a significant problem in the homelands.
- Substance abuse is not a significant problem in the homelands
- Child abuse and sexual abuse incidents appear to be very rare based on health and police reports.
- Reported crime rates and need for police call outs (other than Access Permit breaches by non-indigenous people) are very low.



- School attendance is better than in larger communities
- Overall health status is be better than in large communities.
- CDEP has functioned effectively to keep homeland resident actively engaged in work activities that benefit the welfare of their communities.
- Additionally most individuals are actively engaged in economic activity through traditional hunting and food collecting activities, and many in the production of traditional arts and crafts.
- Traditional kinship relations, including the care of children, are the foundation of the homeland communities - but these necessarily looks different to anglo-centric family relationships of care and support.

In effect, the Laynhapuy homelands are extended traditional kinship communities with well defined social and authority structures. They are comprised of members of related clan groups living on their traditional clan estates, where Yolngu law still provides the basis for understanding social and property relations, interests and responsibilities.

Secondly it needs to be understood that the majority of Yolngu do not wish to be 'assimilated' or 'mainstreamed'. They strongly value their culture and law and links to country, and do not regard the fact of their physical/locational or cultural separateness from the mainstream as equating to being 'disadvantaged'. They are however, very frustrated, at the failure of government to respect this choice, and to appropriately support their aspirations for separate development through the provision of appropriate infrastructure and services to develop local capacity, such as is proposed in the LHAI 'hub' model of development. Their aspirations and efforts over the past 30 years to build their homelands as self-managing communities have been completely discounted and disregarded by Government policy leading up to and since the intervention.

Yolngu reject completely the characterisation of their homelands are 'cultural museums' which they need to be rescued from.

It is extremely difficult however, for homeland Yolngu to pursue any aspirations in a 21<sup>st</sup> Century economy without appropriate access to reticulated electricity, housing at acceptable occupancy levels, affordable access to food stuffs and household essentials, regular schooling by qualified teachers, access to English literacy, numeracy and oracy training for adults, access to VET training, telecommunications, media, postal or banking services, or properly resourced development programs.

These are the real issues impacting on the health, wellbeing and economic development prospects of homeland residents - not alcohol, substance abuse, violence, child abuse, or 'sit down money', or parental irresponsibility which were used to justify the intervention.

## **Impact of the Intervention of Homelands**

Although Laynhapuy Homelands Association Inc.'s 'resource centre' is based at Yirrkala, a major community targeted by the 'Northern Territory National Emergency Response' (NTER) legislation, its services are directed at Yolngu people living on the homelands.

The Laynhapuy homelands themselves are within the 'prescribed area' under the NTER legislation with respect to the:

- Alcohol measures
- Restricted publications measures
- Publicly funded computer measures and control of restricted publications/materials.
- Income management measures
- Community store licensing measures

However, they are outside the 'prescribed communities' and are therefore not subject to:

- 5 year community leases
- Direct oversight/involvement by Government Business Manager.

With the passing of responsibility for homelands to the Territory Government from 1 July 2008, the homelands are basically outside the scope of the Australian Government's investment programs in housing, infrastructure, services, etc. that will be occurring in the major communities.

In short, homelands are subjected to many of the more controlling measures under the NTER, but are unlikely to benefit from any increased government investment.

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

### ***Intangible impacts***

Some of the key impacts of the intervention on our members have been intangible. These relate to impacts on self-esteem resulting from adverse and inaccurate publicity and criticism of their culture and lifestyle, but also stress related to change and uncertainty. No government programs seek to redress these problems either in the major communities or homelands.

For Board members and senior Yolngu staff, there have been endless meetings and consultations, and the burden of responsibility for trying to explain and communicate these changes to our members. This is demoralising and stressful and the health of many senior Yolngu is put at significant risk by such continual stress. This affects the day to day work operations of communities and their organisations.

For the organisation and staff as a whole, the constantly changing policy and program context has consumed an enormous amount of time and effort trying to understand what is happening and how it might impact on the organisation, and attending

meetings/consultations and briefing Board and members. It has significantly detracted from time and energy managers have had for our core business of ensuring the effective operation of the organisation, and providing services to our members.

Funding uncertainty due to policy changes, interim measures, shifting responsibility between Commonwealth, Territory, and Shires means the organisation cannot plan effectively for 12 months ahead, and the uncertainty about job security and viability of programs and work effort is demoralising. This impacts on staff turnover and hence program delivery and expenditure on recruitment.

The uncertainty, the intervention process and personnel changes, the previous 'anti-homelands' and 'anti-CDEP' agenda of the previous government, etc. have made effective working relationships between the ICC and local organisations and Yolngu community more difficult.

Committed, skilled, experienced staff, who are also poorly paid, poorly resourced, usually over-worked and under appreciated, are fed up with being labelled as 'gatekeepers', 'part of the problem', 'apologists for abuse and violence', etc. by people such who have never been to homelands and know nothing about the day to day realities of the work in these communities. Staff are also fed up with having to put up with the revolving flow of highly paid bureaucrats which the intervention has exacerbated. Most of these bureaucrats have little understanding of Indigenous culture or social structure, or experience in on the ground work in '4<sup>th</sup> world' development conditions (ie. 'under-developed' indigenous or marginalised minorities in fully developed economies), or even in geographically remote areas or the tropics. Often they either need to be educated and guided by our staff and members, or they try to impose unrealistic and simplistic solutions on complex, long term community and economic development and behaviour change challenges.

From a homelands perspective, positions such as Government Business Managers and Community Employment Brokers, offer little of value in return for the significant outlay of funds for their employment and accommodation.

## ***Health***

In the early stages of the intervention it appeared that homeland populations would not be included in the child health check program. This subsequently changed and additional funds we made available to the Laynhapuy Health Service to carry out child health checks.

These additional funds for the child health checks were beneficial in that they enabled the LHAI Health Service to bring forward the completion of the existing child health screening program.

Funds have also recently been received under the NTER to establish a dental program. This will represent a new area of health care access.

Overall the screening process has added little new knowledge about existing child health issues, but has improved screening coverage. The major concern for the

Health Service now is the capacity of follow up services by NT Health to capitalise on this screening process.

Financial pressures on the Laynhapuy Health Service may be exacerbated during the follow up process by deficiencies in the Patients Assisted Travel Scheme (PATs) and costs associated with patient referrals by other services doing the follow up. Both these processes result in costs being passed back to Laynhapuy Health although the service is not funded to meet these.

The timeframes for effective planning and coordination of intervention funding with the availability of human resources continues as a key issue.

It should be noted that the intervention has simply added resources to existing LHA health strategies and programs, and the same benefits could have been gained without all the grandstanding and overheads associated with the intervention.

Overriding factors affecting the health of homeland residents include:

- Lack of affordable access to food supply to support nutrition
- Overcrowded housing
- Lack of reliable and affordable electricity supply to enable refrigeration, facilitate food preparation, enable use of washing machines for clothes and bedding.
- Reliable water supply
- Lack of ongoing 'living-skills' support programs
- Domestic sanitation (ie. primarily pit toilets)

These issues on homelands are not being addressed by the intervention to date. Significantly improved health will only come about when they are addressed, in particular affordable access to nutritious food.

## ***Welfare/wellbeing***

For the Laynhapuy homelands the key impediments to improved welfare and wellbeing are:

- **Overcrowded or substandard housing.**  
Overcrowded and substandard housing are known to be contributors to poor health, poor educational outcomes, increased risk of domestic violence and sexual abuse.

Since 2003/04 to 2010 Laynhapuy homelands have been allocated a total of three (3) new dwellings. This level of housing support neither addresses backlog needs or meets emerging needs.

The *MOU between the Australian Government the Northern Territory Government on Indigenous Housing, Accommodation and Related Services, September 2007*. essentially prevents homeland communities from benefiting from any of the Australian and Northern Territory Government investment in new indigenous

housing.

Access to Government assistance for new houses in homelands is now restricted to the HOIL (Housing On Indigenous Land) home loans program, irrespective of the fact that homeland residents are perhaps some of the least likely people to be able to meet eligibility criteria under the program.

The intervention has condemned homeland residents to ongoing overcrowded and sub-standard housing conditions. ***LHAI calls for this MOU to be urgently reconsidered and re-negotiated to ensure the housing needs of homelands are addressed.***

- **Reticulated 240v power.**

Reliable and affordable power supplies are essential for food storage and preparation to aid nutrition; washing of clothes and bedding for health; access to telecommunication and the media for social inclusion; training and education and use of computers to facilitate social inclusion, access to banking services, employment, and enable business development.

Despite some homeland communities having continuous occupation for 30 years, it was only in 2004 that the largest homeland of approximately 150 people, received a reticulated power supply that complied with NT Power and Water Authority (PAWA) standards. Even so, power charges are approximately five times the per KWHr rate levied in towns and major communities in the Territory by PAWA - even after cross subsidy LHAI.

Other homelands have relied on makeshift community generator systems or private portable generators or inadequate solar power units.

In 2007 another two homelands received 'Bushlight' solar systems, which meet basic power needs only. In 2008 two other homelands received reticulated 240v power systems to standard, but now face the same cost impost.

There are still two major homeland communities of 70+ permanent residents which need power systems. One has no power system at all, and one a part-time, not to standard generator system.

Most of the small homelands have no properly reticulated power system and rely on unsafe networks of extension cords to private generators.

Under the *MOU between the Australian Government the Northern Territory Government on Indigenous Housing, Accommodation and Related Services, September 2007* responsibility for the provision of essential services to homelands has been passed to the Northern Territory Government. There was however no increase in the level of funds available to enable the Territory Government to address these backlog needs.

LHAI is hopeful that PAWA may pick up two of the existing power systems as 'pilot projects' to assess the costs and logistics of power provision to homelands.

The intervention has therefore condemned homeland residents to the ongoing sub-standard provision of essential services (power) and/or unaffordable user charges that adversely impact on welfare. ***LHAI calls on the Australian Government to properly resource the Northern Territory Government to meet backlog infrastructure and essential service needs in all substantially populated and permanently occupied homelands – particularly through the installation and supply of reticulated 240v electrical power.***

- **Affordable access to foods and other essential household items & Income Management**

The Laynhapuy homelands are located up to 260 km from Nhulunbuy, which in some cases is a 4 hour drive, and some homelands are inaccessible by road in the wet season. Many homeland residents do not have their own vehicles and rely on either air charters or 'bush taxi' services to access services in Nhulunbuy.

Return shopping and banking trips can cost between \$500 and \$1,200. Frequent shopping is required because of low incomes and lack of refrigeration facilities in most households. Shopping trips add significantly to family mobility and disruption of schooling and other aspects of homeland life.

The cost associated with shopping travel severely impacts on people's financial wellbeing and levels of nutrition, and hence health.

LHAI has been attempting for almost 2 years to get Government commitment to supporting the establishment of a homeland stores and distribution services to address this need – originally submitted as a proposed Shared Responsibility Agreement. We have finally completed a feasibility study, after a protracted process of bureaucratic delays and policy uncertainty. It is unclear at this stage what if any Government programs of assistance might be able to be used to facilitate its establishment, or if indeed Government support will be forthcoming.

The proposed roll out of Income Management from 10 June 2008, is likely to exacerbate problems for homeland residents accessing food. Currently a great deal of 'income pooling' occurs in order to fund both the food purchases and shopping travel. While Laynhapuy Aviation allows for a tightly controlled and limited 'book up' system and/or payment up front, the bush taxi operators more usually rely on unregulated bookup by holding people's bank cards to secure payment by instalments as funds come into their accounts. In both cases, Income Management will reduce the cash available to secure transport services.

It should be noted that Laynhapuy Aviation Pty Ltd operates on a no-for-profit basis with commercial air charters cross-subsidising transport costs of members. There can be no suggestion that this relationship or book-up system is exploitative in any form.

LHAI has recently been advised the 'managed income' can not be deducted to pay for shopping transport by Laynha Air, nor for LHAI's mechanical workshop deductions to keep private vehicles mobile, or Telstra Phoneaway Cards to use public phones (note: very few private phones exist). The combined effect of these will be to make transport and communications less accessible.

It is quite possible that the Income Management arrangements will aggravate the problem of individuals or families being stranded in Yirrkala or Nhulunbuy while they try and save money for the trip home. This may contribute to overcrowding and social disruption in Yirrkala as people are forced to stay with relatives.

It is likely the Income Management arrangements involving 'food cards' will cause significant problems for homeland residents because their travel patterns may not coincide with Centrelink opening hours for either collecting food cards, or varying their store and bill payment arrangements. Centrelink does not provide any sort of outreach service to clients in remote homelands.

LHAI restates again that Income Management is neither necessary nor appropriate in the case of homeland residents as the problems it is supposed to address are not in evidence in homelands. ***LHAI calls on the Australian Government to abandon its proposed roll out of Income Management to the Laynhapuy homelands. LHAI further calls on the Australian Government to support LHAI to develop a commercially operated homeland stores and distribution service to ease the financial hardship and nutrition problems confronted by homeland residents .***

- **Training and adult education facilities and services.**

The intervention has made much of educational deficits amongst children and the need for adults to be engaged in employment and economic activity.

Through skills audits and the experience of local literacy and numeracy trainers, it is estimated that the average adult English literacy and numeracy levels on the homelands are about Grade 3. The challenge to redress this basic adult educational disadvantage, much less addressing vocational training needs, is enormous. Unless there is a significant investment in enabling remote organisations to recruit adult literacy, numeracy and oracy trainers, it will take decades to overcome this disadvantage, and will consign at least two generations to a lifetime of social exclusion and dependence.

For 18 months LHAI has been attempting to secure funding through the VET Indigenous Infrastructure Program (VIIP) to establish 3-4 small training facilities in the larger homelands to enable the provision of training services. These facilities simply consist of rooms for overnight trainer accommodation, a small computer room, and a covered outside training area for groups of up to 20 people, and ablution facilities. We still await the outcome of funding applications, but are not optimistic given officer level feedback about costs. The capital costs of remote buildings appear high to those unfamiliar with the realities of remote construction, but the opportunity cost for Australian, the Territory, and the individuals, and the direct costs to government of doing nothing are enormous over the long term.

Without trainer accommodation and basic training facilities the Laynhapuy homelands are unable to access:

- the millions of dollars allocated to major training providers (ie. Batchelor College of Indigenous Education, Charles Darwin University) for remote service delivery, or
- Flexible response funding for community training initiatives, or
- Volunteer support programs through Indigenous Community Volunteers or Seniors Volunteer program.

These types of basic community infrastructure which can facilitate a raft of other developments, are not even on the intervention radar.

It has required a massive effort to secure just 12 months of funding to keep our training co-ordination section operational so they can continue to identify training needs, negotiating training delivery, and managing student logistics for our 300 CDEP participants.

At the same time the Australian Government is throwing more money at these providers and Job Network Members despite demonstrated failure to deliver in these remote locations in the past. A very significant portion of remote training funds goes to airfares, accommodation, travel time, vehicle hire, etc. instead of actual delivery and building local capacity. There is a clear lack of understanding by Government of the nature and extent of the real needs and what might be viable alternative service delivery models.

There is little comfort for clients in knowing they have access to 'universal' or 'mainstream' training assistance programs unless these actually function effectively and clients get some benefit from them. There is a legitimate and continuing need for indigenous specific programs that support local solutions.

***LHAI calls on the Australian Government to invest urgently in the provision of basic training facilities in major homeland communities, so these citizens can access existing government funding for adult education, literacy and numeracy and VET. Further to this the Australian and Northern Territory Government should invest in locally based solutions that build capacity, and retain this investment in local communities through employment***

- **Alcohol and kava**

LHAI does not wish to make too much of this issue, but the intervention measures failed to take into account the complex interaction of factors associated with kava and alcohol.

At no point since the banning of kava has the Australian Government given any consideration to any form of compensation or provision of program funding in lieu thereof, for the loss of approximately \$1m annually of discretionary business earnings to LHAI, that were used to provide services to our members including housing improvements, infrastructure, health travel assistance, funeral and ceremonial assistance, etc. This has had a directly detrimental effect on their general wellbeing of members and the functioning of this association.

The alcohol measures imposed under the intervention were simply ineffectual.



They did not work!. As advised in our earlier submission, effective alcohol management is only now coming into effect through the locally devised permit strategy developed between community, outlets and the NT Government.

As advised to government at the time, the premature banning of kava before effective alcohol management arrangements were in place, led the immediate increase in alcohol consumption in the region. Some kava drinkers who had not drunk alcohol for many years have returned to the grog and long-grass.

There is now also a small but steady black market in kava.

Kava was original introduced 25 years ago as a significantly less harmful alternative to alcohol. The intention of the Kava Management Act, was to enable kava to be drunk at home in a family atmosphere in a manner that did not overly disrupt family and community functioning. It is acknowledged that some abuse of kava did occur, but for most drinkers the consumption levels were not problematic.

Having removed the kava alternative, a small number of our homeland members and their counterparts from the major communities, spend extensive time in the long grass in Nhulunbuy where they can still access alcohol. LHAI would contend that for these individuals and their families, kava remains a healthier and less socially disruptive alternative to alcohol and if appropriately regulated is a legitimate harm reduction strategy.

## ***Security of Children***

Security of children has never been a significant problem in the Laynhapuy homelands. Instances of neglect and abuse are very uncommon. Traditional kinship structures and culture, which are still very in tact in the homelands, have many prohibitions and process for dealing with the care and protection of children.

It is completely misguided and ill-informed for traditional cultural practices such 'initiation' or 'promised marriages' to be equated with physical or sexual abuse as some commentators have suggested. Moreover it should be noted that 'promised marriages' are not a contemporary practice in the Laynhapuy homelands.

Alcohol and substance abuse problems on the homelands are negligible and have therefore not impacted on the security of children. Very infrequent occurrences of petrol sniffing are responded to quickly and firmly. Policies that result in children and young people spending protracted time around Nhulunbuy and Yirrkala instead of in their homelands do however potentially put them at risk.

Very few households have had reliable access to electrical power to run TV's DVD/Video player, computers, internet facilities, or satellite TV. Senior Yolngu associated with LHAI are not aware of pornography being an issue in any of the homelands.

LHAI has previously applied unsuccessfully through the 2007 Esub process for a youth development program encompassing issues of sport & recreation, employment

pathways, substance abuse, suicide prevention, and in 2006 under the Communities for Children initiative for mobile kindergarten services, but neither effort was supported. Sport and Recreation funding or program support through the Territory Government has also not delivered. Consequently there are no childrens' or youth programs other than minor initiative sponsored through CDEP (eg. a school breakfast program at one homeland). It is imperative that the intervention consider what developmental and diversionary needs of children and young people require support outside the major communities, and how this can most appropriately be delivered.

As indicated above, the major factors impacting on the wellbeing and development of children relate to: affordable access to nutritious food, overcrowded housing and inadequate essential services and associated health problems; access to education for the amount of time and at a standard that is available to other children.

These issues are not being addressed through the intervention.

## ***Education***

Primary and secondary education and limited preschool services are provided through the NT Government's Department of Education via Laynhapuy Homelands Schools.

Our members are very clear that they want their children to be educated in schools in the homelands for as many years of schooling as is possible.

Parents regard sending their children to Yirrkala or Nhulunbuy as very undesirable as it takes them away from all the positive and supportive family and kinship relationships, away from culture, law and the structures for discipline. In Yirrkala and Nhulunbuy their young people are exposed to alcohol and related violence, other social problems, and to behaviours and experiences that are not condoned by the cultural or Christian values of many parents. Sending children away to boarding schools has been tried by some parents, but this has proven to not be very successful.

In late 2007 homeland parents rejected a proposal to put a secondary students hostel in either Yirrkala or Nhulunbuy, and have called instead for an appropriately resourced hostel to be located at Garrthalala homeland to complement an existing secondary program. They also wish to see a small VET/Trades Training facility established to support the secondary program

In general, homeland parents are supportive of school attendance, and the key problem relates to the 'fly in fly out' nature of teacher support which reduces the total number of face to face teaching hours and puts an inappropriate burden on local Aboriginal Teachers Aides for the remainder of the time.

Homeland parents committed to the education of their children have worked with Geelong Rotary Club to construct a 'secondary' residential school at one homeland (Garrthalala) which 60 students from the homelands attend in alternate 1 week blocks. They also contribute their AIC/Abstudy payments to support the work of the school.

Eighteen months ago LHAI, at the request of one homeland (Yilpara), facilitated discussions with a range of agencies including NT Education to have 2 permanent

teacher houses and a new school constructed. These are now scheduled for 2008/09 financial year. It is often unclear what are new or additional measures under the intervention, and what is the continuation of pre-existing programs.

The commitment of homeland parents to education is also demonstrated by their significant over-representation on the Yambirra School Council overseeing both the Yirrkala CEC and the Laynhapuy Homelands School.

Access to education remains a challenge, particularly in the smaller homelands. Unfortunately School of the Air (Internet), which has enormous potential to support small remote communities is non-existent. It is not delivered in a culturally or linguistically appropriate way, lacks on ground support for parents who themselves lack sufficient English literacy/numeracy and oracy skills, and does not integrate with the Laynhapuy Homelands Schools program.

Homeland residents reject assertions by commentators such as Helen Hughes that their communities are 'cultural museums'. Also contrary to much current misinformation, Laynhapuy Homeland Schools does not have a bilingual curriculum. Improved access to education services is an ongoing request of homelands. They want to build the capacity of their communities so they can control their own future.

***LHAI calls on the Australian and NT Governments to either fund permanent teacher positions and teacher housing in major (hub) homelands, or at minimum provide overnight teacher accommodation units, so as to significantly increase the amount of face to face teaching time and improve the ability to recruit and retain teachers.***

## ***Law and Order***

Law and order is generally not an issue for concern in the Laynhapuy homelands. There are few incidents where police involvement is required, and traditional law, and structure of responsibility/authority, are still heavily relied on to resolve disputes before they escalate to a problematic level.

Homelands generally have a good relationship with the police based in Nhulunbuy, and will call for assistance and cooperate with police when needed.

LHAI members and staff have worked co-operatively with the local Harmony group, with Nhulunbuy Police and the NT Dept. of Justice to implement the alcohol management plan and permit system, and have strongly argued for all the homelands area to be prohibited area with respect to possession or drinking of alcohol. This involvement and planning for the resultant system for managing take away alcohol commenced some 3 years prior to the intervention, which in fact complicated the final implementation of the locally devised response.

The major 'law and order' concern for homelands residents is the failure of non-indigenous people to respect the land access permit system, or fishing illegally.

## ***Employment and enterprise opportunities.***

The intervention has failed homeland residents in this area on several accounts.

Until Government realises that it is dealing with 4<sup>th</sup> world development issues, in regional and remote economic conditions where mainstream labour and other markets are extremely constrained, it will not be looking for the appropriate solutions.

Put simply, even if all non-Indigenous jobs were converted to Indigenous jobs, opportunities for paid employment would still be in extremely short supply. The transition of Yolngu into non-Indigenous jobs will take probably one to two decades because of the education and skills gap - and that is assuming a long-term, properly resourced, consistent, accountable and negotiated process of education, training, supervised job placement, and transition is commenced now. There is currently no sign of this happening.

For many adult Yolngu, the transition into existing non-indigenous jobs will never be possible. However, there are important functions in communities that can and should be supported through government funding since government is unlikely to provide these services directly because of economies of scale. There are also opportunities within the 'traditional economy' that can generate supplementary income and improve wellbeing. There are opportunities to develop entrepreneurs if the appropriate level of medium to long term business incubation support is available. There are also many opportunities for new community owned enterprises, and LHAI is currently considering a number of options. However these process of business development need to be separately and appropriately resourced by locally based business development officers - existing staff cannot do this work as well as their substantive positions.

The failure of Government to look beyond the approach of moving people from CDEP into 'work for the dole' in order to try and force mobility to mainstream labour markets, is tantamount to cultural and social genocide. Economically forcing people off homelands and communities, given their current education, skill levels, employment experience and socio-cultural understanding of how the 'ngapaki' world operates, would consign two to three generations to a social, cultural and economic scrap heap – with all the attendant social and health problems this will bring.

It is also important that Government does not overlook the broader economic importance for natural resource management and boarder security of Yolngu people living on country and maintaining their culture. In particularly the importance of 'authentic' indigenous culture for the indigenous art industry and the tourism industry should not be underestimated.

Economic development in remote areas, and indigenous engagement in economic activity is critical to the future of indigenous people and their culture. To set this policy direction, and to make it explicit that long term primary dependence on government subsidy is not an option for remote communities, is quite appropriate for Government to do. This must however be a very long term, negotiated and planned agenda. Overnight changes in policy and programs without regard to the social, cultural, language or educational circumstances of the particular communities, or the actual local and regional economic conditions (including labour market structure and

demand, competitive and comparative economic advantages of the region, transport, housing, and infrastructure) is irresponsible and counter-productive.

- **CDEP**

The previous government's attempt to abolish CDEP was nothing short of irresponsible. Government failed to understand how Yolngu themselves understood their CDEP work or how it supported the functioning of their homelands. Government also failed to understand the key role CDEP plays in community development and could play in economic development if appropriately resourced. On the Laynhapuy homelands CDEP has never been 'sit down money'.

CDEP providers across the top end acknowledged the need for CDEP to be reformed and have proposed a *14 Point Plan* in late 2007 for how to make CDEP more effective. The Australian Government would do well to listen to the advice of community members and workers with actual experience of working in these contexts.

The intervention however, has fostered an 'anti-CDEP' mindset within the media and government, based on misinformation and poorly informed opinion, which itself has become a barrier to effective program development.

The continuing promotion by government of mainstream employment service options in remote areas (eg. Job Network Members) where CDEPs are operating is inefficient, ineffective, a duplication of services and a waste of public funds. Their programs are designed on the assumption of mainstream access to training and labour market opportunities which simply do not exist in remote locations. What is more, current funding arrangements let these providers 'double dip' and collect placement fees when a registered person is actually placed in employment by the local CDEP. These services, which are not locally based, cannot provide the same levels of support, meaningful work activities, or work supervision and training that an effectively managed local CDEP can provide. These mainstream resources would be better invested in reforming and further developing CDEP.

There is little comfort for clients in knowing they have access to 'universal' or 'mainstream' employment services unless these actually function effectively and clients get some benefit from them. There is a legitimate and continuing need for indigenous specific programs such as CDEP.

- **Conversion of CDEP positions into Government funded positions.**

LHAI has been fortunate enough of benefit from some conversion funding both pre-intervention and post-intervention. Over the past 2 years LHAI has secured 8 x CDEP Supervisor positions in 2006/07, 10 x Aboriginal Health Worker positions (recurrent) and 24 x male Ranger positions (3 years) in 2007/08. It is hoped that 10 women Ranger positions will be secured in 2008/09. Short term 3month funding was also offered for four equivalent full time positions for municipal services workers.

This funding is very important for establishing some basic entry level employment positions. Unfortunately not enough consideration has been given to the demands and costs of providing adequate on the job supervision and training, or the overhead costs of employing additional staff. It is critical that the supervision, management and human resource capacity of organisations and associated overheads be funded for expansion simultaneously with such rapid expansion in workforce numbers.

- **English Literacy, Numeracy and Oracy**

English literacy, numeracy and oracy is virtually a precondition for pre-employment and vocational training achievement, for any attempt at business development, and for generally improving wellbeing and the level of social inclusion..

The Rudd government's injection of funds into this area of activity is welcomed, but the reality is that the service delivery model that has been put in place will result in homeland residents getting a second rate service constrained by the capacity of the local Job Network Member to deliver training remotely.

Access to such basic adult education services should be right of citizenship based on need – not linked to registering with an employment service provider. CDEPs and community organisations should be able to refer participants directly for participation in such courses.

The failure of Government to invest in local solutions to this problem through employing locally based educators, and instead continuing to rely on major RTOs and Job Network Members who operate relatively ineffective and expensive 'fly in fly out' models of service delivery, will again result in fragmented service delivery and reduced teaching hours, wasteful expenditure on travel and accommodation, no accumulation of local knowledge and experience in literacy/numeracy delivery, and little economic benefit from local employment and expenditure.

The demand for this training is likely to significantly exceed the capacity of RTOs to supply. One teacher can potentially manager 40 adult students per year over three years to progress them to pre-tertiary levels. The cohort of Yolngu adults across Arnhem Land requiring such intensive support would run to a couple of thousand. A very large contingent of trainers is required.

- **VET Training**

As mentioned previously in this submission, the lack of basic training facilities is a major barrier to accessing training services from mainstream providers.

Government needs to understand how much difficulty mainstream training providers have recruiting staff to work in remote locations - even in a fly in fly out capacity. Additionally, in a competitive fee for service market for training provision there are very significant financial disincentives for providers to conduct training in remote locations. It is more difficult, more time consuming, more expensive, and therefore less remunerative to the provider.

Despite the signing of a formal Memorandum of Agreement over 12 months ago, the conduct of a skills audit, development of a training plan, and logistical and

student support by LHAI training section, little training is as yet being delivered by Charles Darwin University in the homelands. There just seems to be one reason after another why programs don't hit the ground as intended.

Ideally, organisations such as LHAI would be funded to provide in-house trainers in key areas such as building, plumbing, electrical, mechanical services, essential services and business administration. These trainers would work full-time within the organisation's business units to manage and supervise groups of trainees. Currently it is not economically rational for organisations to carry a significant training burden when trying to provide services with inadequate funding, or when competing commercially for contract work.

Such full-time trainer positions could potentially support a small 'trades training centre' linked to the Garrthalala homeland secondary program to provide a direct link between school education and VET programs and to ensure homeland students have some school to work transition opportunities.

Without reliable access to training it will be difficult to make inroads into employment and business development.

- **Traineeships, apprenticeships and STEP**

LHAI has only limited experience with these programs because they are not particularly appropriate. STEP has primarily been used for internal appointments to administrative or field officer jobs, where the positions are underpinned by recurrent program funds.

In the commercial business units of LHAI, these programs are more problematic because business earnings need to cover the employment and training costs, and the support/logistical costs. Significant additional costs need to be borne by the employer for work clothing, meals, transport and other costs associated with supporting the trainees. There is also a significant loss of productivity from the trainers. The harsh reality is that most trainees/apprentices are an economic cost, rather than a benefit to the employer.

Government erroneously seems to think organisations and businesses are 'exploiting cheap CDEP labour', and programs seem to focus on ensuring this does not occur, rather than providing proper incentive and rewards to employer who persevere with their commitment to Yolngu employment.

It is notable, how few Yolngu are either employed or in traineeships within any government agency (Australian, Territory or Local Government) within the region. This is perhaps a testament to how difficult the challenge is.

- **Government tendering processes**

Government tendering process generally mitigate against Yolngu employment and training. Local organisations simply cannot compete commercially if they factor in significant Yolngu employment and training in their tenders. Despite the rhetoric, government is generally not prepared to pay for this cost.

Alternatively the timeframes, scale and complexity of works programs are such that local organisation and businesses are unable to comply with requirements.

When local business and organisations fail to win tenders, both the direct income effects and the multiplier effects are lost to the local economy. Few outside contractors are successful in mobilising and training local labour.

A much more strategic and considered approach to letting contracts for government work needs to be developed if economic opportunities are to be created in local communities.

- **Business development support**

Regional resources for business development support are completely inadequate. One Business Development Officer position is funded for the whole east Arnhem Region consisting of 9 major communities and many homelands – a Yolngu population of some 10,000. It is simply not possible for this officer to support more than a handful of business development ideas.

While funds can often be accessed for business planning consultants, this often results in reports that are shelved because there is no assistance available for follow up work at the local level or for implementation. As with other fly in fly out processes, extensive use of business consultants to prepare plans results in little development of local capacity or cumulation of local knowledge and experience.

The costs of these numerous consultancies is likely to far exceed the costs of strategically funding locally based business development officers, to perform these functions, and over time develop some local capacity in business planning for both new and existing ventures.

- **Infrastructure**

As mentioned previously there has also been a failure to invest in basic infrastructure such as power and telecommunications which are generally prerequisites to creation of employment and business opportunities.



## Conclusion

In terms of outcomes for Yolngu in the Laynhapuy homelands, nothing much has changed for the positive because of the intervention. It appears some intervention initiatives around things such as housing and income management, may in fact make things harder.

The resources of the intervention for housing, infrastructure, etc. are not flowing to the homelands.

A major concern for homeland residents is that the Australian Government's focus on major communities may detract from the attention homeland populations receive, especially now responsibility has been passed to the Northern Territory.

Neither the Australian Government nor the Northern Territory Government, nor the new super Shires, as yet have a 'homelands policy' in place. Homelands have again fallen into a policy and funding limbo.

Our members and organisation continue to face fragmented, inconsistent, ill-informed and short term Government policy, service provision and funding programs. Rhetoric about whole of government and holistic, integrated approaches, responsiveness to community needs, etc. remains just that – rhetoric.

It is hard to see how sustainable solutions will be achieved until Government at all levels starts to really work with local Yolngu communities and their local organisations towards long term social and economic development agendas. This is a major 'development' challenge as in other 3<sup>rd</sup> and 4<sup>th</sup> world contexts and needs to be understood and responded to in these terms. It is not about tinkering with mainstream programs so Yolngu have better access.

The development agenda must have as its starting point the acceptance that Yolngu have the right to develop their communities differently - in ways that support cultural maintenance.

It is stressed again, that this submission relates to the situation of remote **homelands** and does not purport to represent the issues for major communities.

This submission restates many issues that have been raised on previous occasions with the current and former governments. A series of papers previously put to government on these issues are attached for the information of the Committee.

**Attachments:**

- Submission to Minister Macklin on Income Management
- Briefing notes to Minister Macklin on issues related to the intervention
- Letter to FaHCSIA regarding conversion of CDEP positions for municipal services
- Memorandum of Understanding between the Australian Government and Northern Territory Government on Indigenous Housing, Accommodation and Related Services.
- Consultant summary report on Local People Local Jobs research
- 14 Point Plan on reform of CDEP
- Submission to Minister O'Connor on provision of training to homelands
- Application for VIIP funding for training facilities
- Proposal for development of 'Hub' homelands.