



NORTHERN TERRITORY OF AUSTRALIA

GPO BOX 4396  
DARWIN NT 0801  
TELEPHONE: (08) 8999 6079  
FACSIMILE: (08) 89997402  
Email: neil.westbury@nt.gov.au

OFFICE OF INDIGENOUS POLICY  
DEPARTMENT OF THE CHIEF MINISTER



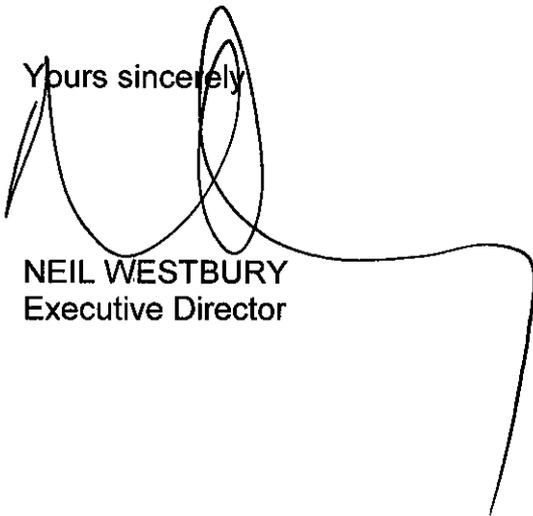
Ms Louise Gell  
Acting Secretary  
Senate Legal and Constitutional References Committee  
Inquiry into Progress towards reconciliation  
Parliament House  
CANBERRA ACT 2600

Dear Louise

Thank you for your letter of 19 June providing the transcript of the questions on notice, responses to which are attached.

Please let me know if anything further is required.

Yours sincerely



NEIL WESTBURY  
Executive Director

**Senate Legal and Constitutional References Committee  
Inquiry into progress towards reconciliation  
Public hearing Darwin 11 June 2003**

**Questions taken on notice**

**Northern Territory Government**

**Question No. 1**

**CHAIR**—I will start with a couple of questions, and then we will move around the table. Earlier, you may have heard reference to the deaths in custody royal commission and recommendations from that. Can you tell us what mechanism is in place in the Territory to monitor implementation of recommendations from that commission? Is there a mechanism?

At the 1997 Ministerial Summit into Aboriginal Deaths in Custody, an outcomes statement was signed by all jurisdictions apart from the NT. The actions in the outcomes statement superceded those of the original Royal Commission in some jurisdictions.

This statement was signed on 16 October 2002 by the present Government. One of the actions is the development of an Indigenous Justice Agreement which is anticipated to be completed by late 2003 or early 2004. This will include a form of monitoring through the action plans which will form part of the agreement.

It is anticipated that, in common with some other jurisdictions, reporting on the Indigenous Justice Agreement will supercede the Royal Commission reports.

**Question No. 2**

**Mr Ivory**—Would you like me to outline the basic governance structure that we are working towards out there?

**Senator RIDGEWAY**—That would be useful. If the chair agrees, you might want to provide us with some written documentation on that so that we can have a look at it as well.

See attached.

# Thamarrurr - Port Keats Region

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Thamarrurr is the name of a regional council that operates in the Port Keats region of the Northern Territory.

**Meaning of *Thamarrurr*:** Thamarrurr is a traditional form of decision making and cooperation that existed for many hundreds of years at least. It means all of the land-owning groups in an area gathering together to agree on a decision. In today's world it will be similar to a policy making body. The concept of Thamarrurr began to re-emerge in about 1996.

The people of the Port Keats region have adopted a motto – “Give every kid a chance.” They want to be able to provide similar opportunities for their people as other Australians have access to.

A major step in this process occurred on 19 March 2003 when the Administrator of the Northern Territory approved the formal establishment of the Thamarrurr Council through the *Local Government Act*.

A further step took place on 21 March 2003 when a tripartite partnership agreement was signed between Thamarrurr, the Northern Territory Government and the Commonwealth. The agreement will provide a focus of responsibility and co-operation between the three parties for the provision of services in the region.

The community has identified the following issues as being of importance:

- ◆ Strong governance
- ◆ Housing
- ◆ Family and Women
- ◆ Youth

As part of the agreement the parties will work together to address these and other issues as they emerge.

## **Background Information**

**Region:** The Thamarrurr Region covers the estates of 20 land-owning groups including that of *Rak Diminim* who are the traditional land owners of the township, Wadeye. The region covers approximately 3,200 sq. kilometres.

**Location:** The region is located 270 kms SW of Darwin and takes about 6 hours to drive. It is isolated during the wet season except for access by plane or boat.

**Population:** The population is estimated to be 2,215. It is projected to be about 4,000 by 2011. 1500 people of the current population are estimated to be under the age of 25.

**Languages:** The local people speak 7 different languages. The predominant one is Murrinh Patha. There are 20 land-owning groups (also known as clans) within the current Thamarrurr structure.

**Residence:** During the dry season about 200 of these people reside on outstations.

**History:** The Catholic Church established a mission at Wadeye (the current town), in 1935. The first Mission Superintendent was Father Docherty. Several models of governance were then established from 1972 onwards in attempts to form democratic forms of decision making. For various reasons, often many of the land-owning groups were not involved in the process.

**Housing:** There is a housing shortage with an average of 16 people living in each house. It is estimated that there would

need to be another 277 houses built to meet the current demand.

There was a new sub-division recently handed over to the community at Manthatpe. It included 7 new houses and related infrastructure. However with about 60-80 new babies being born each year there is little impact being made on the over-crowding.

The community is examining design standardisation and utilisation of community resources in order to get "more value per dollar."

**Education:** There is a local school operated by Catholic Education. Although it ostensibly caters for schooling to Year 10, there are a few who continue past primary school age. There are 800 school-aged children. 450 are enrolled and the current average of those attending is 380. Aboriginal people have taken on a more influential role in the management of the school. Non-Aboriginal staff are being encouraged to be involved in a "two-way" learning process of local culture.

**Aged Care:** An Aged Care Centre provides activities for frail aged and disabled people. The Centre also runs Meals on Wheels program.

**Health:** Territory Health funds a health clinic staffed by non-indigenous nurses and 17 Aboriginal Health Workers. There has been no success in recruiting a full-time doctor. They have a visiting registrar in the meantime.

**Economic Development:** A Regional Economic Development Strategy is currently being prepared by Street Ryan and had been circulated for comment. It encompasses the communities of Daly River, Peppiminarti, and others, as well as the Thamarrurr region.

Current local enterprises include Murin Air, Palngun Wurnanagat (Women's association) take-away food store, Murinpatha Nimmipa community store, Dirrmu Ngakunari Totems Arts and Crafts (including an outlet in Darwin), local building construction, and local roadwork team.

A Rural Transaction Centre has commenced operation. It includes a bakery, take-away, library, butcher shop, post office, as well as other facilities.

**Law and Order:** Law and order particularly involving youths is a concern. The community Youth Support Program funded by NT Police Juvenile Diversion Unit and the community is beginning to have some positive effects.

In addition, Thamarrurr is working in with other agencies to provide activities such as a sport and recreation program, Army Corps, Thamarrurr Rangers (land and sea management) and other activities.

### Key Personnel

Felix Bunduk – Kardu Numida President.  
Theodora Narndu – Women's Centre  
Terry Bullemor – Council Clerk  
Dale Seaniger – Deputy Council Clerk  
Bob Tedcastle – Murin Association Manager  
Leon Melpi – Liason Officer  
Timothy Dumoo – Liason Officer  
Mathius Nemarkluk – Liason Officer

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**Action officer:** Bill Ivory 89 998824

**Date:** 16 June 2003.

NORTHERN TERRITORY OF AUSTRALIA  
THAMARRURR COMMUNITY GOVERNMENT SCHEME

As in force at 21 March 2003

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# NORTHERN TERRITORY OF AUSTRALIA

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This reprint shows the Community Government Scheme as in force at 21 March 2003. Any amendments that may come into operation after that date are not included.

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## THAMARRURR COMMUNITY GOVERNMENT SCHEME

### Community Government Scheme under the *Local Government Act*

#### PREAMBLE

Thamarrurr is responsible for the way of life of our people. This way of life is expressed as the spirit of our people. This spirit is expressed through family life. Family life is our relationship to kin and country. Responsibility for good family life has always belonged with the elders.

Thamarrurr, with the authority of pulen pulen (elder men) and muthingan (elder women), provides direction for this way of life. Many decisions are carried out through kardu keke (the middle aged people) for the benefit of our people. This is our way of doing business.

Thamarrurr is reinforced through this constitution.

#### PART 1 – PRELIMINARY

##### 1. Name of constitution

This is the Thamarrurr Community Government Constitution.

##### 2. Definitions

In this constitution, unless the contrary intention appears –

"Aboriginal Land Rights (NT) Act" means the *Aboriginal Land Rights (Northern Territory) Act 1976* of the Commonwealth;

"clerk", for the purposes of Part 4 other than clause 22, includes the Chief Electoral Officer;

"community government area" means the area referred to in clause 3;

"constitution" means this community government scheme;

"council" means the Thamarrurr Community Government Council;

"election period" means the period during which an election takes place;

"election year" means the year in which an election referred to in clause 16(3) is to take place;

"electoral roll" means an electoral roll maintained under clause 15(1);

"land owning group" means a land owning group referred to in clause 5(2);

"member" means a member of the council;

"public place" includes the following:

- (a) every place to which free access is permitted to the public with the express or tacit consent of the owner or occupier of the place;
- (b) every place to which the public is admitted on payment of money, the test of admittance being the payment of money only;
- (c) every road, street, footway, court, alley, thoroughfare or cul-de-sac that the public is allowed to use, notwithstanding that the road, street, footway, court, alley, thoroughfare or cul-de-sac is formed on private property;

"traditional Aboriginal owner" has the same meaning as in the Aboriginal Land Rights (NT) Act.

### **3. Community government area**

The community government area to which this constitution applies comprises the parcel of land indicated on the plan in Schedule 1, Part 1 and described in Schedule 1, Part 2.

## **PART 2 – THAMARRURR COMMUNITY GOVERNMENT COUNCIL**

### **4. Establishment and name**

(1) A community government council is established to administer the community government area.

(2) The name of the community government council is Thamarrurr Community Government Council.

**5. Membership**

(1) The council has a maximum of 40 members elected in accordance with Part 4.

(2) Each of the 20 land owning groups specified in Schedule 2 may be represented on the council by a maximum of 2 members.

(3) A person is eligible for election as a member to represent a land owning group if the person –

(a) is enrolled on the electoral roll for that land owning group; and

(b) has ordinarily resided in the community government area for at least 6 months immediately before the closure of the electoral roll under clause 15(3) in respect of that election.

(4) Subject to this constitution, the term of office of a member expires on the declaration of the result of the next election of members.

(5) The office of a member becomes vacant if the member ceases to be ordinarily resident in the community government area or a declaration is made under clause 6(4).

**6. Ordinary meetings**

(1) The council must meet to transact its business at least once each month.

(2) The date, time and place of a meeting of the council is to be decided –

(a) by members at a previous meeting or, in default of that, by the clerk; or

(b) if necessary – by the Minister or a person authorised by the Minister to make that decision.

(3) A meeting of the council is to be held at a place within the community government area.

(4) If a member is absent from 3 consecutive meetings of the council without the council's prior consent, the council may declare that the person is no longer a member and that there is a vacancy in the membership of the council.

**7. Special meetings**

(1) The clerk may call a special meeting of the council by giving the members at least 2 days written notice.

(2) If 10 or more members or 20 or more persons enrolled on the electoral rolls wish the clerk to call a special meeting of the council, they may request the clerk in writing to do so, stating the reasons for the request.

(3) If the clerk receives a request under subclause (2), he or she must call a special meeting to be held not later than 7 days after the day on which he or she received the request, giving the members at least 2 days written notice.

(4) The clerk must prominently display a notice of a special meeting in the places where the clerk thinks all residents of the community government area will be likely to see the notice.

(5) A notice of a special meeting given to the members or displayed to residents is to specify the date, time and place of the special meeting and the reason it is called.

#### **8. Meetings to be open**

Meetings of the council are to be open to persons who are not members, officers or employees of the council unless the council determines that a meeting, or part of a meeting, is to be closed.

#### **9. Chairperson**

(1) The council must have a Chairperson for the duration of each meeting of the council.

(2) At the beginning of each meeting of the council, all the members present must elect the Chairperson from among their number.

(3) A member may be re-elected to be the Chairperson at any meeting of the council.

#### **10. Procedure at meetings**

(1) A meeting of the council is to be presided over by the Chairperson elected at the beginning of that meeting.

(2) The council must determine its own procedure for each meeting, subject to any standing orders it may make from time to time.

(3) The council must keep a record of its proceedings.

(4) The quorum for a meeting of the council is a majority of the members then in office.

(5) A matter arising at a meeting of the council is to be decided by a majority of the votes of the members then in office, but if there is an equal number of votes the matter is taken to be defeated.

**11. Management committees**

(1) The council may establish one or more management committees to exercise particular powers or perform particular functions of the council and may appoint to a management committee the members, officers and employees of the council and other persons it thinks appropriate.

(2) A Land Management Committee is established for each land owning group to make decisions, to the extent possible under the Aboriginal Land Rights (NT) Act, relating to development and infrastructure on the land of the traditional Aboriginal owners who belong to that group.

(3) A Land Management Committee established for a land owning group comprises –

- (a) the members who represent that group; and
- (b) any other members, any officers and employees of the council, and any other persons, appointed by the council on the recommendation of the members who represent that group.

(4) A member of a Land Management Committee appointed under subclause (3)(b) may be removed from the Committee by the council on the recommendation of the members of the Committee referred to in subclause (3)(a).

**PART 3 – FUNCTIONS AND POWERS OF COUNCIL**

**12. Functions**

- (1) The council may perform any of the following functions:
- (a) the establishment, development, operation and maintenance of communication, television and radio broadcasting facilities for the community government area;
  - (b) the establishment and maintenance of parks, gardens and recreational areas and the carrying out of landscaping and other associated works;
  - (c) the establishment and maintenance of sports facilities, swimming pools, libraries, museums, cinemas, community halls, public toilets and ablution blocks;
  - (d) the provision of services for the collection and disposal of garbage, the maintenance of particular places where garbage is to be dumped and the control of litter generally;
  - (e) the provision and maintenance of sanitation, sewerage, drainage and water supply facilities and removal of health hazards;

*Thamarrurr Community Government Scheme*

- (f) the collection of charges in relation to electricity, water and sewerage facilities;
- (g) the provision of educational, vocational and other training;
- (h) the provision and maintenance of housing for residents and their families on the terms and conditions that the council thinks appropriate;
- (i) the management of community employment programs;
- (j) the promotion and provision of community welfare, health and care facilities for people of all ages;
- (k) the prevention and control of substance abuse;
- (l) the provision and maintenance of cemeteries;
- (m) the control, prohibition and impounding of animals;
- (n) the development and maintenance of roads within the community government area (including the provision of street lighting and traffic control devices);
- (o) the development and maintenance, for reward, of roads outside the community government area;
- (p) the provision and maintenance of airstrips and related facilities;
- (q) the hiring out, for reward, of vehicles, plant, appliances or equipment owned by the council;
- (r) the repair and maintenance, for reward, of vehicles, plant, appliances or equipment not owned by the council;
- (s) the contracting of works projects (including the provision of services and maintenance of capital works and undertakings) within and outside the community government area;
- (t) the establishment and operation of pastoral and commercial enterprises;
- (u) the establishment and maintenance of a firefighting service (including the acquisition of property and equipment and the training of personnel for the service) and protection of the community government area from fire;

- (v) the promotion and development of tourist attractions, the provision and maintenance of tourist facilities and the production and sale of artefacts and souvenirs;
  - (w) the management and control of sites of historic and cultural interest;
  - (x) the support and encouragement of artistic, cultural and sporting activities;
  - (y) the control of public places;
  - (z) environmental control.
- (2) The council may, for reward, act as the agent for a provider of a facility referred to in subclause (1).

### **13. Powers**

(1) Subject to the *Local Government Act*, the council has the power to do all things necessary or convenient to be done for, in connection with or incidental to the performance of its functions and may do anything which is not otherwise unlawful for that purpose.

(2) The council may, under the Aboriginal Land Rights (NT) Act, enter into land use agreements with the Daly River/Port Keats Land Trust.

## **PART 4 – COUNCIL ELECTIONS**

### **14. Persons eligible to participate in election**

(1) A person is eligible to participate in the election of a member for the land owning group to which the person belongs if the person –

- (a) is enrolled on the electoral roll for that land owning group before the closure of the electoral roll under clause 15(3) in respect of that election; and
- (b) has ordinarily resided in the community government area for a period of at least 6 months immediately before that closure.

(2) A person is entitled to be enrolled on the electoral roll for the land owning group to which he or she belongs if the person –

- (a) has attained the age of 18 years; and
- (b) has ordinarily resided in the community government area for a period of at least 6 months immediately before enrolment.

(3) If it is uncertain whether a person belongs to a land owning group, the matter is to be decided by the persons who are acknowledged members of that group, and their decision is final.

**15. Electoral rolls**

(1) The clerk must maintain for each land owning group, by the means he or she thinks appropriate (including by electronic means), an electoral roll of the full names and addresses of persons who under clause 14(2) are entitled to be enrolled.

(2) A resident of the community government area or a person who belongs to a land owning group may inspect the electoral rolls at the office of the council during the time it is open for business.

(3) The clerk must close the electoral rolls or an electoral roll, as applicable –

(a) in respect of the first election – at 12 noon on the day 21 days before the first day of the election period;

(b) in respect of an election referred to in clause 16(3) – at 12 noon on 8 February in an election year; or

(c) in respect of a by-election referred to in clause 21 or an election referred to in clause 22 – at 12 noon on the day 21 days before the first day of the election period.

(4) The clerk must not add any names to an electoral roll in the period between its closure and the conclusion of the election.

**16. Dates of elections**

(1) The first election period for the election of the council is to take place as soon as practicable after this constitution takes effect, during a month specified by the clerk so as to enable compliance with clause 15(1) and (3)(a).

(2) This Part applies in relation to the first election of the council with the necessary modifications of the dates.

(3) Subsequent elections of the council (other than elections under clause 22) are to take place every 3 years during the month of March.

**17. Notice of election**

(1) Not later than 1 February in an election year, the clerk must prominently display a notice of the election in the places where the clerk thinks all residents of the community government area will be likely to see the notice.

- (2) The notice of the election is to set out the following information:
  - (a) that a council is to be elected during the month of March in that year;
  - (b) that each land owning group, as specified in the notice, may elect a maximum of 2 members of the council;
  - (c) the date on which the electoral rolls will be closed under clause 15(3);
  - (d) that only a person who is enrolled on an electoral roll and has ordinarily resided in the community government area for a period of at least 6 months immediately before the closure of that roll may participate in the election or be elected as a member;
  - (e) the method of election and the notification of results as specified in clause 18.

**18. Method of election and notification of results**

(1) The election of a maximum of 2 persons as members to represent a land owning group is to be by agreement between the persons who belong to that land owning group and who under clause 14(1) are eligible to participate in the election.

(2) The name of each person elected as a member to represent a land owning group is to be given to the clerk not later than 31 March in an election year by a written declaration signed by 2 persons recognised by the clerk as having authority to declare the wishes of the land owning group.

**19. Declaration of members**

On 1 April in an election year, or as soon as practicable after that date, the clerk must –

- (a) display a notice in the same places as the notice of the election was displayed –
  - (i) specifying each person whose name has been given to the clerk in accordance with clause 18(2) and the name of the land owning group the person is elected to represent; and
  - (ii) declaring that those persons have been elected as members for their respective land owning groups; and
- (b) forward a copy of the notice to the Minister.

**20. Extension of election period in emergency**

(1) The clerk may extend an election period by a maximum of 21 days if it appears to the clerk to be necessary or desirable for any of the following reasons:

- (a) riot or open violence;
- (b) fire, storm, tempest, flood or a similar occurrence;
- (c) any other event the consequences of which may hamper the electoral process.

(2) If the clerk extends an election period, the clerk must take the steps he or she thinks necessary and practicable to inform persons eligible to participate in the election of the extension.

(3) If an election period is extended –

- (a) the term of office of existing members continues until the end of the election period as extended and the new council takes office on the following day;
- (b) the names of the persons elected as members are to be given to the clerk in accordance with clause 18(2) not later than the last day of the election period as extended; and
- (c) the notice referred to in clause 19 is to be displayed on the day following the election period as extended or as soon as practicable after that day.

**21. By-election to fill vacancy in membership**

(1) Subject to subclause (2), if the office of a member is or becomes vacant, a by-election is to take place to fill the vacancy with a person elected from among persons who belong to the same land owning group as the former member and who under clause 14(1) are eligible to participate in the by-election.

(2) It is not necessary for a by-election to take place under subclause (1) if the vacancy arises after 31 August in the year before an election year.

(3) A by-election is to take place during a period of 4 weeks beginning on a date decided by the council so as to enable it to comply with subclause (4), and the member elected takes office on the day following that election period.

(4) Not later than 4 weeks before the first day of the election period, the clerk must prominently display a notice of the by-election in the places where

the clerk thinks that all residents of the community government area will be likely to see the notice.

(5) The notice of the by-election is to set out the following information:

- (a) that a by-election is to take place to elect a member to represent the land owning group specified in the notice;
- (b) the period during which the by-election is to take place;
- (c) the date on which the electoral roll for the land owning group will be closed under clause 15(3);
- (d) that only a person who is enrolled on the electoral roll for the land owning group and has ordinarily resided in the community government area for a period of at least 6 months immediately before the closure of that roll may participate in the election or be elected as a member;
- (e) the method of election and notification of results as specified in clause 18 as modified by subclause (6).

(6) Clauses 18 and 19, with the necessary modifications, apply in relation to a by-election as if –

- (a) a reference in clause 18(2) to 31 March is a reference to the last day of the election period for the by-election; and
- (b) a reference in clause 19 to 1 April is a reference to the day following the election period for the by-election.

(7) Clause 20 other than subclause (3)(a), with the necessary modifications, applies in relation to a by-election.

## **22. Election due to resignation of council or lack of quorum**

(1) If all the members of the council cease to be members, or if a quorum is not present at 3 consecutive council meetings at the place and within one hour after the time specified for the meeting, the clerk is taken to constitute the council for the purposes of –

- (a) determining the period during which a new council is to be elected; and
- (b) exercising the powers of the council under this constitution until the declaration of the results of the election of the new council.

(2) The election period determined by the clerk under subclause (1)(a) is to begin as soon as practicable, but not later than 3 months after the event giving rise to the determination.

(3) For the purposes of exercising a power of the council in pursuance of subclause (1)(b), the clerk must appoint as his or her assistant a person who under clause 14(1) is eligible to participate in the election.

(4) A council elected under this clause takes office on the day following the election period, and holds office for the remainder of the term for which the previously elected council would have been in office had it remained in office for its full term.

(5) This Part, with the necessary modifications, applies in relation to an election under this clause.

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**SCHEDULE 1**

Clause 3

Part 1

(See hard copy for plan)

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Part 2

All that parcel of land near Wadeye in the Northern Territory of Australia bounded by lines described as follows:

Commencing at the intersection of Map Grid co-ordinates 8 415 500 metres North, 587 100 metres East being a point on the centreline of the Palumpa to Wadeye road; thence southwesterly to Map Grid co-ordinates 8 411 600 metres North, 584 500 metres East; thence due South to intersect the centreline of New Moon Inlet; thence generally southwesterly and westerly by the said centreline to the centre of its mouth at low water; thence generally northwesterly and northeasterly by the low water mark of Timor Sea and across the mouths of all intersecting rivers, streams and estuaries to intersect Map Grid co-ordinate 8 494 700 metres North; thence easterly to Map Grid co-ordinates 8 494 700 metres North, 595 600 metres East; thence southeasterly to Map Grid co-ordinates 8 489 200 metres North, 597 600 metres East; thence southwesterly to Map Grid co-ordinates 8 483 200 metres North, 595 600 metres East; thence again southwesterly to Map Grid co-ordinates 8 480 000 metres North, 590 000 metres East; thence southeasterly to Map Grid co-ordinates 8 458 500 metres North, 602 400 metres East; thence southwesterly to Map Grid co-ordinates 8 445 500 metres

North, 592 600 metres East; thence southeasterly to a point on the centreline of the Peppimenarti to Palumpa road situated at Map Grid co-ordinates 8 422 000 metres North, 613 400 metres East; thence generally southwesterly by the said centreline to Map Grid co-ordinates 8 413 000 metres North, 601 400 metres East; thence northwesterly to Map Grid co-ordinates 8 420 000 metres North, 593 300 metres East; thence southwesterly to Map Grid co-ordinates 8 414 400 metres North, 590 000 metres East being a point on the centreline of the Palumpa to Wadeye road; thence northwesterly by the said centreline to the point of commencement, all co-ordinates quoted herein being on the Geocentric Datum of Australia 1994 (Zone 52).

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**SCHEDULE 2**

Clause 5(2)

Rak Angileni  
Rak Kirnmu  
Rak Kubiyirr  
Rak Kulingmirr  
Rak Kungarlbarl  
Rak Kuy  
Rak Merrepen  
Rak Nadirri  
Rak Nemarkuk  
Rak Nganthawudi  
Rak Nuthunthu  
Rak Perrederr  
Rak Thinti  
Rak Wudipuli  
Yek Diminin  
Yek Maninh  
Yek Nangu  
Yek Ngudanimarn  
Yek Wunh  
Yek Yederr

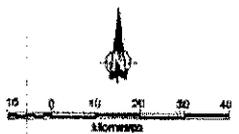
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*Thamarrurr Community Government Scheme*

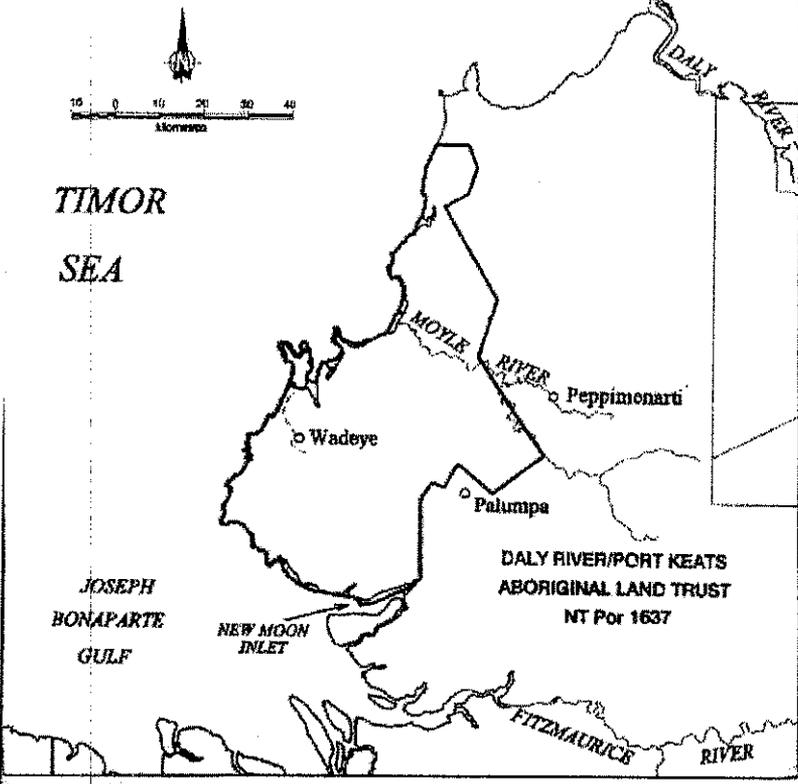
*Notes*

1. The Thamarrurr Community Government Scheme, in force under the *Local Government Act*, as originally made or replaced and amended, as specified in the following table:

Scheme	Date of approval	Date notified in the <i>Gazette</i>	Date of commencement
Original	19 Mar 2003	21 Mar 2003	21 Mar 2003



TIMOR  
SEA



### Question No. 3

**Senator CROSSIN**—Sure, and they are all paying rent except Centrelink—is that right?

**Mr Ivory**—I am not sure.

**Senator CROSSIN**—Can you find that out? I would be interested to know.

The arrangement at Wadeye in relation to the Centrelink service is complex. Kardu Numida (the council) provides the service on contract to Centrelink for \$52,000, which:

- only allows for provision of a very basic service (not the full service you would expect to be available in a sizeable community); and
- does not cover the cost of providing even that service.

So, if Kardu Numida were to pay rent to Thamarrurr (as it should), it would mean carrying an even greater loss on the contract.

Negotiations are underway with Centrelink for a regional service, which should be fully funded and should then allow for the payment of rent.

## Questions No. 4 & 5

**Senator CROSSIN**—I have two questions about the people of the stolen generations. [QUESTION 4] Firstly, what is the Northern Territory government doing about providing assistance for people from the stolen generations, particularly to assist the Top End group to get together with the Central Australian group to provide a forum across all of the Northern Territory, given that the Commonwealth government have taken their hands off the wheel in relation to this? [QUESTION 5] Secondly, the Gunner and Cubillo case was not successful because of the Northern Territory Limitation Act. Has any consideration been given by this government to amending that act in respect of the people from the stolen generations?

The Northern Territory Government does not provide any special assistance to the Stolen Generations at this stage. Stolen Generations groups are eligible to apply for grants under a number of government community grants programs. As mentioned at the hearing, the forthcoming Social Development Strategy makes reference to the issue.

At this stage, the Northern Territory Government has no plans to amend the NT Limitation Act as the issues are complex and the implications are considerable.

**Question No. 6**

**Senator SCULLION**—.....Ms Swanson, you may be able to help me. I have had a lot of anecdotal evidence from speaking to the nursing staff in the communities about the impact on health, particularly respiratory ailments with very young people, because of the high incidence of smoking in these dwellings. Do you have any statistics on this? Where would I go to find some statistics to look at that?

The information available is:

- In terms of passive smoking, it has been shown that Indigenous children are more likely to suffer from ear infections and are more than 10 times as likely to be hospitalised for respiratory infections<sup>1</sup>.
- In 1998, statistics on current smokers were as follows<sup>2</sup>:

	<b>13-17 years</b>	<b>18-24 years</b>
<b>NT Indigenous</b>	16.6%	52.2%
<b>NT mostly non-Indigenous</b>	22.5%	40.0%
<b>Australia</b>	23.1%	30.1%

- From NT hospital admission data (1993-97), diseases of the respiratory system were the most common principal reasons for admitting NT Indigenous children age 1-4 years to the hospital with 84.8 public hospital admissions per 1,000 population whereas it was also the most common reason for non-Indigenous children age 1-4 years but at the rate of 32.7 public hospital admissions per 1,000 population.
- The rates are substantially higher for post-neonates (4 weeks to 1 year) where diseases of the respiratory system are the principle reason for admission of 365.2 Indigenous children per 1,000 population compared with 44.0 non Indigenous children per 1,000.

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<sup>1</sup> Ivers R. *Indigenous Australians and Tobacco: A Literature Review* October 2001, Chapter 4.4.12 *Effects of Environmental (passive) Smoke*

<sup>2</sup> DHCS *From Infancy to Young Adult hood - Health status in the Northern Territory 1998* prepared by Edouard d'Esoignet, Kate Kennedy, Barbara Paterson and Mary-Anne Measey